

JOURNAL
OF THE
SENATE

STATE OF MINNESOTA

SEVENTY-EIGHTH LEGISLATURE

1994

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Introduction

The 1994 Session of the Seventy-Eighth Legislature continued with the same leadership as the 1993 Session.

Senator Roger D. Moe, (DFL), Erskine, continued as Majority Leader and Chair of the Committee on Rules and Administration.

Senator Dean E. Johnson, (IR), Willmar, continued as Minority Leader.

Senator Allan H. Spear, (DFL), Minneapolis, continued to serve as President of the Senate.

Senator Betty Adkins, (DFL), District 19, St. Michael, resigned her Senate seat, effective January 1, 1995. The election for this seat will be conducted with the General Election in the fall of 1994.

Senator Duane D. Benson, (IR), District 31, Lanesboro, resigned his Senate seat, effective September 18, 1994. The election for this seat will also be conducted with the General Election in the fall of 1994.

The political makeup of the 1994 Senate, Seventy-Eighth Legislature, was 45 DFL-ers and 22 Independent Republicans.

Members of the Senate

Adkins, Betty A. (DFL)*	Lessard, Bob (DFL)
Anderson, Ellen R. (DFL)	Luther, William P. (DFL)
Beckman, Tracy L. (DFL)	Marty, John (DFL)
Belanger, William V., Jr. (IR)**	McGowan, Patrick D. (IR)
Benson, Duane D. (IR)	Merriam, Gene (DFL)
Benson, Joanne E. (IR)	Metzen, James P. (DFL)
Berg, Charles A. (DFL)	Moe, Roger D. (DFL)
Berglin, Linda (DFL)	Mondale, Ted A. (DFL)
Bertram, Joe, Sr. (DFL)	Morse, Steven (DFL)
Beizold, Don (DFL)	Murphy, Steve L. (DFL)
Chandler, Kevin M. (DFL)	Neuville, Thomas M. (IR)
Chmielewski, Florian (DFL)	Novak, Steven G. (DFL)
Cohen, Richard J. (DFL)	Oliver, Edward C. (IR)
Day, Dick (IR)	Olson, Gen (IR)
Dille, Steve (IR)	Pappas, Sandra L. (DFL)
Finn, Harold R. "Skip" (DFL)	Pariseau, Pat (IR)
Flynn, Carol (DFL)	Piper, Pat (DFL)
Frederickson, Dennis R. (IR)	Pogemiller, Lawrence J. (DFL)
Hanson, Paula E. (DFL)	Price, Leonard R. (DFL)
Hottinger, John C. (DFL)	Ranum, Jane B. (DFL)
Janezich, Jerry R. (DFL)	Reichgott Junge, Ember D. (DFL)
Johnson, Dean E. (IR)	Riveness, Phil J. (DFL)
Johnson, Douglas J. (DFL)	Robertson, Martha R. (IR)
Johnson, Janet B. (DFL)	Runbeck, Linda (IR)
Johnston, Terry D. (IR)	Sams, Dallas C. (DFL)
Kelly, Randy C. (DFL)	Samuelson, Don (DFL)
Kiscaden, Sheila M. (IR)	Solon, Sam G. (DFL)
Knutson, David L. (IR)	Spear, Allan H. (DFL)
Krentz, Jane (DFL)	Stevens, Dan (IR)
Kroening, Carl W. (DFL)	Stumpf, LeRoy A. (DFL)
Laidig, Gary W. (IR)	Terwilliger, Roy W. (IR)
Langseth, Keith (DFL)	Vickerman, Jim (DFL)
Larson, Cal (IR)	Wiener, Deanna (DFL)
Lesewski, Arlene J. (IR)	

*DFL—Democratic-Farmer-Labor

**IR—Independent Republican

Senate Leaders

Roger D. Moe	Majority Leader
William P. Luther	Assistant Majority Leader
Carol Flynn	Majority Whip
Harold R. "Skip" Finn	Majority Whip
John C. Hottinger	Majority Whip
Ember D. Reichgott Junge	Majority Whip
Dean E. Johnson	Minority Leader
Patrick D. McGowan	Assistant Minority Leader/Minority Whip
Pat Pariseau	Assistant Minority Leader
Roy W. Terwilliger	Assistant Minority Leader
Dennis R. Frederickson	Assistant Minority Leader/Floor Leader
Gen Olson	Assistant Minority Leader

Officers of the Senate

Allan H. Spear	President of the Senate
Patrick E. Flahaven	Secretary of the Senate
Janine Mattson	First Assistant Secretary
Patrice Dworak	Second Assistant Secretary
Catherine E. Morrison	Engrossing Secretary
Sven K. Lindquist	Sergeant at Arms
Ralph C. Graham	Assistant Sergeant at Arms
Bishop David W. Preus	Chaplain

Desk Assistants to the Secretary of the Senate:

Colleen J. Pacheco	Third Assistant Secretary
Michael R. Linn	Fourth Assistant Secretary

SIXTY-SECOND DAY

St. Paul, Minnesota, Tuesday, February 22, 1994

The Senate met at 12:00 noon and was called to order by the President Pro Tem.

Prayer was offered by the Chaplain, Bishop David W. Preus.

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

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

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

The President declared a quorum present.

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

REPORTS AND RESOLUTIONS FILED DURING THE INTERIM WITH THE SECRETARY OF THE SENATE

Various reports were filed during the 1993 interim by Retirement and Relief Associations and are filed in the office of the Secretary of the Senate; also reports made by the Legislative Audit Commission on various state institutions and boards; Department of Human Services, Competency-Based Training System for Child Protection/Child Welfare Social Workers, 1993; Department of Human Services, Alternative Methods of Case Management Services for Persons with Developmental Disabilities, 1993; Department of Human Services, Medical Care Surcharge Fund, Quarterly Report, 1993; Department of Public Safety, Gambling Enforcement Division, Security Audit of Minnesota State Lottery, 1993; Higher Education Board, Initial Staffing Plan, 1993; Southwest Regional Development Commission, Overall Staffing Program, 1994; Department of Human Services, State Social Services Plan, Biennial Report, 1992-93; Minnesota Sentencing Guidelines Commission,

Sentencing Practices: Highlights and Statistical Tables, 1993; Department of Transportation, Annual Report, 1992; Region 5 Development Commission, Work Program, 1993-94; Minnesota Financial and Compliance Report on Federally Assisted Programs, 1992; Department of Jobs and Training, Community Based Services Division, Transitional Housing Program, 1992; Office of Administrative Hearings, Attorney Fees and Expenses, 1993; Minnesota Higher Education Board, Preliminary Merger Plan and Timetable Report, 1993; University of Minnesota, Joint Plan to Report to School Districts, 1993; Ethical Practices Board, Annual Report, 1991-92; Northeastern Minnesota Telecommunity, A Regional Collaborative Approach to State-wide Telecommunications Development, 1993; Bureau of Criminal Apprehension, List of Firearms Included Within the Definition of "Semiautomatic Military-Style Assault Weapon", 1993; University of Minnesota, Regional and Statewide Services Provided at the University of Minnesota Twin Cities Campus Libraries, 1993; Department of Human Services, Medical Care Surcharge Fund, Quarterly Report, 1993; Department of Employee Relations, Management to Staff Ratios in Minnesota State Government, 1993; Office of Waste Management, Management Costs of Waste Packaging, 1993; Department of Human Services, Federal Alcohol and Drug Abuse Block Grant Annual Report, 1992; Department of Corrections, Corrections Crowding in Minnesota, 1993; Department of Human Services, Supplemental Aid Program, Annual Report, 1992; Board of Animal Health, Annual Report, 1993; Department of Corrections, Legislative Report: Sex Offender Evaluation Project, 1993; Department of Human Services, Aid to Families with Dependent Children, Annual Report, 1992; Department of Administration, Office on Volunteer Services, Criminal Background Checks for Persons Who Work With Children and Other Vulnerable Persons, 1993; Indian Affairs Council, Annual Report, 1993; St. Anthony Falls Heritage Board, Biennial Report, 1993; Department of Public Safety, Readiness of State Government to Respond Appropriately to Discharges of Oil or Hazardous Substances, Annual Report, 1993; Agricultural Chemical Response Compensation Board and the Commissioner of Agriculture, Report to the Minnesota Legislative Water Commission, 1993; Department of Public Safety, Crime Victims Reparations Board, Annual Report, 1993; University of Minnesota, Annual Report, 1993; Department of Administration, Risk Management Division, Annual Report, 1993; Department of Administration, Analysis of the Implications of Creating an Independent Information Policy Office, 1993; Minnesota Zoo, Annual Report, 1993; Department of Jobs and Training, Head Start in Minnesota, 1994; Harmful Substance Compensation Board, Annual Report, 1993; Department of Corrections, Short-Term Offender/Fee-for-Service Group, 1994; Higher Education Board, Administrative Restructuring Issues, 1994; Higher Education Board, Technical College Labor Issues, 1994; Higher Education Board, Technical Colleges Transfer of Property, 1994; Higher Education Board, Legal Services Proposal, 1994; Higher Education Board, Proposed Budget Format, 1994; Minnesota State Lottery, Annual Report, 1993; Department of Jobs and Training, Youth Employment and Training Programs, 1993; Department of Jobs and Training, Minnesota Youthbuild Program, 1994; Department of Jobs and Training, Youth Intervention Programs, 1994; Minnesota Sentencing Guidelines Commission, 1994; Metropolitan Council and Agencies, Personnel, Ethical Practices and Communication Activities, 1994; Department of Administration, Ventilation Standards Status Report, 1994; Department of Administration, Information Policy Office Annual Report: Progress Toward Implementing Information Standards and Guidelines, 1994; Public Employees Retirement Association, Component Unit

Financial Report, June 30, 1993; University of Minnesota, Title X Equity in Men's and Women's Hockey, 1994; Department of Administration, Open Systems in Minnesota State Government: Migration Strategy: Procurement Component, 1994; Board of Peace Officer Standards and Training, Continuing Education Study, 1994; Department of Human Services, Impact of the Children's Health Plan and the MinnesotaCare Program on the Medical Assistance and GAMC Programs, A Policy Analysis, 1993; Department of Human Services, Minnesota Child Support Guidelines, 1994; Department of Human Services, Telephone Assistance Plan Program, 1993; Department of Human Services, Advisory Committee on Alternative Services Pilot Projects, 1994; Department of Administration, Transportation Demand Management Plan for the Capitol Complex, Strategic Plan for Locating State Agencies, 1993; Department of Human Services, Hospital Peer Group Criteria and Groups for Inpatient Services including Appendices, 1994; Department of Human Services, Developing Alternative Payment Systems for Inpatient Hospital Services Under the Medical Assistance (MA) and General Assistance Medical Care (GAMC) Programs, 1994; Minnesota Racing Commission, Annual Report, 1993; Department of Administration, Ventilation Standards Status Report, 1994; Department of Administration, Interim Report on Ventilation Standards for Residential Construction, 1994; Metropolitan Council, Keeping the Twin Cities Vital, Regional Strategies for Change in the Fully Developed Area including Appendices, 1994; Metropolitan Council, Metropolitan Agencies, Consolidated Financial Report, Supplement to the 1992 Report, 1994; Department of Administration, Statewide Building Access Status Report, 1994; Department of Health, Legislative Water Commission, Alternative Financing of the Public Water Supply Program; Department of Human Services, Social Services Information System, 1994; Department of Revenue and the Department of Jobs and Training, Moving the Collection of Unemployment Tax to the Department of Revenue, 1994; Higher Education Board, Co-Located Campuses, 1994; Minnesota Sentencing Guidelines Commission, Sentencing Practices: Highlights and Statistical Tables, Felony Offenders Sentenced in 1992, 1994; Department of Jobs and Training, Services for the Blind and Visually Handicapped, Funds Provided by the Friends of the Communication Center for Support of Services for the Blind's Communication Center, 1993; Department of Human Services, Medical Care-Surcharge, 1994; Board on Aging, Assessment of Indian Elder Access to Services, 1993; Department of Health, Implementation Plan and Recommendations for Integrated Service Networks (ISNs) and Regulated All-Player Option (RAPO), 1994; Department of Administration, Strategic Plan for Locating State Agencies, 1994; Department of Human Services, Chemical Dependency Division, Trends in Alcohol and Drug Use Abuse, Biennial Report, 1993; Department of Human Services, GA Intake Worker Training Program, 1994; Department of Administration, Performance Review on the Department of Human Services, 1994; Department of Administration, Targeted Group and Economically Disadvantaged Small Business Purchasing Program, 1993; Department of Administration, State Agency Report on Compliance with Laws of Minnesota, 1994; Department of Administration, Facilities for Psychopathic Personality Patients, Progress Report, 1994; Department of Corrections, Correctional Facility, Planning Criteria and Guidelines, 1994; Board on Aging, Progress Report, Resident and Family Advisory Council, 1994; Department of Health, Food Beverage and Lodging Establishments and Grocery Stores Study, 1994; State Board of Invention, Preliminary Report, 1994; Department of Administration, Interstate Compact Status Report, 1994; Department of Trade and Economic Development,

Advantage Minnesota, Inc., Annual Report, 1994; Metropolitan Council, Major Airport Planning Activities of the Metropolitan Council in 1993, 1994; Metropolitan Council, Annual Contingency Assessment, Major Airport Strategy in 1993, 1994.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communications were received and referred to the committees indicated.

April 16, 1993

The Honorable Allan H. Spear
President of the Senate

Dear Sir:

The following appointment is hereby respectfully submitted to the Senate for confirmation as required by law:

REGIONAL TRANSIT BOARD

Morgan Grant, 114 - 5th St. S.E., Minneapolis, Hennepin County, has been appointed by me, effective April 19, 1993, for a term expiring on the first Monday in January, 1997.

(Referred to the Committee on Metropolitan and Local Government.)

April 21, 1993

The Honorable Allan H. Spear
President of the Senate

Dear Sir:

The following appointment is hereby respectfully submitted to the Senate for confirmation as required by law:

BOARD OF ANIMAL HEALTH

Joni Scheftel, D.V.M., 15155 County Rd. 32, Mayer, Carver County, has been appointed by me, effective April 17, 1993, for a term expiring on the first Monday in January, 1997.

(Referred to the Committee on Agriculture and Rural Development.)

April 21, 1993

The Honorable Allan H. Spear
President of the Senate

Dear Sir:

The following appointment is hereby respectfully submitted to the Senate for confirmation as required by law:

MINNESOTA POLLUTION CONTROL AGENCY

Daniel D. Foley, M.D., 1581 Tamberwood Trl., Woodbury, Washington County, has been appointed by me, effective April 25, 1993, for a term expiring on the first Monday in January, 1997.

(Referred to the Committee on Environment and Natural Resources.)

April 28, 1993

The Honorable Allan H. Spear
President of the Senate

Dear Sir:

The following appointment is hereby respectfully submitted to the Senate for confirmation as required by law:

CHAIR, REGIONAL TRANSIT BOARD

John Riley, 4866 Wild Canyon Dr., Woodbury, Washington County, has been appointed by me, effective January 20, 1993, for a term expiring on the first Monday in January, 1997.

(Referred to the Committee on Metropolitan and Local Government.)

May 18, 1993

The Honorable Allan H. Spear
President of the Senate

Dear Sir:

The following appointments are hereby respectfully submitted to the Senate for confirmation as required by law:

BOARD OF THE ARTS

Robert E. Powless, 4911 Wyoming St., Duluth, St. Louis County, has been appointed by me, effective May 18, 1993, for a term expiring on the first Monday in January, 1997.

Stephen George Shank, 330 Peavey Ln., Wayzata, Hennepin County, has been appointed by me, effective May 18, 1993, for a term expiring on the first Monday in January, 1997.

(Referred to the Committee on Veterans and General Legislation.)

May 18, 1993

The Honorable Allan H. Spear
President of the Senate

Dear Sir:

The following appointments are hereby respectfully submitted to the Senate for confirmation as required by law:

BOARD OF THE MINNESOTA CENTER FOR ARTS EDUCATION

Audrey Eickhof, R.R. 2, Box 17, Crookston, Polk County, has been appointed by me, effective May 18, 1993, for a term expiring on the first Monday in January, 1997.

Gale Mitchell, 601 Summit Ave., St. Paul, Ramsey County, has been appointed by me, effective May 18, 1993, for a term expiring on the first Monday in January, 1994.

(Referred to the Committee on Education.)

May 18, 1993

The Honorable Allan H. Spear
President of the Senate

Dear Sir:

The following appointment is hereby respectfully submitted to the Senate for confirmation as required by law:

MINNESOTA HIGHER EDUCATION COORDINATING BOARD

Ruth Ranum, 317 Birchwood Dr. N., Stillwater, Washington County, has been appointed by me, effective May 18, 1993, for a term expiring on the first Monday in January, 1999.

(Referred to the Committee on Education.)

May 18, 1993

The Honorable Allan H. Spear
President of the Senate

Dear Sir:

The following appointment is hereby respectfully submitted to the Senate for confirmation as required by law:

MINNESOTA HOUSING FINANCE AGENCY

Jo Van Hovel, Rt. 1, Box 113, Campbell, Wilkin County, has been appointed by me, effective May 18, 1993, for a term expiring on the first Monday in January, 1996.

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

May 18, 1993

The Honorable Allan H. Spear
President of the Senate

Dear Sir:

The following appointment is hereby respectfully submitted to the Senate for confirmation as required by law:

MINNESOTA PUBLIC FACILITIES AUTHORITY

Duncan Baird, 2144 Charlton, Sunfish Lake, Dakota County, has been appointed by me, effective May 18, 1993, for a term expiring on the first Monday in January, 1997.

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

June 21, 1993

The Honorable Allan H. Spear
President of the Senate

Dear Sir:

The following appointment is hereby respectfully submitted to the Senate for confirmation as required by law:

DIRECTOR, OFFICE OF WASTE MANAGEMENT

John R. Chell, 4780 Centerville Rd., White Bear Lake, Ramsey County, has been appointed by me, effective June 16, 1993, for a term expiring on the first Monday in January, 1995.

(Referred to the Committee on Environment and Natural Resources.)

June 24, 1993

The Honorable Allan H. Spear
President of the Senate

Dear Sir:

The following appointment is hereby respectfully submitted to the Senate for confirmation as required by law:

BOARD OF THE ARTS

Caroline Baillon, 2567 Itasca Ave. S., Lakeland, Washington County, has been appointed by me, effective June 29, 1993, for a term expiring on the first Monday in January, 1997.

(Referred to the Committee on Veterans and General Legislation.)

July 1, 1993

The Honorable Allan H. Spear
President of the Senate

Dear Sir:

The following appointments are hereby respectfully submitted to the Senate for confirmation as required by law:

ENVIRONMENTAL TRUST FUND CITIZENS'
ADVISORY COMMITTEE

Jack LaVoy, 5023 Idlewild St., Duluth, St. Louis County, has been appointed by me, effective July 5, 1993, for a term expiring on the first Monday in January, 1997.

Jean Sanford, 626 Desnoyer Ave., St. Paul, Ramsey County, has been appointed by me, effective July 5, 1993, for a term expiring on the first Monday in January, 1997.

(Referred to the Committee on Environment and Natural Resources.)

July 1, 1993

The Honorable Allan H. Spear
President of the Senate

Dear Sir:

The following appointments are hereby respectfully submitted to the Senate for confirmation as required by law:

GAMBLING CONTROL BOARD

John Breon, 3017 Brooks Ln., Wayzata, Hennepin County, has been appointed by me, effective July 6, 1993, for a term expiring on June 30, 1997.

Allan E. Fonfara, 1117 Kingsley Cir. S., Mendota Heights, Dakota County, has been appointed by me, effective July 6, 1993, for a term expiring on June 30, 1994.

(Referred to the Committee on Gaming Regulation.)

July 30, 1993

The Honorable Allan H. Spear
President of the Senate

Dear Sir:

The following appointments are hereby respectfully submitted to the Senate for confirmation as required by law:

METROPOLITAN COUNCIL

Roger Scherer, 12001 Bass Lake Rd., Plymouth, Hennepin County, has been appointed by me, effective July 31, 1993, for a term expiring on the first Monday in January, 1995.

Bill Schreiber, 10001 Zane Ave. N., Brooklyn Park, Hennepin County, has been appointed by me, effective July 31, 1993, for a term expiring on the first Monday in January, 1997.

Mary Smith, 515 N. Ferndale Rd., Wayzata, Hennepin County, has been appointed by me, effective July 31, 1993, for a term expiring on the first Monday in January, 1995.

Julius Smith, 3200 Highpoint Dr., Chaska, Carver County, has been appointed by me, effective July 31, 1993, for a term expiring on the first Monday in January, 1997.

Sondra Simonson, 2815 Overlook Dr., Bloomington, Hennepin County, has been appointed by me, effective July 31, 1993, for a term expiring on the first Monday in January, 1995.

Martha Head, 1616 W. 22nd St., Minneapolis, Hennepin County, has been appointed by me, effective July 31, 1993, for a term expiring on the first Monday in January, 1997.

Barbara Butts Williams, 2222 Memorial Pky., Minneapolis, Hennepin County, has been appointed by me, effective July 31, 1993, for a term expiring on the first Monday in January, 1995.

Carol A. Kummer, 4818 - 30th Ave. S., Minneapolis, Hennepin County, has been appointed by me, effective July 31, 1993, for a term expiring on the first Monday in January, 1997.

David Hartley, 14633 Bowers Dr., Ramsey, Anoka County, has been appointed by me, effective July 31, 1993, for a term expiring on the first Monday in January, 1995.

Patrick Leung, 1598 - 23rd Ave. N.W., New Brighton, Ramsey County, has been appointed by me, effective July 31, 1993, for a term expiring on the first Monday in January, 1997.

Esther Newcome, 2374 Joy Ave., White Bear Lake, Ramsey County, has been appointed by me, effective July 31, 1993, for a term expiring on the first Monday in January, 1995.

E. Craig Morris, 16412 - 7th St. LNS, Lakeland, Washington County, has been appointed by me, effective July 31, 1993, for a term expiring on the first Monday in January, 1997.

Diane "Dede" Wolfson, 1117 Goodrich Ave., St. Paul, Ramsey County, has been appointed by me, effective July 31, 1993, for a term expiring on the first Monday in January, 1995.

Stephen Wellington, Jr., 2257 Gordon Ave., St. Paul, Ramsey County, has been appointed by me, effective July 31, 1993, for a term expiring on the first Monday in January, 1997.

Kevin Howe, 1763 Lansford Ln., Mendota Heights, Dakota County, has been appointed by me, effective July 31, 1993, for a term expiring on the first Monday in January, 1995.

Terrence Flower, 13875 Mississippi Trl., Hastings, Dakota County, has been appointed by me, effective July 31, 1993, for a term expiring on the first Monday in January, 1997.

(Referred to the Committee on Metropolitan and Local Government.)

July 30, 1993

The Honorable Allan H. Spear
President of the Senate

Dear Sir:

The following appointments are hereby respectfully submitted to the Senate for confirmation as required by law:

MINNESOTA RACING COMMISSION

Joseph Friedberg, 16141 McGinty Rd., Minnetonka, Hennepin County, has been appointed by me, effective July 31, 1993, for a term expiring on June 30, 1999.

Mary B. Magnuson, 1326 Fairmount Ave., St. Paul, Ramsey County, has been appointed by me, effective July 31, 1993, for a term expiring on June 30, 1999.

Camille J. McArdle, D.V.M., 12913 - 5th Ave. S., Burnsville, Dakota County, has been appointed by me, effective July 31, 1993, for a term expiring on June 30, 1999.

(Referred to the Committee on Gaming Regulation.)

August 2, 1993

The Honorable Allan H. Spear
President of the Senate

Dear Sir:

The following appointment is hereby respectfully submitted to the Senate for confirmation as required by law:

COMMISSIONER, DEPARTMENT OF ADMINISTRATION

Debra Rae Anderson, 1146 Ivy Hill Dr., Mendota Heights, Dakota County, has been appointed by me, effective August 9, 1993, for a term expiring on the first Monday in January, 1995.

(Referred to the Committee on Governmental Operations and Reform.)

August 4, 1993

The Honorable Allan H. Spear
President of the Senate

Dear Sir:

The following appointment is hereby respectfully submitted to the Senate for confirmation as required by law:

COMMISSIONER, DEPARTMENT OF CORRECTIONS

Frank W. Wood, 2164 - 15th Ave. E., North St. Paul, Ramsey County, has been appointed by me, effective September 9, 1993, for a term expiring on the first Monday in January, 1995.

(Referred to the Committee on Crime Prevention.)

August 4, 1993

The Honorable Allan H. Spear
President of the Senate

Dear Sir:

The following appointment is hereby respectfully submitted to the Senate for confirmation as required by law:

PUBLIC UTILITIES COMMISSION

R. Marshall Johnson, 25 Merritt Dr., Virginia, St. Louis County, has been appointed by me, effective August 9, 1993, for a term expiring on the first Monday in January, 1996.

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

August 9, 1993

The Honorable Allan H. Spear
President of the Senate

Dear Sir:

The following appointment is hereby respectfully submitted to the Senate for confirmation as required by law:

COMMISSIONER, DEPARTMENT OF COMMERCE

James E. Ulland, 1600 W. 22nd St., Minneapolis, Hennepin County, has been appointed by me, effective September 1, 1993, for a term expiring on the first Monday in January, 1995.

(Referred to the Committee on Commerce and Consumer Protection.)

August 9, 1993

The Honorable Allan H. Spear
President of the Senate

Dear Sir:

The following appointment is hereby respectfully submitted to the Senate for confirmation as required by law:

COMMISSIONER, DEPARTMENT OF HEALTH

Mary Jo O'Brien, 251 Summit Ave., St. Paul, Ramsey County, has been appointed by me, effective August 31, 1993, for a term expiring on the first Monday in January, 1995.

(Referred to the Committee on Health Care.)

August 11, 1993

The Honorable Allan H. Spear
President of the Senate

Dear Sir:

The following appointment is hereby respectfully submitted to the Senate for confirmation as required by law:

STATE UNIVERSITY BOARD

Kevin R. Knight, 131 Maplewood Dr., Bloomington, Hennepin County, has been appointed by me, effective August 11, 1993, for a term expiring on the first Monday in January, 1996.

(Referred to the Committee on Education.)

August 16, 1993

The Honorable Allan H. Spear
President of the Senate

Dear Sir:

The following appointment is hereby respectfully submitted to the Senate for confirmation as required by law:

BOARD OF THE MINNESOTA CENTER FOR ARTS EDUCATION

Hope Annexstad, Rt. 3, Box 35, St. Peter, Nicollet County, has been appointed by me, effective August 18, 1993, for a term expiring on the first Monday in January, 1997.

(Referred to the Committee on Education.)

August 16, 1993

The Honorable Allan H. Spear
President of the Senate

Dear Sir:

The following appointment is hereby respectfully submitted to the Senate for confirmation as required by law:

COMMISSIONER, DEPARTMENT OF EDUCATION

Linda Powell, 15705 - 17th Pl. N., Plymouth, Hennepin County, has been appointed by me, effective September 1, 1993, for a term expiring on the first Monday in January, 1995.

(Referred to the Committee on Education.)

Warmest regards,
Arne H. Carlson, Governor

August 17, 1993

The Honorable Allan H. Spear
President of the Senate

Dear Senator Spear:

This is to inform you that an appointment has been made by the Regional Transit Board to the Metropolitan Transit Commission (MTC). The MTC commissioner appointed is:

Frank Snowden, 1404 E. Minnehaha Pky., Minneapolis, Hennepin County, for a term expiring August 1, 1996.

Attached is the open appointment application form and support information that was filed by the appointee with the Secretary of State's office.

If you have any questions about this appointment, please call me.

(Referred to the Committee on Metropolitan and Local Government.)

Sincerely,
John H. Riley, Chair

August 26, 1993

The Honorable Allan H. Spear
President of the Senate

Dear Senator Spear:

The following appointments were made by the Metropolitan Council on August 26, 1993, and are hereby respectfully submitted to the Senate for confirmation as required by law:

REGIONAL TRANSIT BOARD

Sharon Feess, 5301 Hamilton Ln., Brooklyn Park, Hennepin County, for a term ending the first Monday in January, 1995.

Dennis Schulstad, 4009 E. 49th St., Minneapolis, Hennepin County, for a term ending the first Monday in January, 1995.

N. Harry Mares, 2592 Crown Hill Ct., White Bear Lake, Ramsey County, for a term ending the first Monday in January, 1995.

Gary Humphrey, 1063 Ramsdell Dr., Apple Valley, Dakota County, for a term ending the first Monday in January, 1995.

James Hovland, 5201 Blake Rd., Edina, Hennepin County, for a term ending the first Monday in January, 1997.

Michael Beard, 8434 Horizon Dr., Shakopee, Scott County, for a term ending the first Monday in January, 1997.

Ruth Franklin, 430 Rice St., Anoka, Anoka County, for a term ending the first Monday in January, 1997.

Ruby Hunt, 1148 Edgcumbe Rd., St. Paul, Ramsey County, for a term ending the first Monday in January, 1997.

(Referred to the Committee on Metropolitan and Local Government.)

Sincerely,
Dottie Rietow, Chair

September 8, 1993

The Honorable Allan H. Spear
President of the Senate

Dear Senator Spear:

The following appointment to the Gambling Control Board is respectfully submitted to the Minnesota State Senate for confirmation as required by law:

Laura Schupp, 3872 Kennet Cir., Eagan, Dakota County, effective December 16, 1991, for a four-year term expiring June 30, 1995.

(Referred to the Committee on Gaming Regulation.)

Sincerely,
Michael S. Jordan,
Commissioner of Public Safety

September 9, 1993

The Honorable Allan H. Spear
President of the Senate

Dear Senator Spear:

I am responding to your letter of August 31, 1993. This office was under the impression that the necessary appointment notification had previously been provided to the Senate.

In any event, I hereby notify you that Dennis Flaherty was appointed to the Minnesota Gambling Control Board by Attorney General Humphrey in September 1991 for a term expiring June 30, 1995. Mr. Flaherty resides at 100 S.E. 2nd St., Minneapolis, Minnesota in Hennepin County. Pursuant to Minnesota Statutes, sec. 15.066, subd. 2(c), I hereby provide you with a copy of the application provided by Minnesota Statutes, sec. 15.0597. For your information, I am also notifying the Ethical Practices Board of the appointment in accordance with Minnesota Statutes, sec. 15.066, subd. 2(b).

Thank you for your attention to this matter and should you require anything further, please contact me.

(Referred to the Committee on Gaming Regulation.)

Very truly yours,
Eric Johnson
Executive Assistant to the
Attorney General

December 8, 1993

The Honorable Allan H. Spear
President of the Senate

Dear Sir:

The following appointments are hereby respectfully submitted to the Senate for confirmation as required by law:

BOARD OF INVENTION

Joseph Alvite, 353 Aspen Rd. N.E., Wyoming, Chisago County, has been appointed by me, effective November 6, 1993, for a term expiring on the first Monday in January, 1995.

Penny Becker, P.O. Box 71, Redwood Falls, Redwood County, has been appointed by me, effective November 4, 1993, for a term expiring on the first Monday in January, 1995.

Henry Buchwald, 6808 Margaret's Ln., Edina, Hennepin County, has been appointed by me, effective November 4, 1993, for a term expiring on the first Monday in January, 1997.

Daniel Ferber, 49 Inner Dr., St. Paul, Ramsey County, has been appointed by me, effective November 4, 1993, for a term expiring on the first Monday in January, 1997.

Philip M. Goldman, 1926 South Ln., Mendota Heights, Dakota County, has been appointed by me, effective November 4, 1993, for a term expiring on the first Monday in January, 1996.

Steven Levinson, Rt. 1, Box 223, Newfolden, Marshall County, has been appointed by me, effective November 4, 1993, for a term expiring on the first Monday in January, 1998.

Donna J. McBrian, 7398 Tempo Terr. N.E., Fridley, Anoka County, has been appointed by me, effective November 4, 1993, for a term expiring on the first Monday in January, 1995.

Janet Robb, 1754 W. Millwood Ave., Roseville, Ramsey County, has been appointed by me, effective November 4, 1993, for a term expiring on the first Monday in January, 1996.

Patsy Sherman, 9300 - 11th Ave. S., Bloomington, Hennepin County, has been appointed by me, effective November 4, 1993, for a term expiring on the first Monday in January, 1996.

Lyle Stevermer, 12 Main St. S., Winnebago, Faribault County, has been appointed by me, effective December 11, 1993, for a term expiring on the first Monday in January, 1997.

Milton Toratti, 820 N. 9th St., Virginia, St. Louis County, has been appointed by me, effective November 4, 1993, for a term expiring on the first Monday in January, 1998.

(Referred to the Committee on Commerce and Consumer Protection.)

December 8, 1993

The Honorable Allan H. Spear
President of the Senate

Dear Sir:

The following appointment is hereby respectfully submitted to the Senate for confirmation as required by law:

COMMISSIONER, DEPARTMENT OF HUMAN SERVICES

Maria R. Gomez, 8400 Indian Blvd., Cottage Grove, Washington County, has been appointed by me, effective December 13, 1993, for a term expiring on the first Monday in January, 1995.

(Referred to the Committee on Family Services.)

December 22, 1993

The Honorable Allan H. Spear
President of the Senate

Dear Sir:

The following appointment is hereby respectfully submitted to the Senate for confirmation as required by law:

MINNESOTA ENVIRONMENTAL QUALITY BOARD

Bruce Bomier, 3430 Rum River Dr., Anoka, Anoka County, has been appointed by me, effective January 3, 1994, for a term expiring on the first Monday in January, 1998.

(Referred to the Committee on Environment and Natural Resources.)

December 22, 1993

The Honorable Allan H. Spear
President of the Senate

Dear Sir:

The following appointment is hereby respectfully submitted to the Senate for confirmation as required by law:

CHAIR, REGIONAL TRANSIT BOARD

Sally Evert, 550 S. Grove, Stillwater, Washington County, has been appointed by me, effective December 22, 1993, for a term expiring on the first Monday in January, 1997.

(Referred to the Committee on Metropolitan and Local Government.)

December 29, 1993

The Honorable Allan H. Spear
President of the Senate

Dear Sir:

The following appointments are hereby respectfully submitted to the Senate for confirmation as required by law:

STATE BOARD OF EDUCATION

Robert J. Brown, 542-4 Lovell Ave., Roseville, Ramsey County, has been appointed by me, effective January 3, 1994, for a term expiring on the first Monday in January, 1998.

Erling O. Johnson, 832 Eastwood Ln., Anoka, Anoka County, has been appointed by me, effective January 3, 1994, for a term expiring on the first Monday in January, 1998.

(Referred to the Committee on Education.)

January 26, 1994

The Honorable Allan H. Spear
President of the Senate

Dear Sir:

The following appointments are hereby respectfully submitted to the Senate for confirmation as required by law:

MINNESOTA VETERANS HOMES BOARD OF DIRECTORS

Harvey C. Aaron, M.D., 325 Otis Ave., St. Paul, Ramsey County, has been appointed by me, effective January 31, 1994, for a term expiring on the first Monday in January, 1998.

Robert Hansen, 1955 Oakdale Ave., West St. Paul, Ramsey County, has been appointed by me, effective January 31, 1994, for a term expiring on the first Monday in January, 1998.

(Referred to the Committee on Veterans and General Legislation.)

Warmest regards,
Arne H. Carlson, Governor

MOTIONS AND RESOLUTIONS

Mr. Lessard moved that the name of Mr. Solon be added as a co-author to S.F. No. 1377. The motion prevailed.

Mr. Moe, R.D. moved that S.F. No. 1524 be withdrawn from the Committee on Finance and placed on General Orders. The motion prevailed.

Messrs. Moe, R.D. and Johnson, D.E. introduced—

Senate Resolution No. 50: A Senate resolution relating to postage.

BE IT RESOLVED, by the Senate of the State of Minnesota:

For the 1994 session of the 78th Legislature, the Secretary of the Senate may purchase postage to furnish each member of the Senate 5,500 stamps. Each member named as chair of a standing committee in the Senate resolution designating committee assignments may be furnished with an additional 1,000 stamps for the necessary business of the committee.

An additional postage allowance of 1,000 stamps is authorized for the Senate Minority Leader; five other members of the minority designated by the Senate Minority Leader; and five members of the majority designated by the Senate Majority Leader.

Each member of the Senate shall receipt to the Secretary of the Senate for the postage received.

Mr. Moe, R.D. moved the adoption of the foregoing resolution.

The question was taken on the adoption of the resolution.

The roll was called, and there were yeas 57 and nays 2, as follows:

Those who voted in the affirmative were:

Anderson	Day	Knutson	Moe, R.D.	Riveness
Beckman	Dille	Krentz	Mondale	Runbeck
Belanger	Finn	Kroening	Morse	Sams
Benson, D.D.	Flynn	Laidig	Murphy	Solon
Benson, J.E.	Frederickson	Langseth	Neuville	Stevens
Berg	Hanson	Lesewski	Oliver	Stumpf
Berglin	Hottinger	Lessard	Olson	Terwilliger
Bertram	Johnson, D.E.	Luther	Pappas	Vickerman
Betzold	Johnson, D.J.	Marty	Piper	Wiener
Chandler	Johnson, J.B.	McGowan	Pogemiller	
Chmielewski	Kelly	Merriam	Ranum	
Cohen	Kiscaden	Metzen	Reichgott Junge	

Mses. Johnston and Robertson voted in the negative.

The motion prevailed. So the resolution was adopted.

MOTIONS AND RESOLUTIONS – CONTINUED

Messrs. Moe, R.D. and Johnson, D.E. introduced—

Senate Resolution No. 51: A Senate resolution relating to expenses of interns.

BE IT RESOLVED, by the Senate of the State of Minnesota:

For the 1994 session of the 78th Legislature, each member of the Senate may be reimbursed for the cost of meals and transportation furnished by the member to any volunteer interns assisting with the member's work, up to a maximum of \$50 during each week the Legislature is in session.

Requests for reimbursement must be submitted to the Secretary of the Senate monthly on forms provided for this purpose and must include a certification by the member that the amounts for which reimbursement is sought have been paid to the interns.

The Secretary of the Senate shall prepare and issue warrants for payment of intern expenses from the Senate legislative expense fund.

Mr. Moe, R.D. moved the adoption of the foregoing resolution.

The question was taken on the adoption of the resolution.

The roll was called, and there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

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

The motion prevailed. So the resolution was adopted.

MOTIONS AND RESOLUTIONS – CONTINUED

Messrs. Moe, R.D. and Johnson, D.E. introduced—

Senate Concurrent Resolution No. 5: A Senate concurrent resolution providing session deadline dates for the legislature pursuant to Joint Rule 2.03.

BE IT RESOLVED, by the Senate of the State of Minnesota, the House of Representatives concurring:

DEADLINES

(a) During the 1994 regular session, except as provided in paragraph (b), committee reports on bills favorably acted upon by a committee in the house of origin after Friday, March 25, 1994, and committee reports on bills originating in the other house favorably acted upon by a committee after Thursday, March 31, 1994, 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 deadline does not apply to the Senate Committee on Finance or on Taxes and Tax Laws, nor to the House Committee on Ways and Means or on Taxes.

(b) Committee reports on the omnibus appropriation bills listed in Joint Rule 2.02 and on bills containing an appropriation for the acquisition or betterment of public lands or buildings or other public improvements of a capital nature that are favorably acted upon by the policy committee in either house that is or includes the finance division with final jurisdiction over the appropriation after the deadlines in paragraph (a) but no later than Friday, April 8, 1994, and that are referred in the Senate to the Committee on Finance or on Taxes and Tax Laws or in the House of Representatives to the Committee on Ways and Means or on Taxes, need not be referred in the Senate to the Committee on Rules and Administration or in the House of Representatives to the Committee on Rules and Legislative Administration for disposition.

Mr. Moe, R.D. moved the adoption of the foregoing resolution.

The question was taken on the adoption of the resolution.

The roll was called, and there were yeas 60 and nays 0, as follows:

Those who voted in the affirmative were:

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

The motion prevailed. So the resolution was adopted.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Moe, R.D. moved that S.F. No. 819 be withdrawn from the Committee on Jobs, Energy and Community Development and placed on General Orders. The motion prevailed.

SUSPENSION OF RULES

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe,

R.D. moved that the Senate take up the General Orders Calendar and that the rules of the Senate be so far suspended as to waive the lie-over requirement. The motion prevailed.

GENERAL ORDERS

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

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

S.F. No. 819; which the committee recommends to pass with the following amendments offered by Mses. Johnson, J.B. and Lesewski:

Ms. Johnson, J.B. moved to amend S.F. No. 819 as follows:

Page 2, line 13, after "shall" insert ", to the extent it has knowledge."

Page 2, line 20, delete "Identifying" and insert "It is fraud under section 325F.69 to identify information service charges as telephone charges. A common carrier is liable for fraud under this subdivision only if it knowingly participates in the misidentification."

Page 2, delete lines 21 and 22

Page 2, line 25, delete "12-point" and insert "ten-point"

Page 2, line 29, delete "CALLS MADE" and insert "CHARGES INCURRED"

Page 3, line 2, after "to" insert "knowingly"

Page 3, line 22, delete "Anyone liable for fraud under this" and insert "A common carrier"

Page 3, line 23, delete "section"

The motion prevailed. So the amendment was adopted.

Ms. Lesewski moved to amend S.F. No. 819 as follows:

Page 2, lines 7 and 8, delete "not made by the subscriber or spouse or" and insert "made by minors or other vulnerable adults as defined in section 626.557, subdivision 2, paragraph (b), unless"

The motion prevailed. So the amendment was adopted.

S.F. No. 1524, which the committee recommends to pass with the following amendments offered by Ms. Hanson and Mr. Frederickson:

Ms. Hanson moved to amend S.F. No. 1524 as follows:

Page 2, line 15, delete "\$25,000 is appropriated in fiscal year 1994 and"

Page 2, line 21, delete "1993" and insert "1994"

The motion prevailed. So the amendment was adopted.

Mr. Frederickson moved to amend S.F. No. 1524 as follows:

Page 2, line 17, delete "enforcement" and insert "management"

The motion prevailed. So the amendment was adopted.

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

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Mr. Benson, D.D. introduced—

S.F. No. 1676: A bill for an act relating to utilities; requiring municipality to petition public utilities commission before it may furnish electric service while eminent domain proceedings are pending to acquire electric utility; amending Minnesota Statutes 1992, section 216B.47.

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

Mr. Murphy introduced—

S.F. No. 1677: A bill for an act proposing an amendment to the Minnesota Constitution, article IV, sections 2, 4, and 12; providing for the size, terms, and times of meeting of the legislature.

Referred to the Committee on Ethics and Campaign Reform.

Mr. Murphy introduced—

S.F. No. 1678: A bill for an act relating to the legislature; limiting the service of committee chairs; proposing coding for new law in Minnesota Statutes, chapter 3.

Referred to the Committee on Ethics and Campaign Reform.

Mses. Johnston and Lesewski introduced—

S.F. No. 1679: A bill for an act relating to highways; designating trunk highway marked No. 212 as the Minnesota Veterans Memorial Highway; amending Minnesota Statutes 1992, section 161.14, by adding a subdivision.

Referred to the Committee on Transportation and Public Transit.

Mr. Murphy introduced—

S.F. No. 1680: A bill for an act relating to the city of Red Wing; authorizing certain police officers to elect retirement coverage by the public employees police and fire fund.

Referred to the Committee on Governmental Operations and Reform.

Ms. Johnston introduced—

S.F. No. 1681: A bill for an act relating to capital improvements; appropriating money for a flood hazard mitigation grant to the city of Chaska; authorizing the sale of state bonds.

Referred to the Committee on Environment and Natural Resources.

Messrs. Spear and Marty introduced—

S.F. No. 1682: A bill for an act relating to health; removing the religious exemption for infant inborn metabolic tests; establishing a children's health care mediator; providing for reporting by parents relying on religious or philosophical healing practices and investigation and intervention in cases involving a serious health condition; amending Minnesota Statutes 1992, section 144.125; Minnesota Statutes 1993 Supplement, section 626.556, subdivision 10; proposing coding for new law in Minnesota Statutes, chapter 145A.

Referred to the Committee on Health Care.

Mr. Vickerman introduced—

S.F. No. 1683: A bill for an act relating to agriculture; establishing and financing an interest rate buy-down program; establishing benefit limits; appropriating money.

Referred to the Committee on Agriculture and Rural Development.

Ms. Robertson, Messrs. Mondale and Oliver introduced—

S.F. No. 1684: A bill for an act relating to education; permitting independent school district No. 270 school year to commence before Labor Day.

Referred to the Committee on Education.

Mr. Price introduced—

S.F. No. 1685: A bill for an act relating to the city of Oakdale; authorizing the city to petition for annexation of certain properties acquired by the Minnesota department of transportation in Washington county for right-of-way purposes.

Referred to the Committee on Metropolitan and Local Government.

Mr. Price introduced—

S.F. No. 1686: A bill for an act relating to traffic regulation; authorizing use of blue lights on law enforcement vehicles; amending Minnesota Statutes 1992, section 169.64, subdivision 4.

Referred to the Committee on Transportation and Public Transit.

Ms. Johnston, Messrs. Frederickson, Knutson, Mrs. Pariseau and Mr. Belanger introduced—

S.F. No. 1687: A bill for an act relating to local government; limiting members of local government bodies and town boards to a single per diem payment per day; providing duties to the county auditor; proposing coding for new law in Minnesota Statutes, chapter 471.

Referred to the Committee on Metropolitan and Local Government.

Mses. Krentz, Hanson, Messrs. Moe, R.D.; Johnson, D.E. and Hottinger introduced—

S.F. No. 1688: A bill for an act relating to taxation; income; changing the

dependent care credit; amending Minnesota Statutes 1992, section 290.067, subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Mr. Betzold introduced—

S.F. No. 1689: A bill for an act relating to family violence; providing that the juvenile court has grounds to involuntarily terminate the parental rights of a parent who has been convicted of domestic assault involving the use of a firearm; expanding the crime of first degree manslaughter to include certain domestic violence-related homicides; providing that a person who commits domestic assault while using a firearm is permanently prohibited from possessing a firearm; amending Minnesota Statutes 1992, sections 609.20; and 609.224, subdivision 3; Minnesota Statutes 1993 Supplement, sections 260.221, subdivision 1; and 624.713, subdivision 1.

Referred to the Committee on Crime Prevention.

Mr. Betzold introduced—

S.F. No. 1690: A bill for an act relating to health; requiring the commissioner of health to provide information to the public regarding secondhand smoke health risks to children; proposing coding for new law in Minnesota Statutes, chapter 144.

Referred to the Committee on Health Care.

Mr. Betzold, Ms. Reichgott Junge and Mr. Knutson introduced—

S.F. No. 1691: A bill for an act relating to real property; clarifying and making technical corrections to statutory provisions relating to real property; amending Minnesota Statutes 1992, sections 14.03, subdivision 3; 83.26, subdivision 2; 500.19, subdivision 4; 507.09; 507.332; 508.12, subdivision 1; 508.13; 508.23, subdivision 1; 508.35; 508.37, subdivision 1a; 508.38; 508.45; 508.47, subdivision 5; 508.51; 508.52; 508.55; 508.68; 508.70; 508.71, subdivision 4; 508A.22, subdivision 1; 508A.35; 508A.38; 508A.45; 508A.47, subdivision 5; 508A.51; 508A.52; 508A.55; 508A.68; 508A.71, subdivision 4; 559.21, subdivisions 3, 4, and 8; and 580.12; Minnesota Statutes 1993 Supplement, section 256B.0595, by adding a subdivision; 508.71, subdivision 7; 515B.1-102; 515B.1-103; 515B.1-105; 515B.1-116; 515B.2-104; 515B.2-105; 515B.2-110; 515B.2-118; 515B.2-119; 515B.3-113; 515B.3-116; and 515B.3-117; proposing coding for new law in Minnesota Statutes, chapters 508; and 508A.

Referred to the Committee on Judiciary.

Mr. Betzold, Ms. Reichgott Junge, Messrs. Hottinger and Knutson introduced—

S.F. No. 1692: A bill for an act relating to contracts; creating the public contractors' performance and payment bond act by amending existing provisions; amending Minnesota Statutes 1992, sections 574.26; 574.261; 574.262, subdivision 1; 574.263, subdivision 3; 574.264, subdivision 1; 574.27; 574.28; 574.29; 574.30; 574.31; and 574.32.

Referred to the Committee on Judiciary.

Messrs. Mondale, Pogemiller, Mses. Robertson, Wiener and Reichgott Junge introduced—

S.F. No. 1693: A bill for an act relating to education; permitting school boards to begin the school year before Labor Day when a religious holiday is observed the day following Labor Day; amending Minnesota Statutes 1992, section 126.12, subdivision 1.

Referred to the Committee on Education.

Mr. Betzold introduced—

S.F. No. 1694: A bill for an act relating to civil commitment; modifying procedures relating to administering intrusive mental health treatment to persons committed as mentally ill and dangerous under the civil commitment act; amending Minnesota Statutes 1992, sections 13.42, subdivision 3; 253B.02, by adding a subdivision; 253B.03, subdivision 6c; and 253B.12, subdivision 1.

Referred to the Committee on Judiciary.

Messrs. Samuelson; Vickerman; Bertram; Johnson, D.E. and Metzen introduced—

S.F. No. 1695: A bill for an act relating to veterans; establishing a veterans' cemetery; providing for funding; appropriating money; amending Minnesota Statutes 1992, sections 349.212, subdivision 1; 349.213, subdivision 1; Minnesota Statutes 1993 Supplement, sections 349.12, subdivision 25; and 349.212, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 197; repealing Minnesota Statutes 1992, section 197.235.

Referred to the Committee on Veterans and General Legislation.

Messrs. Samuelson, Vickerman, Metzen, Mses. Flynn and Johnston introduced—

S.F. No. 1696: A bill for an act relating to capital improvements; Minneapolis veterans home; authorizing the issuance of state bonds; appropriating money.

Referred to the Committee on Veterans and General Legislation.

Messrs. Johnson, D.E. and Dille introduced—

S.F. No. 1697: A bill for an act relating to education; appropriating money for a cooperative secondary facilities grant to independent school district Nos. 341, 461, and 464.

Referred to the Committee on Education.

Ms. Hanson, Messrs. Vickerman, Samuelson, Ms. Olson and Mr. Kelly introduced—

S.F. No. 1698: A bill for an act relating to manufactured home parks; prohibiting manufactured home parks from prohibiting senior citizens from keeping pet dogs, cats, and birds on the park premises; amending Minnesota Statutes 1992, section 327.27, by adding a subdivision.

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

Ms. Hanson and Mrs. Adkins introduced—

S.F. No. 1699: A bill for an act relating to state government; adopting the square dance as the American folk dance of Minnesota; proposing coding for new law in Minnesota Statutes, chapter 1.

Referred to the Committee on Veterans and General Legislation.

Messrs. Vickerman; Murphy; Larson; Johnson, D.E. and Finn introduced—

S.F. No. 1700: 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.

Referred to the Committee on Judiciary.

Mses. Anderson; Berglin; Johnson, J.B.; Kiscaden and Mr. Novak introduced—

S.F. No. 1701: A bill for an act relating to economic development; appropriating money for a women-owned business study.

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

Ms. Reichgott Junge introduced—

S.F. No. 1702: A bill for an act relating to commerce; regulating the interest rate charged by pawnbrokers; prescribing penalties; amending Minnesota Statutes 1992, section 609.81.

Referred to the Committee on Commerce and Consumer Protection.

Mr. Cohen introduced—

S.F. No. 1703: A bill for an act relating to juveniles; extending the jurisdiction of the juvenile court to adjudicated delinquents aged 19 or older who have intentionally avoided the court's jurisdiction; amending Minnesota Statutes 1992, section 260.181, subdivision 4.

Referred to the Committee on Crime Prevention.

Mr. Cohen introduced—

S.F. No. 1704: A bill for an act relating to public safety; limiting the firearms regulation preemption provision to governmental subdivisions outside the metropolitan area; amending Minnesota Statutes 1992, sections 471.633; 624.7131, subdivision 12; and 624.717; Minnesota Statutes 1993 Supplement, section 624.7132, subdivision 16.

Referred to the Committee on Crime Prevention.

Mr. Finn introduced—

S.F. No. 1705: A bill for an act relating to education; extending the time for school districts receiving capital loans to enter into construction contracts.

Referred to the Committee on Education.

Messrs. Novak; Kelly; Dille; Johnson, D.J. and Kroening introduced—

S.F. No. 1706: A bill for an act relating to public utilities; providing legislative authorization of the construction of a facility for the temporary dry cask storage of spent nuclear fuel at Prairie Island nuclear generating plant; providing conditions for any future expansion of storage capacity; approving the continued operation of pool storage at Monticello and Prairie Island nuclear generating plants; requiring development of wind power; regulating nuclear power plants; requiring increased conservation investments; providing low-income discounted electric rates; appropriating money; amending Minnesota Statutes 1992, sections 216B.16, by adding a subdivision; 216B.241, subdivision 1a; and 216B.243, by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 216B.

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

Ms. Anderson, Messrs. Kelly, Luther, Cohen and McGowan introduced—

S.F. No. 1707: A bill for an act relating to capital improvements; appropriating money to the department of administration for a grant to the Minnesota humanities commission to rehabilitate and retrofit the west wing of the former Gillette Children's Hospital; authorizing the sale of state bonds.

Referred to the Committee on Veterans and General Legislation.

Mr. Murphy introduced—

S.F. No. 1708: A bill for an act relating to game and fish; allowing agents and subagents of the commissioner to issue duplicate licenses to take protected wild animals; amending Minnesota Statutes 1992, section 97A.405, subdivision 3:

Referred to the Committee on Environment and Natural Resources.

Mr. Johnson, D.J. introduced—

S.F. No. 1709: A bill for an act relating to taxation; property tax refund; uncapping the appropriation for targeting for 1994 only; appropriating money; amending Minnesota Statutes 1993 Supplement, section 290A.04, subdivision 2h.

Referred to the Committee on Taxes and Tax Laws.

Mr. Murphy introduced—

S.F. No. 1710: A bill for an act relating to pollution control; modifying the eligibility area for the state financial assistance program for combined sewer overflow; appropriating money; amending Minnesota Statutes 1992, section 116.162, subdivision 2.

Referred to the Committee on Environment and Natural Resources.

Ms. Berglin introduced—

S.F. No. 1711: A bill for an act relating to education; adding opportunities industrialization centers to the post-secondary enrollment options program; amending Minnesota Statutes 1992, section 123.3514, subdivision 3.

Referred to the Committee on Education.

Mr. Johnson, D.E. introduced—

S.F. No. 1712: A bill for an act relating to towns; providing for financial audits in certain circumstances; amending Minnesota Statutes 1992, section 367.36, subdivision 1.

Referred to the Committee on Metropolitan and Local Government.

Mr. Johnson, D.E. introduced—

S.F. No. 1713: A bill for an act relating to health; creating an exception to the nursing home moratorium; amending Minnesota Statutes 1993 Supplement, section 144A.071, subdivision 3.

Referred to the Committee on Health Care.

Mr. Johnson, D.E. introduced—

S.F. No. 1714: A bill for an act relating to taxation; property; reducing the time required for seasonal recreational property occupied by a relative to qualify for homestead treatment; amending Minnesota Statutes 1993 Supplement, section 273.124, subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Larson, Samuelson, Vickerman and Dille introduced—

S.F. No. 1715: A bill for an act relating to counties; permitting examinations of accounts and records by certified public accountants; amending Minnesota Statutes 1992, section 6.48.

Referred to the Committee on Governmental Operations and Reform.

Mr. Murphy introduced—

S.F. No. 1716: A bill for an act relating to education; expanding the uses of reserve funds to include innovative and remedial education programs; amending Minnesota Statutes 1993 Supplement, section 124A.29, subdivision 1.

Referred to the Committee on Education.

Messrs. Finn, Knutson, Betzold and Vickerman introduced—

S.F. No. 1717: A bill for an act relating to data practices; classifying data relating to calls to an emergency telephone service; amending Minnesota Statutes 1992, section 13.82, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 13.

Referred to the Committee on Judiciary.

Mr. Benson, D.D. introduced—

S.F. No. 1718: A bill for an act relating to capital improvements; appropriating money for Mower county to acquire the historic Grand Meadow chert quarry; authorizing the sale of state bonds.

Referred to the Committee on Veterans and General Legislation.

Mr. Benson, D.D. introduced—

S.F. No. 1719: A bill for an act relating to bonding; providing funding for a nonmotorized trail between Lake Louise state park and the city of Le Roy.

Referred to the Committee on Environment and Natural Resources.

Mr. Benson, D.D. introduced—

S.F. No. 1720: A bill for an act relating to unemployment compensation; excluding certain corporate profits from the definition of wages; amending Minnesota Statutes 1992, section 268.04, subdivision 25.

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

Ms. Robertson introduced—

S.F. No. 1721: A bill for an act relating to elections; voter registration; eliminating the requirement that a voter registration card include the voter's telephone number; amending Minnesota Statutes 1993 Supplement, section 201.071, subdivision 1.

Referred to the Committee on Ethics and Campaign Reform.

Messrs. Knutson, Belanger, Mrs. Pariseau, Mr. Metzen and Ms. Wiener introduced—

S.F. No. 1722: A bill for an act relating to public administration; authorizing spending to make public improvements of a capital nature; authorizing issuance of state bonds to finance the construction of a secure juvenile detention and treatment facility in Dakota county for multicounty use; authorizing juvenile courts to make placements at the facility; appropriating money; amending Minnesota Statutes 1993 Supplement, section 260.185, subdivision 1.

Referred to the Committee on Crime Prevention.

Ms. Piper introduced—

S.F. No. 1723: A bill for an act relating to retirement; local police and salaried firefighters relief associations; requiring continuation of surviving spouse benefits upon remarriage; amending Minnesota Statutes 1992, section 423A.17.

Referred to the Committee on Governmental Operations and Reform.

Mses. Anderson, Kiscaden, Mr. Betzold, Ms. Piper and Mr. Marty introduced—

S.F. No. 1724: A bill for an act relating to general assistance; modifying eligibility for payments to residents of shelter facilities; amending Minnesota Statutes 1992, section 256D.05, subdivision 3.

Referred to the Committee on Family Services.

Ms. Berglin introduced—

S.F. No. 1725: A bill for an act relating to crime; making the requirement for holding a bias-motivated crimes course permanent; requiring the criminal and juvenile information policy group to make recommendations of race data in criminal justice information systems; appropriating money for establishing a judicial interpreter certification and training program; amending Minnesota Statutes 1992, section 8.34, subdivision 2; Minnesota Statutes 1993 Supplement, section 299C.65, subdivision 1.

Referred to the Committee on Crime Prevention.

Ms. Berglin introduced—

S.F. No. 1726: A bill for an act relating to traffic regulations; authorizing peace officers to stop drivers and issue citations for seat belt violations without first observing a moving violation; amending Minnesota Statutes 1993 Supplement, section 169.686, subdivision 1.

Referred to the Committee on Transportation and Public Transit.

Messrs. Janezich and Solon introduced—

S.F. No. 1727: A bill for an act relating to liquor; authorizing the St. Louis county board to issue one off-sale liquor license to a premises in Embarrass township.

Referred to the Committee on Commerce and Consumer Protection.

Mr. Betzold introduced—

S.F. No. 1728: A bill for an act relating to human services; establishing deadline for department of human services special review board recommendations regarding mentally ill and dangerous patients; establishing patient right to court-appointed attorney and independent examination; modifying time period of patient voluntary return from provisional discharge; amending Minnesota Statutes 1992, section 253B.18, subdivisions 5 and 14.

Referred to the Committee on Judiciary.

Mr. Metzen, Ms. Wiener, Messrs. Luther, Belanger and Solon introduced—

S.F. No. 1729: A bill for an act relating to financial institutions; reciprocal interstate banking; removing the geographical limitation contained in the definition of reciprocating state; amending Minnesota Statutes 1992, section 48.92, subdivision 7.

Referred to the Committee on Commerce and Consumer Protection.

Mr. Johnson, D.E. introduced—

S.F. No. 1730: A bill for an act relating to the environment; forgiving advances and loans made to the city of Morton under a pilot litigation loan project relating to wastewater treatment.

Referred to the Committee on Environment and Natural Resources.

Mr. Murphy introduced—

S.F. No. 1731: A bill for an act relating to human services; clarifying the definition of insurer; amending Minnesota Statutes 1992, section 518.003, by adding a subdivision.

Referred to the Committee on Family Services.

Mr. Finn, Ms. Reichgott Junge, Messrs. Betzold, Spear and Knutson introduced—

S.F. No. 1732: A bill for an act relating to courts; expanding conciliation court jurisdiction over matters involving rental property; amending Minnesota Statutes 1993 Supplement, section 491A.01, subdivision 9.

Referred to the Committee on Judiciary.

Mr. Betzold, Ms. Hanson, Mr. Merriam and Ms. Krentz introduced—

S.F. No. 1733: A bill for an act relating to human resources; directing the commissioner to authorize Anoka county to provide certain mental health services under an alternative system; amending Minnesota Statutes 1992, section 256B.031, subdivision 10.

Referred to the Committee on Health Care.

Mses. Reichgott Junge and Piper introduced—

S.F. No. 1734: A bill for an act relating to employment; establishing a disaster volunteer leave program in the state civil service; proposing coding for new law in Minnesota Statutes, chapter 43A.

Referred to the Committee on Governmental Operations and Reform.

Mr. Betzold introduced—

S.F. No. 1735: A bill for an act relating to children; modifying certain provisions concerning foster care and adoption; amending Minnesota Statutes 1993 Supplement, sections 257.072, subdivision 7; and 259.255.

Referred to the Committee on Family Services.

Mr. Belanger and Ms. Wiener introduced—

S.F. No. 1736: A bill for an act relating to metropolitan government; providing for financial assistance and capital expenditures of the regional transit board; amending Minnesota Statutes 1992, sections 473.375, subdivision 13; and 473.39, subdivision 1b.

Referred to the Committee on Metropolitan and Local Government.

Messrs. Moe, R.D. and Johnson, D.E. introduced—

S.F. No. 1737: A bill for an act relating to ethics in government; providing for the house and senate ethics committees to perform specified duties in ethics leadership; changing various lobbyist and principal reporting requirements; prescribing penalties; amending Minnesota Statutes 1992, section

10A.04, subdivisions 4, 5, and 6; proposing coding for new law in Minnesota Statutes, chapter 3.

Referred to the Committee on Ethics and Campaign Reform.

Messrs. Betzold and Novak introduced—

S.F. No. 1738: 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 1992, sections 169.91, subdivision 3; 169.95; and 169.99, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 168; and 169.

Referred to the Committee on Transportation and Public Transit.

Mr. Cohen introduced—

S.F. No. 1739: A bill for an act relating to alcoholic beverages; authorizing the city of St. Paul to issue a wine and beer license to the College of St. Catherine catering service for certain buildings.

Referred to the Committee on Commerce and Consumer Protection.

Mr. Knutson, Ms. Robertson, Messrs. Terwilliger and Laidig introduced—

S.F. No. 1740: A bill for an act relating to local government; requiring the metropolitan council to study housing redevelopment and rehabilitation costs.

Referred to the Committee on Metropolitan and Local Government.

Mr. Merriam introduced—

S.F. No. 1741: A bill for an act relating to game and fish; allowing nonresidents to take rough fish by harpooning; amending Minnesota Statutes 1992, section 97C.381.

Referred to the Committee on Environment and Natural Resources.

Messrs. Merriam, Price and Oliver introduced—

S.F. No. 1742: A bill for an act relating to state departments and agencies; environmental quality board; providing that the board may provide its own staff and administration; amending Minnesota Statutes 1992, section 116C.03, subdivision 4; repealing Minnesota Statutes 1992, section 116C.03, subdivision 5.

Referred to the Committee on Environment and Natural Resources.

Mr. Vickerman introduced—

S.F. No. 1743: A bill for an act relating to appropriations; appropriating money to the rural development board for grants to businesses affected by the 1993 flood.

Referred to the Committee on Agriculture and Rural Development.

Mr. Vickerman introduced—

S.F. No. 1744: A bill for an act relating to the city of Lakefield; allowing the city of Lakefield to expand its public utilities commission to five members.

Referred to the Committee on Metropolitan and Local Government.

Mr. Vickerman introduced—

S.F. No. 1745: A bill for an act relating to motor vehicles; veterans; authorizing special vehicle license plates for retired military veterans; amending Minnesota Statutes 1992, section 168.123, subdivision 2.

Referred to the Committee on Veterans and General Legislation.

Ms. Robertson introduced—

S.F. No. 1746: A bill for an act relating to education; authorizing the use of a portion of capital expenditure facilities revenue for equipment uses; amending Minnesota Statutes 1993 Supplement, section 124.243, subdivision 8.

Referred to the Committee on Education.

Ms. Robertson introduced—

S.F. No. 1747: A bill for an act relating to education; modifying the referendum expiration date; amending Laws 1993, chapter 224, article 1, section 37.

Referred to the Committee on Education.

Ms. Robertson introduced—

S.F. No. 1748: A bill for an act relating to education; eliminating the permanent fund transfer from the general fund to the community service fund for employer contributions for teacher retirement and FICA; repealing Minnesota Statutes 1992, section 121.912, subdivision 1b.

Referred to the Committee on Education.

Messrs. Larson and Solon introduced—

S.F. No. 1749: A bill for an act relating to insurance; solvency; regulating reinsurance, loss reserve certifications and annual audits, and annual statements; regulating certain guaranty association coverages; modifying the incorporation requirements of domestic mutuals; amending Minnesota Statutes 1992, sections 60A.092, subdivision 7; 60A.206, subdivision 6; 60C.02, subdivision 1; and 66A.03; Minnesota Statutes 1993 Supplement, sections 60A.129, subdivisions 3, 5, and 7; 60A.13, subdivision 1; and 61B.19, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 60A; repealing Minnesota Statutes 1992, sections 60A.80; 60A.801; and 60A.802.

Referred to the Committee on Commerce and Consumer Protection.

Messrs. Larson and Solon introduced—

S.F. No. 1750: A bill for an act relating to commerce; expanding the scope of department enforcement authority to include additional areas over which they have responsibility; eliminating provisions governing the access to and disclosure of certain data; amending Minnesota Statutes 1992, section 45.027, subdivision 7; and Minnesota Statutes 1993 Supplement, section 45.011, subdivisions 1 and 4.

Referred to the Committee on Commerce and Consumer Protection.

Messrs. Larson and Solon introduced—

S.F. No. 1751: A bill for an act relating to insurance; regulating insurers, investments, rehabilitations and liquidations, policy loans, and alternative coverage mechanisms; amending Minnesota Statutes 1992, sections 60A.052, subdivision 2; 60A.11, subdivision 13; 60A.111, subdivision 2; 60A.13, subdivision 8; 60B.60, subdivisions 2 and 3; 61A.28, subdivisions 11 and 12; 62F.02, subdivision 1; and 62F.03, by adding a subdivision; Minnesota Statutes 1993 Supplement, sections 60A.23, subdivision 4; 60D.20, subdivision 2; and 62B.12; repealing Minnesota Statutes 1992, section 60D.19, subdivision 5.

Referred to the Committee on Commerce and Consumer Protection.

Messrs. Vickerman and Chmielewski introduced—

S.F. No. 1752: A bill for an act relating to highways; designating the Laura Ingalls Wilder historic highway; amending Minnesota Statutes 1992, section 161.14, by adding a subdivision.

Referred to the Committee on Transportation and Public Transit.

Messrs. Cohen, Marty, Betzold and Stumpf introduced—

S.F. No. 1753: A bill for an act relating to state government; extending the coverage of certain requirements and prohibitions to cover the legislative branch; amending Minnesota Statutes 1992, sections 15.054; 15.0597, subdivision 1; and 16B.01, subdivision 2.

Referred to the Committee on Governmental Operations and Reform.

Messrs. Cohen, Marty and Ms. Anderson introduced—

S.F. No. 1754: A bill for an act relating to firearms; imposing civil liability on persons who transfer firearms in violation of the gun control act if the firearm is later used in a violent crime; broadening the scope of the gun control act to apply to transfers of firearms by persons who are not federally licensed firearms dealers; amending Minnesota Statutes 1993 Supplement, section 62A.7132, subdivision 12; proposing coding for new law in Minnesota Statutes, chapter 62A.

Referred to the Committee on Judiciary.

Messrs. Stumpf and Lessard introduced—

S.F. No. 1755: A bill for an act relating to game and fish; agreements on taking and possession of fish taken from Ontario boundary waters; amending

Minnesota Statutes 1993 Supplement, section 97A.531, by adding a subdivision.

Referred to the Committee on Environment and Natural Resources.

Mr. Stumpf introduced—

S.F. No. 1756: A bill for an act relating to Lake of the Woods county; allowing the county to forgive the amount owing on a contract for deed.

Referred to the Committee on Environment and Natural Resources.

Mr. Stumpf introduced—

S.F. No. 1757: A bill for an act relating to solid waste management; postponing the prohibition on disposing of unprocessed mixed municipal solid waste at substandard landfills under specific circumstances; amending Minnesota Statutes 1993 Supplement, section 115A.415.

Referred to the Committee on Environment and Natural Resources.

Mr. Samuelson, Ms. Piper, Mr. Betzold, Mses. Berglin and Hanson introduced—

S.F. No. 1758: A bill for an act relating to welfare reform; requiring pregnant and parenting minors to live with their parents in order to receive aid to families with dependent children (AFDC); providing an exception to the AFDC overpayment statute; allowing start work grants to AFDC in the first month of work; broadening the scope of the employment and training statute by requiring more AFDC recipients to participate in job search; limiting post-secondary education while on AFDC to two years; allowing vendor emergency assistance payments for delinquent rent and damage deposit; providing required workers' compensation insurance for community work experience program workers; expanding cost-neutral fraud prevention programs; allowing emergency assistance damage deposit be returned to the county; allowing the county to pay monthly general assistance differently; making general assistance and work readiness lump-sum criteria the same as the AFDC lump-sum criteria; making the emergency general assistance criteria the same as the aid to families with dependent children-emergency assistance criteria; requiring a study to expand the parent's fair share pilot project statewide; requiring the departments of human services and revenue to design and implement a plan which supports working families; directing the commissioner of human services to seek several waivers from the federal government which support and promote moving off welfare and becoming self-sufficient; expanding the parent's fair share pilot project into Ramsey county; expanding state support for basic sliding fee day care program; appropriating money; amending Minnesota Statutes 1992, sections 256.73, by adding subdivisions; 256.736, subdivision 3; 256.737, by adding a subdivision; 256.81; 256.983, subdivision 1; 256D.05, subdivision 6; and 256D.09, by adding subdivisions; Minnesota Statutes 1993 Supplement, sections 256.73, subdivisions 5 and 8; and 256.736, subdivisions 10 and 14; proposing coding for new law in Minnesota Statutes, chapter 256D; repealing Minnesota Statutes 1993 Supplement, section 256.734.

Referred to the Committee on Family Services.

MEMBERS EXCUSED

Mrs. Adkins, Messrs. Larson, Price and Spear were excused from the Session of today.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 9:00 a.m., Thursday, February 24, 1994. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

SIXTY-THIRD DAY

St. Paul, Minnesota, Thursday, February 24, 1994

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

CALL OF THE SENATE

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

Prayer was offered by the Chaplain, Rev. Richard Keene Smith.

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

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

The President declared a quorum present.

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

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to inform you that Dee Long has resigned as Speaker of the House of Representatives and that Irv Anderson has been elected Speaker of the House of Representatives for the 1994 Session.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted February 22, 1994

MOTIONS AND RESOLUTIONS

Mr. Murphy moved that the name of Mr. Finn be added as a co-author to S.F. No. 1678. The motion prevailed.

Ms. Johnston moved that the names of Messrs. Vickerman, Murphy and Mrs. Pariseau be added as co-authors to S.F. No. 1679. The motion prevailed.

Mr. Johnson, D.J. moved that the name of Mr. Finn be added as a co-author to S.F. No. 1709. The motion prevailed.

Mr. Vickerman moved that the name of Mr. Frederickson be added as a co-author to S.F. No. 1752. The motion prevailed.

Mr. Lessard introduced—

Senate Resolution No. 52: A Senate resolution congratulating Carl Dykhoff, Jr. on being named 1993 Employee of the Year by the Minnesota Association of Rehabilitation Providers.

Referred to the Committee on Rules and Administration.

Mr. Johnson, D.E. introduced—

Senate Resolution No. 53: A Senate resolution commending Jack Lynch for his many years of service to KWLM radio and his community.

Referred to the Committee on Rules and Administration.

Mr. Johnson, D.E. introduced—

Senate Resolution No. 54: A Senate resolution commending Cliff Mitchell for his many years of service to KASM radio and his community.

Referred to the Committee on Rules and Administration.

Mr. Johnson, D.E. introduced—

Senate Resolution No. 55: A Senate resolution commending Chaplain George W. Schwantes.

Referred to the Committee on Rules and Administration.

Mr. Larson introduced—

Senate Resolution No. 56: A Senate resolution congratulating the Fergus Falls Corps of the Salvation Army on celebrating 100 years of service.

Referred to the Committee on Rules and Administration.

Mr. Larson introduced—

Senate Resolution No. 57: A Senate resolution congratulating Cynthia Johnson, of Fergus Falls, Minnesota, for being named Red River Valley Farm Woman of the Year.

Referred to the Committee on Rules and Administration.

Mr. Knutson introduced—

Senate Resolution No. 58: A Senate resolution congratulating the Burnsville High School Girls Soccer Team for winning the 1993 State High School Soccer championship.

Referred to the Committee on Rules and Administration.

Mr. Knutson introduced—

Senate Resolution No. 59: A Senate resolution congratulating the Burnsville High School Boys Soccer Team for winning the 1993 State High School Soccer championship.

Referred to the Committee on Rules and Administration.

Mr. Knutson introduced—

Senate Resolution No. 60: A Senate resolution congratulating the Apple Valley High School Football Team for winning the 1993 State Class AA Prep Bowl championship.

Referred to the Committee on Rules and Administration.

Messrs. McGowan, Betzold and Luther introduced—

Senate Resolution No. 61: A Senate resolution honoring Patience Gall of Maple Grove, Minnesota, for receiving Minnesota School Board Association's 1994 Outstanding School Board Member award.

Referred to the Committee on Rules and Administration.

Mr. Johnson, D.E. moved that S.F. No. 819, No. 1 on the Calendar, be stricken and placed on General Orders. The motion prevailed.

CALENDAR

S.F. No. 1524: A bill for an act relating to traffic regulations; increasing fine for speeding violation; appropriating money for highway work zone safety enforcement and public education efforts; appropriating money; amending Minnesota Statutes 1992, section 169.14, subdivision 5d.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 53 and nays 9, as follows:

Those who voted in the affirmative were:

Anderson	Finn	Knutson	Moe, R.D.	Riveness
Beckman	Flynn	Krentz	Mondale	Sarns
Belanger	Frederickson	Kroening	Morse	Samuelson
Benson, D.D.	Hanson	Laidig	Murphy	Solon
Berglin	Hottinger	Langseth	Novak	Spear
Bertram	Janezich	Lesewski	Oliver	Stumpf
Betzold	Johnson, D.E.	Luther	Pappas	Terwilliger
Chandler	Johnson, J.B.	Marty	Piper	Vickerman
Chmielewski	Johnston	McGowan	Pogemiller	Wiener
Cohen	Kelly	Merriam	Ranum	
Dille	Kiscaden	Metzen	Reichgott Junge	

Those who voted in the negative were:

Benson, J.E.	Day	Neuville	Pariseau	Runbeck
Berg	Lessard	Olson	Robertson	

So the bill passed and its title was agreed to.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Mr. Betzold introduced—

S.F. No. 1759: A bill for an act relating to corrections; requiring certain correctional facility personnel to participate in educational programs relating to mental health of inmates; prescribing powers and duties of the commissioners of corrections and human services; amending Minnesota Statutes 1992, section 241.69, subdivision 1.

Referred to the Committee on Crime Prevention.

Mr. Betzold introduced—

S.F. No. 1760: A bill for an act relating to human services; providing monitoring and evaluation of emergency health services on a pilot project basis; authorizing an advisory committee; amending Minnesota Statutes 1992, section 245.469, by adding a subdivision.

Referred to the Committee on Health Care.

Mses. Runbeck and Robertson introduced—

S.F. No. 1761: A bill for an act relating to the environment; providing for an exemption to the prohibition on certain toxics used in products; amending Minnesota Statutes 1993 Supplement, section 115A.9651.

Referred to the Committee on Environment and Natural Resources.

Messrs. Sams and Finn introduced—

S.F. No. 1762: A bill for an act relating to school bus drivers; designating third Monday of January as Minnesota School Bus Driver Day; proposing coding for new law in Minnesota Statutes, chapter 126.

Referred to the Committee on Transportation and Public Transit.

Ms. Berglin, Messrs. Sams, Samuelson, Moe, R.D. and Johnson, D.E. introduced—

S.F. No. 1763: A bill for an act relating to health; modifying efficiency incentives for nursing facilities; amending Minnesota Statutes 1993 Supplement, section 256B.431, subdivision 24.

Referred to the Committee on Health Care.

Mr. Betzold introduced—

S.F. No. 1764: A bill for an act relating to data privacy; allowing probation and parole agencies and child support enforcement agencies access to vehicle registration information; amending Minnesota Statutes 1993 Supplement, section 168.346.

Referred to the Committee on Judiciary.

Messrs. McGowan, Laidig, Neuville, Belanger and Stevens introduced—

S.F. No. 1765: A bill for an act relating to crime and crime prevention; imposing a mandatory minimum sentence on persons convicted of a third violent crime; imposing felony penalties on convicted felons who possess a firearm; creating a presumption in favor of certifying to adult court older juveniles who are alleged to have committed a violent or firearm-related crime; requiring parents to accompany their minor children to delinquency hearings; increasing penalties for and requiring consecutive sentencing of repeat DWI offenders; imposing penalties on motor vehicle owners who knowingly lend the vehicle to an intoxicated or unlicensed driver; requiring the commissioner of public safety to study the feasibility of a DWI offender tracking system; requiring certain sentencing guidelines modifications; providing for changes in the education and criminal laws to enhance safety in the schools; increasing protections for crime victims; requiring the establishment of a summer service camp pilot project for high-risk youth; regulating explosives, blasting agents, explosive devices, and incendiary devices; proposing an amendment to the Minnesota Constitution by adding a section to article IV that requires the legislature to provide by law for admissibility as evidence in trials of the results of DNA analysis; requiring all convicted violent offenders to provide a DNA specimen; changing the order of final argument in criminal cases; establishing pilot programs to improve supervision of probationers, parolees, and supervised releasees in the community; requiring a study of restorative justice sanctions; authorizing spending to make improvements of a capital nature to state correctional institutions; authorizing issuance of bonds; prescribing penalties; appropriating money for the Head Start program and for a variety of crime prevention and correctional programs; amending Minnesota Statutes 1992, sections 13.82, by adding a subdivision; 120.062, subdivision 7; 120.101, by adding a subdivision; 124.912, by adding a subdivision; 126.77, subdivision 1; 126.78; 127.03, subdivision 3; 127.29, subdivision 1, and by adding a subdivision; 127.30, by adding a subdivision; 127.31, by adding a subdivision; 127.35; 127.38; 169.797, subdivision 4; 260.015, subdivision 5; 260.111, by adding a subdivision; 260.125, subdivision 3, and by adding a subdivision; 260.145; 260.155, by adding a subdivision; 260.161, by adding a subdivision; 260.181, subdivision 4; 260.315; 299A.34, subdivision 1; 299F.71; 299F.72, subdivision 2, and by adding subdivisions; 299F.73; 299F.74; 299F.75; 299F.77; 299F.78, subdivision 1; 299F.79; 299F.80; 299F.82; 299F.83; 357.22; 357.241; 357.242; 609.02, subdivision 2, and by adding a subdivision; 609.055, subdivision 2; 609.066, subdivision 2; 609.105; 609.15, subdivision 1; 609.152, by adding a subdivision; 609.165, subdivision 1a; 609.168; 609.245; 611A.036; 611A.19; 611A.53, subdivision 2; 611A.73, subdivision 3; 624.731, subdivision 8; 626.76, subdivisions 1 and 2; 631.07; and 634.20; Minnesota Statutes 1993 Supplement, sections 13.32, subdivision 5; 13.82, subdivision 10; 120.101, subdivision 5; 121.831, subdivision 9; 169.121, subdivision 3; 169.129; 171.24; 260.161, subdivision 3; 299A.35, subdivision 1; 357.24; 540.18, subdivision 1; 609.035; 609.15, subdivision 2; 609.3461; 609.66, subdivision 1d; 609.902, subdivision 4; 611A.04, subdivisions 1 and 3; 611A.52, subdivision 8; 624.713; and 638.02, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 169; 299A; 299C; 299F; and 609; repealing Minnesota Statutes 1992, sections 299F.72, subdivisions 3 and 4; 299F.78, subdivision 2; and 299F.815, as amended; Minnesota Statutes 1993 Supplement, section 299F.811.

Referred to the Committee on Crime Prevention.

Ms. Reichgott Junge, Messrs. Luther and Betzold introduced—

S.F. No. 1766: A bill for an act relating to attorneys; expanding remedies for the unauthorized practice of law; amending Minnesota Statutes 1992, section 481.02, subdivision 8.

Referred to the Committee on Judiciary.

Mr. Finn, Ms. Reichgott Junge, Messrs. Luther, Betzold and Knutson introduced—

S.F. No. 1767: A bill for an act relating to corporations; modifying provisions for the organization and operation of business corporations; amending Minnesota Statutes 1992, sections 302A.135, subdivision 4; 302A.405, subdivision 1; 302A.471, subdivision 1; 302A.661, subdivision 1; 302A.725, subdivision 3; and 302A.751, subdivisions 1, 2, and 3a; Minnesota Statutes 1993 Supplement, sections 302A.401, subdivision 1; 302A.435, subdivision 1; and 302A.673, subdivision 3.

Referred to the Committee on Judiciary.

Messrs. Finn and Moe, R.D. introduced—

S.F. No. 1768: A bill for an act relating to capital improvements; appropriating money to remodel and construct an addition to Bridgeman Hall at Bemidji state university; authorizing the sale of state bonds.

Referred to the Committee on Education.

Messrs. Finn and Moe, R.D. introduced—

S.F. No. 1769: A bill for an act relating to capital improvements; appropriating money to the state board of technical colleges to plan for construction at the Northwest technical college at Bemidji; authorizing the sale of state bonds.

Referred to the Committee on Education.

Messrs. Finn and Moe, R.D. introduced—

S.F. No. 1770: A bill for an act relating to capital improvements; appropriating money to remodel and expand the A.C. Clark Library at Bemidji State University; authorizing the sale of state bonds.

Referred to the Committee on Education.

Messrs. Finn and Lessard introduced—

S.F. No. 1771: A bill for an act relating to retirement; changing optional annuities under the judges retirement plan; amending Minnesota Statutes 1992, section 490.124, subdivision 11.

Referred to the Committee on Governmental Operations and Reform.

Messrs. Finn, Stumpf and Moe, R.D. introduced—

S.F. No. 1772: A bill for an act relating to capital improvements; appropriating money to design and construct the Northwestern Minnesota

Juvenile Training Center in Beltrami county; authorizing the sale of state bonds.

Referred to the Committee on Crime Prevention.

Mr. Price, Mrs. Pariseau, Messrs. Laidig, Riveness and Finn introduced—

S.F. No. 1773: A bill for an act relating to metropolitan government; authorizing state funding for acquisition and betterment of regional recreation open space lands by the metropolitan council and metropolitan area local government units; authorizing the issuance of state bonds; appropriating money.

Referred to the Committee on Metropolitan and Local Government. Mr. Merriam questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Ms. Hanson, Messrs. Vickerman and Beckman introduced—

S.F. No. 1774: A bill for an act relating to traffic regulations; permitting white strobe lights on rural mail carrier vehicles; amending Minnesota Statutes 1992, sections 169.01, by adding a subdivision; and 169.64, subdivision 8; Minnesota Statutes 1993 Supplement, section 169.64, subdivision 3.

Referred to the Committee on Transportation and Public Transit.

Messrs. Johnson, D.J. and Solon introduced—

S.F. No. 1775: A bill for an act relating to taxation; sales and use; exempting sales of certain ship stores and supplies from the sales tax; amending Minnesota Statutes 1992, section 297A.25, subdivision 45.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Metzen, Finn, Samuelson and Chmielewski introduced—

S.F. No. 1776: A bill for an act relating to highways; adding certain highways that are part of the great river road to the county state-aid highway system; amending Minnesota Statutes 1992, section 162.02, subdivision 6.

Referred to the Committee on Transportation and Public Transit.

Mr. Benson, D.D.; Ms. Runbeck, Mr. Stumpf, Ms. Lesewski and Mr. Langseth introduced—

S.F. No. 1777: A bill for an act relating to workers' compensation law and insurance; permitting the commissioner of the department of labor and industry to certify a certain plan of workers' compensation law; alternatively providing a new general system of law and insurance provisions for the compensation of employment related injuries; transferring the jurisdiction and personnel of the workers' compensation court of appeals; providing rights, duties, and remedies; providing for administration and procedure; permitting adoption of administrative rules; proposing penalties; amending Minnesota Statutes 1992, sections 175.007, subdivision 2; 175.17; proposing coding for new law as Minnesota Statutes, chapters 176; 176C; 176D; repealing Minnesota Statutes 1992, sections 79.01; 79.074; 79.081; 79.085; 79.095; 79.096; 79.10; 79.253; 79.50; 79.52; 79.53; 79.531; 79.54; 79.55; 79.56;

79.57; 79.58; 79.59; 79.60; 79.61; 79.62; 176.001; 176.011, subdivisions 1, 2, 3, 4, 5, 6, 7, 7a, 8, 9a, 11a, 12, 14, 15, 16, 17, 18, 20, 21, 22, 23, 24, 25, 26, and 27; 176.021; 176.031; 176.041, subdivisions 1, 2, 3, 4, 5a, and 6; 176.051; 176.061; 176.071; 176.081; 176.095; 176.101; 176.1011; 176.102; 176.1021; 176.103; 176.104; 176.1041; 176.105; 176.106; 176.111, subdivisions 1, 2, 3, 4, 6, 7, 8, 9a, 10, 12, 14, 15, 16, 17, 18, 20, and 21; 176.121; 176.129; 176.130; 176.1311; 176.132; 176.1321; 176.133; 176.135; 176.1351; 176.136, subdivisions 1, 1a, 1c, 2, and 3; 176.1361; 176.137; 176.139; 176.141; 176.145; 176.151; 176.155; 176.161; 176.165; 176.171; 176.175; 176.178; 176.179; 176.181; 176.182; 176.183; 176.184; 176.185; 176.186; 176.191; 176.192; 176.194; 176.195; 176.201; 176.205; 176.211; 176.215; 176.221; 176.222; 176.225; 176.231; 176.232; 176.234; 176.235; 176.238; 176.239; 176.245; 176.251; 176.253; 176.261; 176.2615; 176.271; 176.275; 176.281; 176.291; 176.295; 176.301; 176.305; 176.306; 176.307; 176.311; 176.312; 176.321; 176.322; 176.325; 176.331; 176.341; 176.351; 176.361; 176.371; 176.381; 176.391; 176.401; 176.411; 176.421; 176.442; 176.451; 176.461; 176.471; 176.481; 176.491; 176.511; 176.521, subdivisions 2a and 3; 176.522; 176.531; 176.540; 176.541; 176.551; 176.561; 176.571; 176.572; 176.581; 176.591; 176.603; 176.611; 176.641; 176.645; 176.651; 176.66; 176.669; 176.82; 176.83; 176.84; 176.85; 176.86; Minnesota Statutes 1993 Supplement, sections 79.211; 79.251; 79.252; 79.255; 79.361; 79.362; 79.363; 79.371; 79.51; 176.011, subdivision 10; 176.041, subdivision 1a; 176.091; 176.092; 176.111, subdivision 5; 176.136, subdivision 1b; 176.521, subdivisions 1 and 2; and 176.5401.

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

Ms. Runbeck, Messrs. Neuville and Laidig introduced—

S.F. No. 1778: A bill for an act relating to taxation; allowing a refund for a portion of the motor vehicle excise taxes paid on certain park trailers; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 297B.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Dille; Johnson, D.E. and Frederickson introduced—

S.F. No. 1779: A bill for an act relating to local government; permitting the city of Hutchinson to incur debt for certain improvements; authorizing a reverse referendum on the issuance of city bonds.

Referred to the Committee on Metropolitan and Local Government.

Mr. Dille and Ms. Olson introduced—

S.F. No. 1780: A bill for an act relating to Wright county; permitting the transfer of a sheltered workshop facility to its operator without bids or consideration.

Referred to the Committee on Metropolitan and Local Government.

Messrs. Dille, Vickerman, Day, Bertram and Solon introduced—

S.F. No. 1781: A bill for an act relating to commerce; unclaimed property; requiring funds from checks held by a county to be given to the county; amending Minnesota Statutes 1992, section 345.48.

Referred to the Committee on Commerce and Consumer Protection.

Messrs. Riveness; Johnson, D.J.; Ms. Pappas, Mr. Day and Ms. Krentz introduced—

S.F. No. 1782: A bill for an act relating to taxation; property tax refund; uncapping the appropriation for targeting for 1994 only; appropriating money; amending Minnesota Statutes 1993 Supplement, section 290A.04, subdivision 2h.

Referred to the Committee on Taxes and Tax Laws.

Mrs. Benson, J.E.; Mr. Samuelson, Mrs. Pariseau, Mr. Benson, D.D. and Ms. Kiscaden introduced—

S.F. No. 1783: A bill for an act relating to human services; providing for the restructuring of certain public assistance programs; amending Minnesota Statutes 1992, sections 256.73, by adding a subdivision; 256.74, by adding a subdivision; 256.98, subdivision 8; 256D.09, by adding a subdivision; Minnesota Statutes 1993 Supplement, sections 256.031, subdivision 3; 256.734; 256.87, subdivisions 1, 1a, and 5; proposing coding for new law in Minnesota Statutes, chapter 256.

Referred to the Committee on Family Services.

Messrs. Riveness, Merriam, Luther and Solon introduced—

S.F. No. 1784: A bill for an act relating to insurance; requiring disclosure of information relating to insurance fraud; granting immunity for reporting suspected insurance fraud; requiring insurers to develop antifraud plans; prescribing penalties; proposing coding for new law in Minnesota Statutes, chapter 60A.

Referred to the Committee on Commerce and Consumer Protection.

Ms. Johnston, Mr. Belanger, Mrs. Pariseau and Ms. Hanson introduced—

S.F. No. 1785: A bill for an act relating to motor vehicles; environment; providing for biennial inspections for motor vehicle emissions; amending Minnesota Statutes 1992, sections 116.61, subdivision 1; 116.62, subdivision 4; and 116.64, subdivision 1.

Referred to the Committee on Environment and Natural Resources.

Ms. Reichgott Junge, Messrs. Finn and Betzold introduced—

S.F. No. 1786: A bill for an act relating to partnerships; providing for the registration and operation of limited liability partnerships; amending Minnesota Statutes 1992, sections 319A.02, subdivision 5; 319A.05; 319A.06, subdivision 2; 319A.07; 319A.12, subdivisions 1, 1a, and 2; 323.02, subdivision 8, and by adding a subdivision; 323.06; 323.14; 323.17; 323.35; and 323.39; Minnesota Statutes 1993 Supplement, section 319A.02, subdivision 7; proposing coding for new law in Minnesota Statutes, chapter 323.

Referred to the Committee on Judiciary.

Messrs. Knutson, Belanger, Johnson, D.J.; Pogemiller and Day introduced—

S.F. No. 1787: A bill for an act relating to taxation; allowing an exemption from electronic funds transfer of withholding taxes; amending Minnesota Statutes 1993 Supplement, section 289A.60, subdivision 21.

Referred to the Committee on Taxes and Tax Laws.

Mses. Johnson, J.B.; Wiener; Messrs. Chandler, Mondale and Stevens introduced—

S.F. No. 1788: A bill for an act relating to waste management; applying government waste reduction requirements to compilations of game and fish laws; clarifying the state's waste management goals; adding heat pumps to the definition of major appliances; authorizing larger capital assistance grants to resource recovery projects under certain circumstances; establishing enforcement of the authority of certain counties to inspect records of certain facilities; clarifying management of waste motor oil filters; establishing a process for resolution of disputes related to toxics in packaging and requiring a report; requiring and authorizing training and certification of appliance recyclers and services respectively; removing the federal government from the definition of commercial transporter of medical waste; requiring medical waste management plans to contain information regarding mailing of sharps; banning sale of apparel containing mercury switches; expanding the restriction on disposal of unprocessed waste from the metropolitan area; requiring a report on management of waste electronic appliances; requiring a report on products that contain mercury; requiring a report on recycling facilities; amending Minnesota Statutes 1992, sections 97A.051, subdivision 1; 115A.02; 115A.03, subdivision 17a; 115A.554; 115A.557, subdivisions 3 and 4; 115A.87; 115A.882, by adding a subdivision; 115A.918, subdivision 1, and by adding a subdivision; 115A.95; 115A.9561, subdivision 2; 115A.965, subdivision 6, and by adding a subdivision; 116.07, subdivision 4h; 116.76, subdivision 4; 116.92, subdivision 8; 473.843, subdivision 1; 473.844, subdivision 1a; 473.845, subdivision 3; and 473.848, subdivision 1; Minnesota Statutes 1993 Supplement, sections 115A.54, subdivision 2a; 115A.916; 115A.929; 115A.981, subdivision 3; 116.79, subdivision 1; 473.149, subdivision 6; and 473.846; proposing coding for new law in Minnesota Statutes, chapter 116; repealing Minnesota Statutes 1993 Supplement, section 115A.542.

Referred to the Committee on Environment and Natural Resources.

Messrs. Sams and Samuelson introduced—

S.F. No. 1789: A bill for an act relating to health; modifying procedures relating to nursing and boarding care home patient discharges; amending Minnesota Statutes 1992, section 144A.135.

Referred to the Committee on Health Care.

Ms. Olson, Messrs. Knutson, Terwilliger, Ms. Robertson and Mrs. Benson, J.E. introduced—

S.F. No. 1790: A bill for an act relating to education; providing unlimited access to education records of a child with a disability by the child or parent; modifying charter school sponsorship by state board; allowing leasing of

space from sectarian organizations; extending age limit of a child with a disability for special instruction and services; increasing number of Minnesota academic excellence foundation staff; permitting department of education to send essential data to higher education coordinating board; modifying facility plan for alternative facilities bonding and levy program; modifying funding for outcome-based charter schools; providing aid to nonprofit organizations that provide adult basic education; modifying revenue date of children under five years; establishing reserve accounts for early childhood family education and community education; limiting operating debt level authority; modifying reserve revenue for staff development; permitting school boards to begin school year before Labor Day when religious holiday is observed the day following Labor Day; clarifying aid for private alternative programs; modifying staff development program; modifying library hours; modifying debt surplus adjustment; modifying health and safety aid; modifying NSF math-science initiative; modifying declining pupil unit aid; modifying county board and school district responsibilities for special education; modifying the interagency early childhood intervention system; amending Minnesota Statutes 1992, sections 13.04, by adding a subdivision; 120.17, subdivision 1; 121.612, subdivision 7; 121.932, subdivision 5; 124.26, subdivision 1b; 124.2601, subdivisions 3, 5, and 7; 124.2711, by adding a subdivision; 124.2713, by adding a subdivision; 126.12, subdivision 1; 126.23; 134.195, subdivision 10; and 475.61, subdivision 4; Minnesota Statutes 1993 Supplement, sections 120.064, subdivisions 4 and 16; 120.17, subdivisions 11b, 12, and 17; 124.239, subdivision 2; 124.248, subdivision 4; 124.26, subdivisions 1c and 2; 124.2711, subdivision 1; 124.914, subdivision 4; 124A.29, subdivision 1; and 126.70, subdivisions 1 and 2a; Laws 1993, chapter 224, articles 5, section 46, subdivision 4; 7, section 28, subdivision 4; and 15, section 2; proposing coding for new law in Minnesota Statutes, chapter 120.

Referred to the Committee on Education.

Messrs. Knutson, Betzold, Finn, Ms. Ranum and Mr. McGowan introduced—

S.F. No. 1791: A bill for an act relating to data practices; regulating the classification and release of certain department of commerce data; amending Minnesota Statutes 1992, section 13.71, by adding subdivisions.

Referred to the Committee on Judiciary.

Mses. Pappas, Robertson, Mr. Beckman, Ms. Ranum and Mr. Langseth introduced—

S.F. No. 1792: A bill for an act relating to education; fostering professional staff involvement and satisfaction, improving instruction and educational accountability; using staff development revenue to develop alternative staffing patterns; amending Minnesota Statutes 1993 Supplement, sections 123.951; 124A.225, subdivisions 3, 4, and 5; and 124A.29, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 123.

Referred to the Committee on Education.

Messrs. Samuelson, Sams, Metzen, Ms. Wiener and Mr. Solon introduced—

S.F. No. 1793: A bill for an act relating to real property; provided for registration by title in cases of termination of a land contract; amending Minnesota Statutes 1992, section 508.58.

Referred to the Committee on Judiciary.

Mses. Reichgott Junge, Wiener, Messrs. Solon and Samuelson introduced—

S.F. No. 1794: A bill for an act relating to insurance; prohibiting insurers from obtaining or using HIV antibody test results arising out of exposure and testing for emergency medical service personnel; amending Minnesota Statutes 1992, section 72A.20, subdivision 29.

Referred to the Committee on Commerce and Consumer Protection.

Mr. Laidig introduced—

S.F. No. 1795: A bill for an act relating to traffic regulations; establishing Minnesota child passenger restraint and education account to assist families in financial need to obtain child passenger restraint systems; amending Minnesota Statutes 1992, section 169.685, by adding a subdivision; Minnesota Statutes 1993 Supplement, section 169.685, subdivision 5.

Referred to the Committee on Transportation and Public Transit.

Mr. Laidig introduced—

S.F. No. 1796: A bill for an act relating to traffic regulations; requiring loads of aggregate, gravel, and similar material be covered when traveling at 40 miles per hour or greater; amending Minnesota Statutes 1992, section 169.81, subdivision 5b.

Referred to the Committee on Transportation and Public Transit.

Mr. Laidig introduced—

S.F. No. 1797: A bill for an act relating to motor carriers; defining youth charter carriers; authorizing the transportation regulation board to issue youth charter carrier permits; amending Minnesota Statutes 1992, sections 221.011, by adding a subdivision; and 221.121, by adding a subdivision; Minnesota Statutes 1993 Supplement, section 221.111.

Referred to the Committee on Transportation and Public Transit.

Mses. Robertson, Ranum, Mr. Knutson, Mses. Piper and Kiscaden introduced—

S.F. No. 1798: A bill for an act relating to education; modifying county board and school district responsibilities for special education; modifying the interagency early childhood intervention system; amending Minnesota Statutes 1993 Supplement, section 120.17, subdivisions 11b, 12, and 17; proposing coding for new law in Minnesota Statutes, chapter 120.

Referred to the Committee on Health Care.

Messrs. Bertram and Sams introduced—

S.F. No. 1799: A bill for an act relating to education; appropriating money to the state board of technical colleges for the farm and small business management program.

Referred to the Committee on Education.

Mr. Bertram introduced—

S.F. No. 1800: A bill for an act relating to taxation; income and franchise; allowing investment tax credit for farm machinery; proposing coding for new law in Minnesota Statutes, chapter 290.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Morse, Terwilliger, Stumpf, Pogemiller and Riveness introduced—

S.F. No. 1801: A bill for an act relating to retirement; increasing employee contribution rates and benefit computation formulas for the teachers retirement fund; revising the salary growth assumption for certain public pension funds; amending Minnesota Statutes 1992, sections 354.42, subdivision 2; 354.44, subdivision 6; and 356.215, subdivision 4d; Minnesota Statutes 1993 Supplement, section 356.215, subdivision 4g.

Referred to the Committee on Governmental Operations and Reform.

Messrs. Murphy, Beckman, Langseth, Stumpf and Frederickson introduced—

S.F. No. 1802: A bill for an act relating to transportation; changing eligibility requirements for distribution of funds from the town road account; amending Minnesota Statutes 1993 Supplement, section 162.081, subdivision 4.

Referred to the Committee on Transportation and Public Transit.

Messrs. Johnson, D.E.; Laidig; Frederickson; Ms. Johnston and Mr. McGowan introduced—

S.F. No. 1803: A bill for an act relating to public administration; authorizing spending to acquire and to better public land and buildings and other public improvements of a capital nature with certain conditions; authorizing issuance of bonds; authorizing assessments for debt service; reducing certain earlier project authorizations and appropriations; appropriating money, with certain conditions; amending Minnesota Statutes 1992, sections 16A.632, subdivisions 1 and 2; 103F.175; and 136.261, subdivision 2; Minnesota Statutes 1993 Supplement, section 16B.335; repealing Minnesota Statutes 1992, sections 124.491; 124.492; 124.493; 124.494, as amended; 124.4945; 124.4946; and 124.495.

Referred to the Committee on Governmental Operations and Reform.

Messrs. Metzen, McGowan, Beckman, Ms. Wiener and Mr. Kelly introduced—

S.F. No. 1804: A bill for an act relating to crime; expanding the forfeiture law's definition of "weapon used"; requiring the destruction of forfeited weapons used, firearms, ammunition, and firearm accessories; amending

Minnesota Statutes 1992, section 609.5316, subdivision 1; Minnesota Statutes 1993 Supplement, sections 609.531, subdivision 1; and 609.5315, subdivisions 1 and 2.

Referred to the Committee on Crime Prevention.

Messrs. Merriam, Belanger, Riveness, Meses. Ranum and Flynn introduced—

S.F. No. 1805: A bill for an act relating to motor vehicles; allowing certain licensed motor vehicle dealers to act as deputy registrars; amending Minnesota Statutes 1992, section 168.33, subdivision 2, and by adding a subdivision.

Referred to the Committee on Governmental Operations and Reform. Mr. Merriam questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Mr. Finn, Meses. Piper, Kiscaden and Berglin introduced—

S.F. No. 1806: A bill for an act relating to nursing; allowing certified clinical specialists in psychiatric or mental health nursing to prescribe and administer drugs; appropriating money; amending Minnesota Statutes 1992, section 148.235, by adding subdivisions; Minnesota Statutes 1993 Supplement, section 148.235, subdivision 2.

Referred to the Committee on Health Care.

Messrs. Stumpf, Beckman, Ms. Johnson, J.B.; Messrs. Vickerman and Johnson, D.E. introduced—

S.F. No. 1807: A bill for an act relating to motor vehicles; authorizing special license plates for vehicles owned by volunteer ambulance drivers; amending Minnesota Statutes 1992, section 168.12, by adding a subdivision.

Referred to the Committee on Transportation and Public Transit.

Messrs. Stumpf; Johnson, D.J.; Ms. Anderson, Messrs. Frederickson and Novak introduced—

S.F. No. 1808: A bill for an act relating to workers' compensation; providing coverage for certain civil air patrol volunteers; amending Minnesota Statutes 1992, section 176.011, subdivision 9.

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

Messrs. Knutson; Terwilliger; Benson, D.D. and Kelly introduced—

S.F. No. 1809: A bill for an act relating to marriage dissolution; providing procedures and standards for allowing a custodial parent to move a child's residence to another state; amending Minnesota Statutes 1992, sections 518.175, subdivision 3; and 518.176, subdivision 1.

Referred to the Committee on Judiciary.

Messrs. Knutson; Terwilliger; Benson, D.D. and Finn introduced—

S.F. No. 1810: A bill for an act relating to marriage dissolution; providing for equal right to support for each of a parent's children; amending Minnesota

Statutes 1992, section 518.551, by adding a subdivision; Minnesota Statutes 1993 Supplement, section 518.64, subdivision 2.

Referred to the Committee on Judiciary.

Messrs. Knutson, Terwilliger, Mrs. Pariseau, Ms. Olson and Mr. Belanger introduced—

S.F. No. 1811: A bill for an act relating to highways; requiring the commissioner of transportation's rules for the operation of the I-394 parking ramp in Minneapolis to provide incentives for use of the ramp by high-occupancy vehicles that use highways other than I-394; amending Minnesota Statutes 1992, section 161.1231, subdivision 2, and by adding a subdivision.

Referred to the Committee on Transportation and Public Transit.

Messrs. Chandler, Chmielewski, Ms. Runbeck, Mr. Kelly and Ms. Wiener introduced—

S.F. No. 1812: A bill for an act relating to traffic regulations; authorizing flashing blue lights on certain vehicles; amending Minnesota Statutes 1992, section 169.64, subdivision 4.

Referred to the Committee on Transportation and Public Transit.

Mr. Bertram introduced—

S.F. No. 1813: A bill for an act relating to agriculture; regulating the dissemination of false and defamatory statements about certain agricultural products and producers; imposing a penalty; proposing coding for new law as Minnesota Statutes, chapter 34A.

Referred to the Committee on Agriculture and Rural Development.

Messrs. Vickerman, Höttinger and Benson, D.D. introduced—

S.F. No. 1814: A bill for an act relating to human services; mandating certain actions relating to competitive bidding and delivery of services; requiring disclosure of certain information; establishing an advisory committee.

Referred to the Committee on Health Care.

Messrs. Neuville, McGowan, Terwilliger, Mrs. Benson, J.E. and Mr. Laidig introduced—

S.F. No. 1815: A bill for an act relating to education; safe schools; requiring students who transfer and school officials to transmit students' education records; allowing peace officers to disseminate certain information to schools and social service agencies; expanding the definition of directory information to include published photographs; expanding antiviolence programs in schools; establishing grant programs to develop curricula on ethics and parenting skills; precluding disruptive students from participating in the open enrollment program; making possession of a firearm or engaging in dangerous, disruptive, or violent behavior in a school-zone grounds for immediate dismissal from school; providing for criminal prosecution of juveniles alleged to have possessed a firearm in a school zone; expanding the crime of

possessing a dangerous weapon on school property to include the possession of replica firearms and the possession of weapons within 300 feet of school property; extending the juvenile court's continuing jurisdiction to a minor's 23rd birthday; expanding the crime of contributing to the delinquency of a minor to include parents and guardians who fail to provide reasonable supervision or control over their minor children; establishing a school-related crime hotline; increasing the limit on parental liability for personal injury torts committed by a minor; encouraging school districts to create alternative programs for disruptive students; appropriating money; amending Minnesota Statutes 1992, sections 120.062, subdivision 7; 120.101, by adding a subdivision; 124.912, by adding a subdivision; 126.77, subdivision 1; 126.78; 127.03, subdivision 3; 127.29, subdivision 1, and by adding a subdivision; 127.30, by adding a subdivision; 127.31, by adding a subdivision; 127.35; 127.38; 260.015, subdivision 5; 260.111, by adding a subdivision; 260.125, by adding a subdivision; 260.161, by adding a subdivision; 260.181, subdivision 4; 260.315; and 609.055, subdivision 2; Minnesota Statutes 1993 Supplement, sections 13.32, subdivision 5; 120.101, subdivision 5; 121.831, subdivision 9; 260.161, subdivision 3; 540.18, subdivision 1; and 609.66, subdivision 1d; proposing coding for new law in Minnesota Statutes, chapter 299A.

Referred to the Committee on Education.

Ms. Krentz introduced—

S.F. No. 1816: A bill for an act relating to motor carriers; amending and eliminating the repeal of regulations related to personal transportation service providers; defining terms and setting requirements related to personal transportation service; increasing a fee; amending Minnesota Statutes 1992, sections 168.1281, subdivisions 1, 2, and by adding a subdivision; 221.011, subdivision 34; and 221.85, subdivision 3, and by adding a subdivision; Minnesota Statutes 1993 Supplement, section 168.011, subdivision 36; Laws 1993, chapter 323, section 5; repealing Minnesota Statutes 1993 Supplement, section 168.1281, subdivision 4; Laws 1992, chapter 578, section 56; Laws 1993, chapter 323, sections 3 and 4.

Referred to the Committee on Transportation and Public Transit.

Messrs. Spear and Kelly introduced—

S.F. No. 1817: A bill for an act relating to crime; requiring each county attorney's office to adopt written guidelines on its plea negotiation policies and practices; amending Minnesota Statutes 1992, section 388.501, by adding a subdivision.

Referred to the Committee on Crime Prevention.

Messrs. Stumpf and Vickerman introduced—

S.F. No. 1818: A bill for an act relating to public employment; requiring a Medicare coverage referendum for certain public employees.

Referred to the Committee on Governmental Operations and Reform.

Mr. Benson, D.D.; Ms. Kiscaden and Mr. Day introduced—

S.F. No. 1819: A bill for an act relating to housing and redevelopment authorities; providing for the membership in the Olmsted county housing and

redevelopment authority and for dissolution of the Rochester housing and redevelopment authority; making conforming changes; allowing certain cities the option to form their own authorities.

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

Ms. Kiscaden, Messrs. Merriam, Benson, D.D. and Day introduced—

S.F. No. 1820: A bill for an act relating to counties; Olmsted; allowing the examiner of titles to be compensated as are examiners in counties of fewer than 75,000 population; amending Minnesota Statutes 1992, section 508.12, subdivision 1.

Referred to the Committee on Judiciary.

Messrs. Metzen, Samuelson, Kroening, Chandler and Day introduced—

S.F. No. 1821: A bill for an act relating to alcoholic beverages; requiring consent of brand owner for registration of any alcoholic beverage brand label; amending Minnesota Statutes 1992, section 340A.311.

Referred to the Committee on Commerce and Consumer Protection.

Ms. Anderson, Messrs. Betzold, Chandler, Kelly and Frederickson introduced—

S.F. No. 1822: A bill for an act relating to housing; establishing penalties for failure to provide a written lease; amending Minnesota Statutes 1993 Supplement, section 504.12.

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

Ms. Ranum, Messrs. Betzold, Finn, Knutson and Merriam introduced—

S.F. No. 1823: A bill for an act relating to government data practices; listing provisions codified outside the government data practices act that limit access to data; amending Minnesota Statutes 1992, section 13.99, subdivisions 7, 39, 45, 53, 60, 71, and by adding subdivisions.

Referred to the Committee on Judiciary.

Mr. Chmielewski introduced—

S.F. No. 1824: A bill for an act relating to capital improvements; appropriating money for the Kettle River Wild and Scenic River Interpretive Center and Trail; authorizing the issuance of state bonds.

Referred to the Committee on Environment and Natural Resources.

Messrs. Finn, Betzold, Ms. Kiscaden and Mr. Novak introduced—

S.F. No. 1825: A bill for an act relating to manufactured homes; restricting the venue for repossession actions to the county in which the manufactured home is located; making technical changes; amending Minnesota Statutes 1992, sections 327.63, subdivision 1; 327.64, subdivision 2; and 327.65.

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

Messrs. Mondale, McGowan, Betzold, Oliver and Ms. Flynn introduced—

S.F. No. 1826: A bill for an act relating to metropolitan government; extending reporting and effective dates for radio systems planning by the metropolitan council; extending the moratorium on applications for 800 megahertz channels.

Referred to the Committee on Metropolitan and Local Government.

Ms. Johnston introduced—

S.F. No. 1827: A bill for an act relating to Scott county; permitting the appointment of the auditor, recorder, and treasurer; authorizing the reorganization of county offices.

Referred to the Committee on Metropolitan and Local Government.

Mr. Knutson, Ms. Piper, Messrs. Stevens, Sams and Ms. Kiscaden introduced—

S.F. No. 1828: A bill for an act relating to human services; modifying provisions relating to paternity determination and the administration and enforcement of child support; providing penalties; amending Minnesota Statutes 1992, sections 62A.046; 62A.048; 62A.27; 257.62, subdivisions 1, 5, and 6; 257.64, subdivision 3; 257.69, subdivisions 1 and 2; 518.171, subdivision 5; and 518.613, subdivision 7; Minnesota Statutes 1993 Supplement, sections 62A.045; 257.55, subdivision 1; 257.57, subdivision 2; 518.171, subdivisions 1, 3, 4, 7, and 8; 518.611, subdivisions 2 and 4; 518.613, subdivision 2; and 518.615, subdivision 3; repealing Minnesota Statutes 1992, sections 62C.141; 62C.143; 62D.106; and 62E.04 subdivisions 9 and 10.

Referred to the Committee on Family Services.

Mr. Bertram introduced—

S.F. No. 1829: A bill for an act relating to crime; requiring the sentencing guidelines commission to publish a report showing the disposition of felony cases; amending Minnesota Statutes 1992, section 244.09, by adding a subdivision.

Referred to the Committee on Crime Prevention.

Mr. Bertram introduced—

S.F. No. 1830: A bill for an act relating to taxation; providing that firefighting equipment purchased by local governments is exempt from the sales tax; amending Minnesota Statutes 1993 Supplement, section 297A.25, subdivision 11.

Referred to the Committee on Taxes and Tax Laws.

Mr. Bertram introduced—

S.F. No. 1831: A bill for an act relating to taxation; providing that military retirement pay is exempt from taxation; amending Minnesota Statutes 1992, section 290.01, subdivision 19b.

Referred to the Committee on Taxes and Tax Laws.

Mr. Bertram introduced—

S.F. No. 1832: A bill for an act relating to traffic regulations; authorizing immediate towing after 12 hours advance notice of restricted parking in cities under 50,000; amending Minnesota Statutes 1992, section 169.041, subdivision 4.

Referred to the Committee on Transportation and Public Transit.

Mr. Bertram introduced—

S.F. No. 1833: A bill for an act relating to traffic regulations; increasing single wheel weight limitation for certain roads; amending Minnesota Statutes 1992, section 169.825, subdivision 8.

Referred to the Committee on Transportation and Public Transit.

Mr. Bertram introduced—

S.F. No. 1834: A bill for an act relating to taxation; increasing the income limitations applicable to the dependent care credit; amending Minnesota Statutes 1992, section 290.067, subdivisions 2 and 2b.

Referred to the Committee on Taxes and Tax Laws.

Mr. Bertram introduced—

S.F. No. 1835: A bill for an act relating to corrections; prohibiting payment of costs of elective or cosmetic procedures for prison and jail inmates; amending Minnesota Statutes 1992, sections 241.021, subdivision 4; and 641.15, subdivision 2.

Referred to the Committee on Crime Prevention.

Mr. Bertram introduced—

S.F. No. 1836: A bill for an act relating to real estate brokers; defining transaction broker; clarifying that transaction brokers may provide real estate service; amending Minnesota Statutes 1992, sections 82.17, by adding a subdivision; and 82.19, by adding a subdivision.

Referred to the Committee on Commerce and Consumer Protection.

Mr. Bertram introduced—

S.F. No. 1837: A bill for an act relating to education; allowing independent school district No. 738, Holdingford, to transfer money from its debt redemption fund to its general fund.

Referred to the Committee on Education.

Mr. Bertram introduced—

S.F. No. 1838: A resolution memorializing Congress to propose an amendment to the United States Constitution to prohibit the physical desecration of the United States flag.

Referred to the Committee on Judiciary.

Mr. Metzen introduced—

S.F. No. 1839: A bill for an act relating to crimes; requiring a sentence to imprisonment for life when a kidnap victim is not found; amending Minnesota Statutes 1992, section 609.25, subdivision 2; Minnesota Statutes 1993 Supplement, section 244.05, subdivisions 4 and 5.

Referred to the Committee on Crime Prevention.

Mr. Metzen introduced—

S.F. No. 1840: A bill for an act relating to education; modifying the abatement levy; amending Minnesota Statutes 1992, section 124.912, by adding a subdivision; Minnesota Statutes 1993 Supplement, section 275.48.

Referred to the Committee on Education.

Mses. Piper; Johnson, J.B.; Messrs. Benson, D.D.; Vickerman and Morse introduced—

S.F. No. 1841: A bill for an act relating to state trails; routing an existing trail; establishing new trails; amending Minnesota Statutes 1992, section 85.015, subdivision 7, and by adding subdivisions.

Referred to the Committee on Environment and Natural Resources.

Mses. Piper, Berglin, Mr. Sams and Ms. Kiscaden introduced—

S.F. No. 1842: A bill for an act relating to human services; protection of vulnerable adults; requiring a report to the legislature; appropriating money; amending Minnesota Statutes 1992, section 626.557, subdivisions 2, 10a, and 12.

Referred to the Committee on Health Care.

Messrs. Betzold and Samuelson introduced—

S.F. No. 1843: A bill for an act relating to human services; removing the expiration date for the ombudsman committee for mental health and retardation; amending Minnesota Statutes 1993 Supplement, section 245.97, subdivision 6.

Referred to the Committee on Health Care.

Ms. Anderson, Messrs. Betzold, Finn and Chandler introduced—

S.F. No. 1844: A bill for an act relating to landlords and tenants; granting tenants the right to organize and assemble; requiring 24 hour written notice by landlord before entry; providing penalties; amending Minnesota Statutes 1992, sections 566.03, subdivision 2; and 566.28; proposing coding for new law in Minnesota Statutes, chapter 504.

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

Ms. Ranum, Messrs. Luther, Laidig, McGowan and Spear introduced—

S.F. No. 1845: A bill for an act relating to crime prevention; juvenile justice; providing for presumptive certification to adult court for juveniles alleged to have committed prison-level felonies; authorizing the court or the prosecutor to designate a juvenile a serious youthful offender; authorizing adult felony sentences for serious youthful offenders; extending juvenile court jurisdiction to age 23 for serious youthful offenders; limiting certification to adult court to felony offenses; extending a right to jury trial to serious youthful offenders; requiring that a juvenile have an in-person consultation with counsel before waiving right to counsel; requiring appointment of counsel or standby counsel for juveniles charged with gross misdemeanors or felonies or when out-of-home placement is proposed; establishing a task force on juvenile justice programming evaluation and planning; requiring that the department of corrections provide programming for serious and repeat juvenile offenders; appropriating money; amending Minnesota Statutes 1992, sections 242.31, subdivision 1; 242.32; 260.115, subdivision 1; 260.125; 260.131, by adding a subdivision; 260.155, subdivision 2; 260.161, subdivision 2; 260.181, subdivision 4; 260.185, subdivision 3; 260.211, subdivision 1; 260.215, subdivision 1; 260.291; 609.055, subdivision 2; 611.15; 611.19; 611.25, subdivision 1; and 611A.02, by adding a subdivision; Minnesota Statutes 1993 Supplement, sections 260.155, subdivision 1; 299C.65, subdivision 1; and 401.065, subdivisions 1, 2, and 4; proposing coding for new law in Minnesota Statutes, chapter 260; repealing Minnesota Statutes 1992, section 260.125, subdivision 3.

Referred to the Committee on Crime Prevention.

Messrs. Solon, Metzen, Ms. Wiener and Mr. Belanger introduced—

S.F. No. 1846: A bill for an act relating to financial institutions; regulating administrative hearings on bank applications, certain bank mergers, certain emergency notices, certain credit union accounts, and motor vehicle sales finance contracts; making technical and clarifying changes; amending Minnesota Statutes 1992, sections 46.041, subdivision 4; 47.0154; 48.47; 48.70; 52.191; 59A.03, subdivision 1; 168.69; Minnesota Statutes 1993 Supplement, section 47.54, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 48; repealing Minnesota Statutes 1992, sections 48.26; and 48.88, subdivision 2.

Referred to the Committee on Commerce and Consumer Protection.

Messrs. Solon, Metzen, Ms. Wiener and Mr. Belanger introduced—

S.F. No. 1847: A bill for an act relating to commerce; regulating mortgage payment services; requiring a bond or other security; amending Minnesota Statutes 1992, section 332.13, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 332.

Referred to the Committee on Commerce and Consumer Protection.

Messrs. Solon, Metzen, Ms. Wiener and Mr. Belanger introduced—

S.F. No. 1848: A bill for an act relating to real estate; regulating trust accounts; clarifying a definition for purposes of licensing real estate appraisers; amending Minnesota Statutes 1992, section 82B.02, by adding a subdivision; Minnesota Statutes 1993 Supplement, section 82.24, subdivision 1.

Referred to the Committee on Commerce and Consumer Protection.

MEMBERS EXCUSED

Mrs. Adkins, Messrs. Johnson, D.J.; Larson; Price and Stevens were excused from the Session of today.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 11:00 a.m., Monday, February 28, 1994. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

SIXTY-FOURTH DAY

St. Paul, Minnesota, Monday, February 28, 1994

The Senate met at 11:00 a.m. and was called to order by the President.

CALL OF THE SENATE

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

Prayer was offered by the Chaplain, Rev. Duane Pribula.

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

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

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

The President declared a quorum present.

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

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communication was received and referred to the committee indicated.

February 1, 1994

The Honorable Allan H. Spear
President of the Senate

Dear Sir:

The following appointment is hereby respectfully submitted to the Senate for confirmation as required by law:

MINNESOTA HOUSING FINANCE AGENCY

Michael Finch, 5713 Garfield Ave. S., Minneapolis, Hennepin County, has been appointed by me, effective February 2, 1994, for a term expiring on the first Monday in January, 1998.

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

Warmest regards,
Arne H. Carlson, Governor

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted, with the exception of the reports on Senate Resolution No. 34 and reports pertaining to appointments. The motion prevailed.

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

S.F. No. 1842: A bill for an act relating to human services; protection of vulnerable adults; requiring a report to the legislature; appropriating money; amending Minnesota Statutes 1992, section 626.557, subdivisions 2, 10a, and 12.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Judiciary. Report adopted.

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

S.F. No. 1806: A bill for an act relating to nursing; allowing certified clinical specialists in psychiatric or mental health nursing to prescribe and administer drugs; appropriating money; amending Minnesota Statutes 1992, section 148.235, by adding subdivisions; Minnesota Statutes 1993 Supplement, section 148.235, subdivision 2.

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

Page 2, line 30, after "that" insert "*specifies the responsibility for the diagnosis and*"

Page 2, line 36, after the period, insert "*Nothing in this subdivision removes or limits the legal professional liability of the treating psychiatrist and mental health clinic or hospital for the prescription and administration of drugs by a clinical specialist in accordance with this subdivision.*"

Page 3, after line 11, insert:

"For purposes of this subdivision "advanced practice nurses" includes only the practices identified in this section."

Page 3, delete section 4

Page 3, line 17, delete "4" and insert "3"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, delete "appropriating money;"

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

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

S.F. No. 1319: A bill for an act relating to health; modifying the definition of review organization; amending Minnesota Statutes 1992, section 145.61, subdivision 5, and by adding a subdivision.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1992, section 145.61, is amended by adding a subdivision to read:

Subd. 4c. "Preferred provider organization" means an organization that contracts with insurance carriers or other entities to arrange a network of health care providers whose services are offered to the insureds or other covered persons.

Sec. 2. Minnesota Statutes 1992, section 145.61, subdivision 5, is amended to read:

Subd. 5. "Review organization" means a nonprofit organization acting according to clause (k) or a committee whose membership is limited to professionals, administrative staff, and consumer directors, except where otherwise provided for by state or federal law, and which is established by one or more of the following: a hospital, ~~by~~ a clinic, ~~by~~ a nursing home, ~~by~~ one or more state or local associations of professionals, ~~by~~ an organization of professionals from a particular area or medical institution, ~~by~~ a health maintenance organization as defined in chapter 62D, ~~by~~ a nonprofit health service plan corporation as defined in chapter 62C, a preferred provider organization, ~~by~~ a professional standards review organization established pursuant to United States Code, title 42, section 1320c-1 et seq., ~~or by~~ a medical review agent established to meet the requirements of section 256B.04, subdivision 15, or 256D.03, subdivision 7, paragraph (b), ~~or by~~ the department of human services, or a nonprofit corporation established by one or more of the above referenced entities, to gather and review information relating to the care and treatment of patients for the purposes of:

(a) evaluating and improving the quality of health care rendered in the area or medical institution or by the entity or organization which established the review organization;

(b) reducing morbidity or mortality;

(c) obtaining and disseminating statistics and information relative to the treatment and prevention of diseases, illness and injuries;

(d) developing and publishing guidelines showing the norms of health care in the area or medical institution or in the entity or organization which established the review organization;

(e) developing and publishing guidelines designed to keep within reasonable bounds the cost of health care;

(f) reviewing the quality or cost of health care services provided to enrollees of health maintenance organizations, health service plans, *preferred provider organizations*, and insurance companies;

(g) acting as a professional standards review organization pursuant to United States Code, title 42, section 1320c-1 et seq.;

(h) determining whether a professional shall be granted staff privileges in a medical institution, membership in a state or local association of professionals, or participating status in a nonprofit health service plan corporation, health maintenance organization, *preferred provider organization*, or insurance company, or whether a professional's staff privileges, membership, or participation status should be limited, suspended or revoked;

(i) reviewing, ruling on, or advising on controversies, disputes or questions between:

(1) health insurance carriers, nonprofit health service plan corporations, ~~or~~ health maintenance organizations, *self-insurers* and their insureds, subscribers, ~~or~~ enrollees, *or other covered persons*;

(2) professional licensing boards and health providers licensed by them;

(3) professionals and their patients concerning diagnosis, treatment or care, or the charges or fees therefor;

(4) professionals and health insurance carriers, nonprofit health service plan corporations, ~~or~~ health maintenance organizations, *or self-insurers* concerning a charge or fee for health care services provided to an insured, subscriber, ~~or~~ enrollee, *or other covered person*;

(5) professionals or their patients and the federal, state, or local government, or agencies thereof;

(j) providing underwriting assistance in connection with professional liability insurance coverage applied for or obtained by dentists, or providing assistance to underwriters in evaluating claims against dentists;

(k) acting as a medical review agent under section 256B.04, subdivision 15, or 256D.03, subdivision 7, paragraph (b);

(l) providing recommendations on the medical necessity of a health service, or the relevant prevailing community standard for a health service;

(m) reviewing a provider's professional practice as requested by the health care analysis unit under section 62J.32; ~~or~~

(n) providing quality assurance as required by United States Code, title 42, sections 1396r(b)(1)(b) and 1395i-3(b)(1)(b) of the Social Security Act;

(o) providing information to group purchasers of health care services when that information was originally generated within the review organization for a purpose specified by this subdivision; or

(p) providing information to other, affiliated or nonaffiliated review organizations, when that information was originally generated within the review organization for a purpose specified by this subdivision, and as long as that information will further the purposes of a review organization as specified by this subdivision.

Sec. 3. Minnesota Statutes 1992, section 145.64, subdivision 1, is amended to read:

Subdivision 1. [DATA AND INFORMATION.] All data and information acquired by a review organization, in the exercise of its duties and functions, or by an individual or other entity acting at the direction of a review board, shall be held in confidence, shall not be disclosed to anyone except to the extent necessary to carry out one or more of the purposes of the review organization, and shall not be subject to subpoena or discovery. No person described in section 145.63 shall disclose what transpired at a meeting of a review organization except to the extent necessary to carry out one or more of the purposes of a review organization. The proceedings and records of a review organization shall not be subject to discovery or introduction into evidence in any civil action against a professional arising out of the matter or matters which are the subject of consideration by the review organization. Information, documents or records otherwise available from original sources shall not be immune from discovery or use in any civil action merely because they were presented during proceedings of a review organization, nor shall any person who testified before a review organization or who is a member of it be prevented from testifying as to matters within the person's knowledge, but a witness cannot be asked about the witness' testimony before a review organization or opinions formed by the witness as a result of its hearings.

The confidentiality protection and protection from discovery or introduction into evidence provided in this subdivision shall also apply to the governing body of the review organization and shall not be waived as a result of referral of a matter from the review organization to the governing body or consideration by the governing body of decisions, recommendations, or documentation of the review organization.

Sec. 4. Minnesota Statutes 1992, section 147.111, subdivision 3, is amended to read:

Subd. 3. [MEDICAL SOCIETIES.] A state or local medical society shall report to the board any termination, revocation, or suspension of membership or any other disciplinary action taken against a physician. If the society has received a complaint which might be grounds for discipline under sections 147.01 to 147.22 against a member physician on which it has not taken any disciplinary action, the society shall report the complaint and the reason why it has not taken action on it or shall direct the complainant to the board of medical practice. *This subdivision does not apply to a medical society when it performs peer review functions as an agent of an outside entity, organization, or system.*

Delete the title and insert:

"A bill for an act relating to health; modifying the definition of review organization; allowing review organizations to provide information to purchasers and other review organizations; providing confidentiality protection and protection from discovery process for the transfer of the information; clarifying the scope of confidentiality of review organization records; exempting medical societies from reporting obligations when performing peer review functions; amending Minnesota Statutes 1992, sections 145.61, subdivision 5, and by adding a subdivision; 145.64, subdivision 1; and 147.111, subdivision 3."

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

Mr. Spear from the Committee on Crime Prevention, to which was referred the following appointment as reported in the Journal for February 22, 1994:

DEPARTMENT OF CORRECTIONS
COMMISSIONER

Frank W. Wood

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

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

Mr. Moe, R.D. from the Committee on Rules and Administration, recommends that Senate Resolution No. 34, adopted by the Senate May 3, 1993, relating to Permanent Rules of the Senate, be amended as follows:

Rule 71 is amended to read:

PRIVILEGE OF REPORTERS

71. Provision shall be made for news reporters on the Senate floor in limited numbers, and in the Senate gallery. Because of limited space on the floor, permanent space is limited to those news agencies which have regularly covered the legislature, namely: The Associated Press, ~~United Press International~~, St. Paul Pioneer Press Dispatch, Star Tribune, Duluth News-Tribune and Herald, *Fargo Forum*, Rochester Post-Bulletin, St. Cloud Daily Times, WCCO radio, KSTP radio, and Minnesota Public Radio. An additional two spaces shall be provided to other reporters if space is available.

One person from each named agency and one person from the Senate Publications Office may be present at the press table on the Senate floor at any one time.

Other news media personnel may occupy seats provided in the Senate gallery.

The Committee on Rules and Administration may, through committee action or by delegating authority to the Secretary, allow television filming on the Senate floor on certain occasions.

The Secretary of the Senate shall compile and distribute to the public a directory of reporters accredited to report from the Senate floor. The directory must include each reporter's picture and news organization and a brief biography. The Secretary must issue each accredited reporter an identification badge showing the reporter's name and news organization.

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

Mr. Lessard from the Committee on Environment and Natural Resources, to which were referred the following appointments as reported in the Journal for January 19, 1993:

MINNESOTA POLLUTION CONTROL AGENCY

Edward A. Garvey
Keith H. Langmo

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

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

Mr. Lessard from the Committee on Environment and Natural Resources, to which was referred the following appointment as reported in the Journal for May 6, 1993:

MINNESOTA ENVIRONMENTAL QUALITY BOARD

Paul Toren

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

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

Mr. Lessard from the Committee on Environment and Natural Resources, to which were referred the following appointments as reported in the Journal for February 22, 1994:

ENVIRONMENTAL TRUST FUND CITIZENS'
ADVISORY COMMITTEE

Jack LaVoy
Jean Sanford

OFFICE OF WASTE MANAGEMENT
DIRECTOR

John R. Chell

MINNESOTA ENVIRONMENTAL QUALITY BOARD

Bruce Bomier

MINNESOTA POLLUTION CONTROL AGENCY

Daniel D. Foley

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

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

Mr. Lessard from the Committee on Environment and Natural Resources, to which was referred the following appointment as reported in the Journal for January 19, 1993:

BOARD OF WATER AND SOIL RESOURCES
CHAIR

D. James Nielsen

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

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

Mr. Lessard from the Committee on Environment and Natural Resources, to which were referred the following appointments as reported in the Journal for January 28, 1993:

ENVIRONMENTAL TRUST FUND CITIZENS'
ADVISORY COMMITTEE

Arlan H. Anderson
Ty Bischoff
Nancy Gibson

MINNESOTA ENVIRONMENTAL QUALITY BOARD

Deanna Fairbanks

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

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

Mr. Moe, R.D. from the Committee on Rules and Administration, recommends that Senate Resolution No. 34, adopted by the Senate May 3, 1993, relating to Permanent Rules of the Senate, be amended as follows:

Rule 27 is amended to read:

AUTHORIZED ELECTRICAL VOTING DEVICE

27. Unless otherwise ordered, a vote, except upon elections ~~and upon the overriding of a governor's veto~~, may be taken by means of the electrical voting system which is under the control of the President.

Rule 58 is amended to read:

COMMITTEE MEETINGS

58. All meetings of the Senate, its committees, committee divisions, and subcommittees are open to the public. A meeting of a caucus of the members of any of those bodies from the same political party need not be open to the public. A caucus of the Hennepin county, Ramsey county, or St. Louis county delegation is open to the public. For purposes of this rule, a meeting occurs when a quorum is present and action is taken regarding a matter within the jurisdiction of the body.

To the extent practical, meetings of all committees shall be announced to the public at least three calendar days prior to convening. The notice shall state the name of the committee, the bill or bills to be considered, the place and time

of meeting. The notice shall be posted on all Senate bulletin boards in the Capitol and the State Office Building. A notice shall be sent to the House of Representatives for posting as it deems necessary. If the three-day notice requirement cannot be met, known proponents and opponents of the bill shall be given simultaneous notice of the meeting as soon as practicable.

A delete-everything amendment or an amendment more than one page in length must be filed with the committee secretary and made available to the public no later than 4:00 p.m. on the last working day before it is offered to the committee, unless two-thirds of the members present vote to suspend the prefiling requirement.

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

MOTIONS AND RESOLUTIONS

Mr. Spear moved that his name be stricken as a co-author to S.F. No. 341. The motion prevailed.

Mr. Marty moved that his name be stricken as chief author; shown as a co-author, and the name of Ms. Anderson be added as chief author to S.F. No. 341. The motion prevailed.

Ms. Krentz moved that the name of Mr. Stumpf be added as a co-author to S.F. No. 614. The motion prevailed.

Mr. McGowan moved that the name of Mr. Merriam be added as a co-author to S.F. No. 793. The motion prevailed.

Mr. Murphy moved that the names of Mr. Morse and Ms. Johnson, J.B. be added as co-authors to S.F. No. 1678. The motion prevailed.

Mr. Betzold moved that the name of Mr. Finn be added as a co-author to S.F. No. 1691. The motion prevailed.

Ms. Reichgott Junge moved that the name of Mr. Finn be added as a co-author to S.F. No. 1702. The motion prevailed.

Mr. Cohen moved that the name of Mr. Finn be added as a co-author to S.F. No. 1703. The motion prevailed.

Mr. Johnson, D.J. moved that his name be stricken as chief author, shown as a co-author and the name of Mr. Riveness be added as chief author to S.F. No. 1709. The motion prevailed.

Mr. Vickerman moved that the name of Mr. Finn be added as a co-author to S.F. No. 1745. The motion prevailed.

Mr. Betzold moved that the name of Ms. Ranum be added as a co-author to S.F. No. 1759. The motion prevailed.

Ms. Hanson moved that the name of Mr. Finn be added as a co-author to S.F. No. 1774. The motion prevailed.

Ms. Johnston moved that the name of Mr. Kelly be added as a co-author to S.F. No. 1785. The motion prevailed.

Mr. Bertram moved that the name of Mr. Finn be added as a co-author to S.F. No. 1799. The motion prevailed.

Mr. Knutson moved that the name of Mr. Lessard be added as a co-author to S.F. No. 1809. The motion prevailed.

Mr. Knutson moved that the name of Mr. Lessard be added as a co-author to S.F. No. 1810. The motion prevailed.

Mr. Bertram moved that the name of Mr. Lessard be added as a co-author to S.F. No. 1838. The motion prevailed.

Mr. Bertram moved that the names of Messrs. Morse and Stumpf be added as co-authors to S.F. No. 1830. The motion prevailed.

Ms. Anderson moved that the name of Mr. Morse be added as a co-author to S.F. No. 1844. The motion prevailed.

Mr. Betzold moved that S.F. No. 1689 be withdrawn from the Committee on Crime Prevention and re-referred to the Committee on Judiciary. The motion prevailed.

Mr. Vickerman moved that S.F. No. 1700 be withdrawn from the Committee on Judiciary and re-referred to the Committee on Veterans and General Legislation. The motion prevailed.

Mr. Belanger moved that S.F. No. 1736 be withdrawn from the Committee on Metropolitan and Local Government and re-referred to the Committee on Transportation and Public Transit. The motion prevailed.

Mr. Stumpf moved that S.F. No. 1756 be withdrawn from the Committee on Environment and Natural Resources and re-referred to the Committee on Metropolitan and Local Government. The motion prevailed.

Mr. Sams moved that S.F. No. 1609 be withdrawn from the Committee on Jobs, Energy and Community Development and re-referred to the Committee on Agriculture and Rural Development. The motion prevailed.

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

SECOND READING OF SENATE BILLS

S.F. No. 1806 was read the second time.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Mses. Piper, Berglin, Mr. Finn, Ms. Kiscaden and Mr. Sams introduced—

S.F. No. 1849: A bill for an act relating to occupations and professions; providing that health-related licensing boards may establish a program to protect the public from impaired regulated persons; providing for appointments; providing for rulemaking; appropriating money; amending Minnesota Statutes 1993 Supplement, section 214.06, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 214.

Referred to the Committee on Health Care.

Ms. Piper, Mr. Samuelson, Ms. Kiscaden and Mr. Betzold introduced—

S.F. No. 1850: A bill for an act relating to human services; requiring the commissioner of human services to seek reform waivers in the program of aid to families with dependent children; authorizing vendor payments under certain circumstances; amending Minnesota Statutes 1992, sections 256.736, by adding a subdivision; 256.81; 256.979, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 256.

Referred to the Committee on Family Services.

Messrs. Finn, Sams, Morse, Chandler and Ms. Olson introduced—

S.F. No. 1851: A bill for an act relating to appropriations; appropriating money for lake monitoring.

Referred to the Committee on Environment and Natural Resources.

Mrs. Benson, J.E.; Ms. Robertson, Mr. Johnson, D.E.; Meses. Lesewski and Johnston introduced—

S.F. No. 1852: A bill for an act relating to crime and crime prevention; imposing a mandatory minimum sentence on persons convicted of a third violent crime; imposing felony penalties on convicted felons who possess a firearm; creating a presumption in favor of certifying to adult court older juveniles who are alleged to have committed a violent or firearm-related crime; requiring parents to accompany their minor children to delinquency hearings; increasing penalties for and requiring consecutive sentencing of repeat DWI offenders; imposing penalties on motor vehicle owners who knowingly lend the vehicle to an intoxicated or unlicensed driver; requiring the commissioner of public safety to study the feasibility of a DWI offender tracking system; requiring certain sentencing guidelines modifications; providing for changes in the education and criminal laws to enhance safety in the schools; increasing protections for crime victims; requiring the establishment of a summer service camp pilot project for high-risk youth; regulating explosives, blasting agents, explosive devices, and incendiary devices; proposing an amendment to the Minnesota Constitution by adding a section to article IV that requires the legislature to provide by law for admissibility as evidence in trials of the results of DNA analysis; requiring all convicted violent offenders to provide a DNA specimen; changing the order of final argument in criminal cases; establishing pilot programs to improve supervision of probationers, parolees, and supervised releasees in the community; requiring a study of restorative justice sanctions; authorizing spending to make improvements of a capital nature to state correctional institutions; authorizing issuance of bonds; prescribing penalties; appropriating money for the Head Start program and for a variety of crime prevention and correctional programs; amending Minnesota Statutes 1992, sections 13.82, by adding a subdivision; 120.062, subdivision 7; 120.101, by adding a subdivision; 124.912, by adding a subdivision; 126.77, subdivision 1; 126.78; 127.03, subdivision 3; 127.29, subdivision 1, and by adding a subdivision; 127.30, by adding a subdivision; 127.31, by adding a subdivision; 127.35; 127.38; 169.797, subdivision 4; 260.015, subdivision 5; 260.111, by adding a subdivision; 260.125, subdivision 3, and by adding a subdivision; 260.145; 260.155, by adding a subdivision; 260.161, by adding a subdivision; 260.181, subdivision 4; 260.315; 299A.34, subdivision 1; 299F.71; 299F.72, subdivision 2, and by adding subdivisions; 299F.73; 299F.74; 299F.75; 299F.77;

299F.78, subdivision 1; 299F.79; 299F.80; 299F.82; 299F.83; 357.22; 357.241; 357.242; 609.02, subdivision 2, and by adding a subdivision; 609.055, subdivision 2; 609.066, subdivision 2; 609.105; 609.15, subdivision 1; 609.152, by adding a subdivision; 609.165, subdivision 1a; 609.168; 609.245; 611A.036; 611A.19; 611A.53, subdivision 2; 611A.73, subdivision 3; 624.731, subdivision 8; 626.76, subdivisions 1 and 2; 631.07; and 634.20; Minnesota Statutes 1993 Supplement, sections 13.32, subdivision 5; 13.82, subdivision 10; 120.101, subdivision 5; 121.831, subdivision 9; 169.121, subdivision 3; 169.129; 171.24; 260.161, subdivision 3; 299A.35, subdivision 1; 357.24; 540.18, subdivision 1; 609.035; 609.15, subdivision 2; 609.3461; 609.66, subdivision 1d; 609.902, subdivision 4; 611A.04, subdivisions 1 and 3; 611A.52, subdivision 8; 624.713; and 638.02, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 169; 299A; 299C; 299F; and 609; repealing Minnesota Statutes 1992, sections 299F.72, subdivisions 3 and 4; 299F.78, subdivision 2; and 299F.815, as amended; Minnesota Statutes 1993 Supplement, section 299F.811.

Referred to the Committee on Crime Prevention.

Mr. Hottinger, Ms. Flynn, Mr. Mondale and Ms. Pappas introduced—

S.F. No. 1853: A bill for an act relating to cities; providing for annexation; proposing coding for new law as Minnesota Statutes, chapter 414A; repealing Minnesota Statutes 1992, sections 414.01; 414.011; 414.012; 414.02; 414.031; 414.0325; 414.033; 414.035; 414.036; 414.041; 414.051; 414.06; 414.061; 414.063; 414.065; 414.067; 414.07; 414.08; and 414.09.

Referred to the Committee on Metropolitan and Local Government.

Mr. Kroening introduced—

S.F. No. 1854: A bill for an act relating to retirement; Minnesota state retirement system; providing a retroactive exception to the reemployed annuitant earnings limitation for a certain individual.

Referred to the Committee on Governmental Operations and Reform.

Mr. Kelly introduced—

S.F. No. 1855: A bill for an act relating to peace officers; authorizing officers of states adjoining Minnesota to render assistance to peace officers of this state on request; granting these officers arrest authority in this state under certain circumstances; extending the state and local government tort liability laws to the conduct of these officers; proposing coding for new law in Minnesota Statutes, chapter 626.

Referred to the Committee on Crime Prevention.

Mr. Lessard, Mrs. Pariseau, Messrs. Day, Janezich and Langseth introduced—

S.F. No. 1856: A bill for an act relating to local government; providing that the statutory procedure for tree removal does not apply to trees removed from town roads dedicated by plat; amending Minnesota Statutes 1992, section 160.22, subdivision 7a, and by adding a subdivision.

Referred to the Committee on Transportation and Public Transit.

Messrs. Sams and Johnson, D.J. introduced—

S.F. No. 1857: A bill for an act relating to taxation; property; extending the agricultural homestead provisions of a relative to the father or mother; amending Minnesota Statutes 1993 Supplement, section 273.124, subdivision 1.

Referred to the Committee on Agriculture and Rural Development.

Messrs. Benson, D.D.; Merriam; Ms. Kiscaden and Mr. Morse introduced—

S.F. No. 1858: A bill for an act relating to natural resources; authorizing the commissioner of natural resources to sell lands in the Gordy Yaeger wildlife management area in Olmsted county; appropriating money.

Referred to the Committee on Environment and Natural Resources.

Messrs. Chandler, Lessard, Ms. Johnson, J.B.; Messrs. Frederickson and Merriam introduced—

S.F. No. 1859: A bill for an act relating to packaging; amending Minnesota Statutes 1992, sections 115A.03, by adding a subdivision; 115A.12, subdivision 1; 115A.5501, subdivisions 1, 2, and by adding subdivisions; Minnesota Statutes 1993 Supplement, sections 115A.03, subdivision 22b; and 115A.5501, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 115A.

Referred to the Committee on Environment and Natural Resources.

Messrs. Riveness, Stumpf and Morse introduced—

S.F. No. 1860: A bill for an act relating to retirement; state university and state community college individual retirement account plans; clarifying various plan provisions; providing for plan coverage for technical college teachers; providing for an optional election of plan coverage for certain state university and community college teachers; mandating the preparation of plan recodification legislation; amending Minnesota Statutes 1992, sections 354.05, subdivision 2a; 354A.011, subdivision 15, and by adding a subdivision; 354B.01, by adding a subdivision; 354B.015; and 354B.02, by adding a subdivision; Minnesota Statutes 1993 Supplement, sections 352.04, subdivision 9; and 354B.02, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 354B.

Referred to the Committee on Governmental Operations and Reform.

Mr. Riveness, Ms. Piper, Messrs. Samuelson and Kelly introduced—

S.F. No. 1861: A bill for an act relating to human services; appropriating money for crisis nursery and respite care programs.

Referred to the Committee on Family Services.

Messrs. Riveness, Metzen, Morse, Frederickson and Novak introduced—

S.F. No. 1862: A bill for an act relating to economic development; increasing the membership of the job skills partnership board; amending Minnesota Statutes 1993 Supplement, section 116L.03, subdivisions 1 and 2.

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

Mses. Pappas, Anderson, Kiscaden, Reichgott Junge and Mr. McGowan introduced—

S.F. No. 1863: A bill for an act relating to crime; recodifying and revising the crime of contributing to a minor's delinquency or need for protection or services; increasing penalties for certain acts; proposing coding for new law in Minnesota Statutes, chapter 609; repealing Minnesota Statutes 1992, section 260.315.

Referred to the Committee on Crime Prevention.

Messrs. Knutson; Terwilliger; Benson, D.D. and Lessard introduced—

S.F. No. 1864: A bill for an act relating to marriage dissolution; providing for compensatory visitation; amending Minnesota Statutes 1992, section 518.175, by adding subdivisions.

Referred to the Committee on Judiciary.

Ms. Runbeck, Mr. Knutson and Ms. Kiscaden introduced—

S.F. No. 1865: A bill for an act relating to child support; requiring the court reserve child support pending a custody evaluation under certain circumstances; amending Minnesota Statutes 1992, section 518.18.

Referred to the Committee on Family Services.

Messrs. Metzen, Laidig, Luther and Ms. Wiener introduced—

S.F. No. 1866: A bill for an act relating to capital improvements; appropriating money for the environmental impact statement for the Wakota bridge on Interstate Highway marked 494; authorizing the issuance of state bonds.

Referred to the Committee on Finance. Mr. Chmielewski questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Ms. Berglin, Messrs. Hottinger, Betzold, Finn and Morse introduced—

S.F. No. 1867: A bill for an act relating to health; requiring the legislative auditor to study the administrative costs of providing health care services.

Referred to the Committee on Health Care.

Messrs. Day; Benson, D.D.; Kelly; Solon and Sams introduced—

S.F. No. 1868: A bill for an act relating to marriage dissolution; providing that both parents are child support obligors; establishing formulas for determining child support; amending Minnesota Statutes 1993 Supplement, section 518.551, subdivision 5.

Referred to the Committee on Judiciary.

Messrs. Day, Stevens, Sams, Mrs. Pariseau and Mr. McGowan introduced—

S.F. No. 1869: A resolution memorializing Congress to propose an amendment to the United States Constitution to authorize Congress and the states to prohibit physical damage to the flag of the United States.

Referred to the Committee on Judiciary.

Mr. Spear, Ms. Ranum, Messrs. Kelly, McGowan and Ms. Anderson introduced—

S.F. No. 1870: A bill for an act relating to crime victims; requiring the court at sentencing to inform victims how to implement their right to notice of offender release from correctional facilities; proposing coding for new law in Minnesota Statutes, chapter 611A.

Referred to the Committee on Crime Prevention.

Messrs. Spear, McGowan and Luther introduced—

S.F. No. 1871: A bill for an act proposing an amendment to the Minnesota Constitution, adding a section to article XIII; providing for the admission of certain DNA evidence in judicial proceedings.

Referred to the Committee on Crime Prevention.

Ms. Hanson, Messrs. Murphy, Kroening and Langseth introduced—

S.F. No. 1872: A bill for an act relating to elevators; regulating persons who construct and repair elevators; requiring inspections; creating an advisory committee; setting minimum code standards; amending Minnesota Statutes 1992, sections 183.355, subdivision 3; 183.357; and 183.358; proposing coding for new law in Minnesota Statutes, chapter 183.

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

Ms. Berglin introduced—

S.F. No. 1873: A bill for an act relating to human services; modifying provision concerning community mental health centers; amending Minnesota Statutes 1992, section 245.715.

Referred to the Committee on Health Care.

Messrs. Spear, Betzold, Ms. Kiscaden, Mr. Chmielewski and Ms. Reichgott Junge introduced—

S.F. No. 1874: A bill for an act relating to mental health; requesting the supreme court to conduct a study and make recommendations on commitment laws and procedures; establishing a task force and requiring appointments; appropriating money.

Referred to the Committee on Judiciary.

Mr. Mondale, Ms. Flynn, Mr. Pogemiller and Ms. Pappas introduced—

S.F. No. 1875: A bill for an act relating to housing; creating a metropolitan reinvestment account; establishing uses; subjecting certain portions of homestead properties to the areawide tax rate; amending Minnesota Statutes 1992, sections 473F.02, by adding a subdivision; and 473F.08, subdivisions 2, 8a,

and by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 462A.

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

Mr. Murphy introduced—

S.F. No. 1876: A bill for an act relating to education; excluding cooperation and combination revenue from a fund balance determination for purposes of the referendum reduction; amending Minnesota Statutes 1992, section 124.2725, subdivision 16.

Referred to the Committee on Education.

Messrs. Benson, D.D.; Betzold and Hottinger introduced—

S.F. No. 1877: A bill for an act relating to human services; authorizing exceptions from vendor limitations in day training and habilitation service programs; amending Minnesota Statutes 1992, section 252.41, subdivision 9.

Referred to the Committee on Health Care.

Mr. Sams, Ms. Piper, Messrs. Betzold and Hottinger introduced—

S.F. No. 1878: A bill for an act relating to human services; authorizing projects which provide residential services in homes owned by persons with developmental disabilities; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 252.

Referred to the Committee on Health Care.

Messrs. Solon, Chandler and Ms. Johnston introduced—

S.F. No. 1879: A bill for an act relating to occupations and professions; requiring that concrete and masonry workers be licensed as residential contractors; amending Minnesota Statutes 1993 Supplement, sections 326.83, subdivisions 7, 19, and by adding a subdivision; 326.842; and 326.94, subdivision 1.

Referred to the Committee on Commerce and Consumer Protection.

Mr. Merriam introduced—

S.F. No. 1880: A bill for an act relating to government; providing that a public body may close one or more meetings for preliminary consideration of charges against an individual subject to its authority; amending Minnesota Statutes 1992, section 471.705, subdivision 1d.

Referred to the Committee on Metropolitan and Local Government.

Messrs. Day, Benson, D.D.; Lessard; Sams and Solon introduced—

S.F. No. 1881: A bill for an act relating to marriage dissolution; providing for cooperative parenting and mandatory mediation; amending Minnesota Statutes 1992, sections 518.17, subdivision 2; and 518.619, by adding a subdivision.

Referred to the Committee on Judiciary.

Mr. Chandler introduced—

S.F. No. 1882: A bill for an act relating to the state fire marshal; concerning fire protection; authorizing local units of government to adopt ordinances more stringent than the requirements of the uniform building code for the installation of fire protection sprinkler systems; amending Minnesota Statutes 1992, sections 299F.011, subdivision 4; and 299F.391, subdivision 3.

Referred to the Committee on Governmental Operations and Reform.

Mr. Lessard, Ms. Johnson, J.B.; Messrs. Kroening, Langseth and Chmielewski introduced—

S.F. No. 1883: A bill for an act relating to state government; requiring reimbursement of certain persons for legal expenses incurred.

Referred to the Committee on Finance.

Messrs. Kelly, McGowan, Luther and Cohen introduced—

S.F. No. 1884: A bill for an act relating to criminal procedure; proposing an amendment to the Minnesota Constitution, article I, section 7, to permit courts to deny a defendant's release on bail when necessary to protect the safety of any individual or the public or to ensure the defendant's appearance at court proceedings; enacting the Minnesota bail reform act; providing procedures governing pretrial and postconviction release and detention decisions; providing for appellate review of release and detention orders; imposing penalties for failure to appear in court as required and for commission of a crime while on release; amending Minnesota Statutes 1992, sections 589.16; 629.53; and 629.63; Minnesota Statutes 1993 Supplement, section 629.72, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 609; proposing coding for new law as Minnesota Statutes, chapter 629A; repealing Minnesota Statutes 1992, sections 609.49; 629.44; 629.45; 629.47; 629.48; 629.49; 629.54; 629.55; 629.58; 629.59; 629.60; 629.61; 629.62; and 629.64.

Referred to the Committee on Crime Prevention.

Mr. Kelly, Ms. Krentz, Messrs. Beckman, Laidig and Chandler introduced—

S.F. No. 1885: A bill for an act relating to crime; establishing a state fund to pay rewards for information leading to the arrest and prosecution of criminal offenders; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 8.

Referred to the Committee on Crime Prevention.

Mr. Kelly, Ms. Ranum, Mr. Marty, Ms. Piper and Mr. Neuville introduced—

S.F. No. 1886: A bill for an act relating to juveniles; authorizing the juvenile court to require the presence of a minor's parent or guardian at hearings held during the delinquency proceedings; amending Minnesota Statutes 1992, section 260.155, by adding a subdivision.

Referred to the Committee on Crime Prevention.

Ms. Reichgott Junge, Messrs. Moe, R.D.; Murphy and Ms. Krentz introduced—

S.F. No. 1887: A bill for an act proposing an amendment to the Minnesota Constitution, article VIII, section 5; providing for recall of elected state officers.

Referred to the Committee on Ethics and Campaign Reform.

Ms. Reichgott Junge, Mr. Betzold, Ms. Flynn and Mr. Finn introduced—

S.F. No. 1888: A bill for an act relating to human rights; prohibiting marital status discrimination by public accommodations; amending Minnesota Statutes 1993 Supplement, section 363.03, subdivision 3.

Referred to the Committee on Judiciary.

Mr. Cohen introduced—

S.F. No. 1889: A bill for an act relating to taxation; extending the availability of valuation exclusions for certain improvements made to property in 1992; amending Laws 1993, chapter 375, article 5, section 44.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Cohen and Chandler introduced—

S.F. No. 1890: A bill for an act relating to the legislature; prescribing compensation for members; prohibiting per diem; allowing reimbursement of vouchered expenses only; proposing an amendment to the Minnesota Constitution, article IV, section 9; amending Minnesota Statutes 1992, sections 3.099, subdivisions 1, 3, and by adding subdivisions; 3.101; 3.103; 3A.01, subdivision 6a; 15A.082, subdivisions 1, 3, and 4; Laws 1993, chapter 192, section 2, subdivision 6.

Referred to the Committee on Rules and Administration.

Messrs. Sams, Samuelson, Janezich, Mses. Piper and Berglin introduced—

S.F. No. 1891: A bill for an act relating to human services; authorizing an increase in provider reimbursement for day training services.

Referred to the Committee on Health Care.

Messrs. Sams, Samuelson, Ms. Piper, Mr. Day and Ms. Berglin introduced—

S.F. No. 1892: A bill for an act relating to human services; clarifying the standards for payment rates for developmental achievement centers; authorizing appeals by vendors; amending Minnesota Statutes 1993 Supplement, section 252.46, subdivision 6, and by adding a subdivision.

Referred to the Committee on Health Care.

Messrs. Benson, D.D. and Berg introduced—

S.F. No. 1893: A bill for an act relating to fishing; permitting fences to be

erected across trout streams in certain instances; proposing coding for new law in Minnesota Statutes, chapter 97C.

Referred to the Committee on Environment and Natural Resources.

Messrs. Benson, D.D.; Metzen; Moe, R.D.; Meses. Runbeck and Kiscaden introduced—

S.F. No. 1894: A bill for an act relating to administrative rules; repealing obsolete rules of the departments of agriculture, commerce, health, human services, public safety, public service, and revenue and the pollution control agency; removing internal references to repealed rules; amending Minnesota Rules, parts 1540.2140; 4400.4500, subpart 3; 7001.0140, subpart 2; 7001.0180; 7005.0100, subpart 8a; 7007.0100, subpart 7; 7009.0010, subpart 1; 7009.0030; 7009.0080; 7023.9050; 7035.2835, subpart 3; 7035.2835, subpart 6; 7035.2875, subpart 3; 7040.2800, subpart 1; 7045.0460, subpart 2; 8130.3500, subpart 3; and 8130.6500, subpart 5; repealing Minnesota Rules, parts 1540.0010, subparts 12, 18, 21, 22, and 24; 1540.0060; 1540.0070; 1540.0080; 1540.0100; 1540.0110; 1540.0120; 1540.0130; 1540.0140; 1540.0150; 1540.0160; 1540.0170; 1540.0180; 1540.0190; 1540.0200; 1540.0210; 1540.0220; 1540.0230; 1540.0240; 1540.0260; 1540.0320; 1540.0330; 1540.0340; 1540.0350; 1540.0370; 1540.0380; 1540.0390; 1540.0400; 1540.0410; 1540.0420; 1540.0440; 1540.0450; 1540.0460; 1540.0490; 1540.0500; 1540.0510; 1540.0520; 1540.0770; 1540.0780; 1540.0800; 1540.0810; 1540.0830; 1540.0880; 1540.0890; 1540.0900; 1540.0910; 1540.0920; 1540.0930; 1540.0940; 1540.0950; 1540.0960; 1540.0970; 1540.0980; 1540.0990; 1540.1000; 1540.1005; 1540.1010; 1540.1020; 1540.1030; 1540.1040; 1540.1050; 1540.1060; 1540.1070; 1540.1080; 1540.1090; 1540.1100; 1540.1110; 1540.1120; 1540.1130; 1540.1140; 1540.1150; 1540.1160; 1540.1170; 1540.1180; 1540.1190; 1540.1200; 1540.1210; 1540.1220; 1540.1230; 1540.1240; 1540.1250; 1540.1255; 1540.1260; 1540.1280; 1540.1290; 1540.1300; 1540.1310; 1540.1320; 1540.1330; 1540.1340; 1540.1350; 1540.1360; 1540.1380; 1540.1400; 1540.1410; 1540.1420; 1540.1430; 1540.1440; 1540.1450; 1540.1460; 1540.1470; 1540.1490; 1540.1500; 1540.1510; 1540.1520; 1540.1530; 1540.1540; 1540.1550; 1540.1560; 1549.1570; 1540.1580; 1540.1590; 1540.1600; 1540.1610; 1540.1620; 1540.1630; 1540.1640; 1540.1650; 1540.1660; 1540.1670; 1540.1680; 1540.1690; 1540.1700; 1540.1710; 1540.1720; 1540.1730; 1540.1740; 1540.1750; 1540.1760; 1540.1770; 1540.1780; 1540.1790; 1540.1800; 1540.1810; 1540.1820; 1540.1830; 1540.1840; 1540.1850; 1540.1860; 1540.1870; 1540.1880; 1540.1890; 1540.1900; 1540.1905; 1540.1910; 1540.1920; 1540.1930; 1540.1940; 1540.1950; 1540.1960; 1540.1970; 1540.1980; 1540.1990; 1540.2000; 1540.2010; 1540.2015; 1540.2020; 1540.2090; 1540.2100; 1540.2110; 1540.2120; 1540.2180; 1540.2190; 1540.2200; 1540.2210; 1540.2220; 1540.2230; 1540.2240; 1540.2250; 1540.2260; 1540.2270; 1540.2280; 1540.2290; 1540.2300; 1540.2310; 1540.2320; 1540.2325; 1540.2330; 1540.2340; 1540.2350; 1540.2360; 1540.2370; 1540.2380; 1540.2390; 1540.2400; 1540.2410; 1540.2420; 1540.2430; 1540.2440; 1540.2450; 1540.2490; 1540.2500; 1540.2510; 1540.2530; 1540.2540; 1540.2550; 1540.2560; 1540.2570; 1540.2580; 1540.2590; 1540.2610; 1540.2630; 1540.2640; 1540.2650; 1540.2660; 1540.2720; 1540.2730; 1540.2740; 1540.2760; 1540.2770; 1540.2780; 1540.2790; 1540.2800; 1540.2810; 1540.2820; 1540.2830; 1540.2840; 1540.3420; 1540.3430; 1540.3440; 1540.3450; 1540.3460; 1540.3470; 1540.3560; 1540.3600;

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 1540.4030; 1540.4040; 1540.4080; 1540.4190; 1540.4200; 1540.4210;
 1540.4220; 1540.4320; 1540.4330; 1540.4340; 2642.0120, subpart 1;
 2650.0100; 2650.0200; 2650.0300; 2650.0400; 2650.0500; 2650.0600;
 2650.1100; 2650.1200; 2650.1300; 2650.1400; 2650.1500; 2650.1600;
 2650.1700; 2650.1800; 2650.1900; 2650.2000; 2650.2100; 2650.3100;
 2650.3200; 2650.3300; 2650.3400; 2650.3500; 2650.3600; 2650.3700;
 2650.3800; 2650.3900; 2650.4000; 2650.4100; 2655.1000; 2660.0070;
 2770.7400; 4610.2210; 7002.0410; 7002.0420; 7002.0430; 7002.0440;
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 7011.0305; 7011.0310; 7011.0315; 7011.0320; 7011.0325; 7011.0330;
 7011.0400; 7011.0405; 7011.0410; 7011.2220, subpart 4; 7047.0010;
 7047.0020; 7047.0030; 7047.0040; 7047.0050; 7047.0060; 7047.0070;
 7100.0300; 7100.0310; 7100.0320; 7100.0330; 7100.0335; 7100.0340;
 7100.0350; 7100.0360; 7510.6100; 7510.6200; 7510.6300; 7510.6350;
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 7600.1200; 7600.1300; 7600.1400; 7600.1500; 7600.1600; 7600.1700;
 7600.1800; 7600.1900; 7600.2000; 7600.2100; 7600.2200; 7600.2300;
 7600.2400; 7600.2500; 7600.2600; 7600.2700; 7600.2800; 7600.2900;
 7600.3000; 7600.3100; 7600.3200; 7600.3300; 7600.3400; 7600.3500;
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 7600.6600; 7600.6700; 7600.6800; 7600.6900; 7600.7000; 7600.7100;
 7600.7200; 7600.7210; 7600.7300; 7600.7400; 7600.7500; 7600.7600;
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 7600.8900; 7600.9000; 7600.9100; 7600.9200; 7600.9300; 7600.9400;
 7600.9500; 7600.9600; 7600.9700; 7600.9800; 7600.9900; 7605.0100;
 7605.0110; 7605.0120; 7605.0130; 7605.0140; 7605.0150; 7605.0160;
 7625.0100; 7625.0110; 7625.0120; 7625.0200; 7625.0210; 7625.0220;
 7625.0230; 8120.1100, subpart 3; 8121.0500, subpart 2; 8130.9500, subpart 6;
 8130.9912; 8130.9913; 8130.9916; 8130.9920; 8130.9930; 8130.9956;
 8130.9958; 8130.9968; 8130.9972; 8130.9980; 8130.9992; 8130.9996;
 9540.0100; 9540.0200; 9540.0300; 9540.0400; 9540.0500; 9540.1000;
 9540.1100; 9540.1200; 9540.1300; 9540.1400; 9540.1500; 9540.2000;
 9540.2100; 9540.2200; 9540.2300; 9540.2400; 9540.2500; 9540.2600; and
 9540.2700.

Referred to the Committee on Governmental Operations and Reform.

Ms. Kiscaden, Messrs. Merriam; Betzold; Benson, D.D. and Neuville introduced—

S.F. No. 1895: A bill for an act relating to family law; adding a relevant factor in determination of a child's best interests; amending Minnesota Statutes 1992, section 518.17, subdivision 1.

Referred to the Committee on Judiciary.

Mses. Pappas, Krentz, Mr. Chmielewski and Ms. Ranum introduced—

S.F. No. 1896: A bill for an act relating to transportation; including in state transportation plan and development guide certain transportation matters relating to metropolitan area; prohibiting federal block grant funds from being spent on trunk highways unless ancillary to public transit facilities; requiring compliance with comprehensive choice housing requirements before metropolitan council may approve proposed highway project or plan; adding metropolitan transit goals; amending Minnesota Statutes 1992, sections 174.03, subdivision 1a; 473.146, subdivision 3; 473.167, by adding a subdivision; and 473.371, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 174.

Referred to the Committee on Transportation and Public Transit.

Ms. Wiener, Messrs. Metzen, Marty, Mses. Reichgott Junge and Runbeck introduced—

S.F. No. 1897: A bill for an act relating to state government; providing that the open appointments act applies to certain appointments made by legislators; amending Minnesota Statutes 1992, section 15.0597, subdivision 1.

Referred to the Committee on Governmental Operations and Reform.

Mses. Wiener, Piper, Messrs. Solon, Samuelson and Ms. Berglin introduced—

S.F. No. 1898: A bill for an act relating to insurance; health; requiring coverage for equipment and supplies for the management and treatment of diabetes; proposing coding for new law in Minnesota Statutes, chapter 62A.

Referred to the Committee on Commerce and Consumer Protection.

Ms. Wiener introduced—

S.F. No. 1899: A bill for an act relating to the city of Eagan; providing for the establishment of a special service district.

Referred to the Committee on Metropolitan and Local Government.

Ms. Wiener, Messrs. Metzen, Pogemiller and Ms. Reichgott Junge introduced—

S.F. No. 1900: A bill for an act relating to education; modifying the formula for abatement aids; appropriating money; amending Minnesota Statutes 1992, sections 124.214, subdivision 2; and 124A.032.

Referred to the Committee on Education.

Ms. Berglin, Mr. Finn and Ms. Anderson introduced—

S.F. No. 1901: A bill for an act relating to liquor; making rules of the commissioner of public safety on advertising of alcoholic beverages applicable to brand labels; authorizing the commissioner of public safety to refuse to register certain brand labels; amending Minnesota Statutes 1992, sections 340A.311; and 340A.507, subdivision 1.

Referred to the Committee on Commerce and Consumer Protection.

Mr. Bertram introduced—

S.F. No. 1902: A bill for an act relating to nursing home reimbursement; modifying special provisions for moratorium exceptions; amending Minnesota Statutes 1992, section 256B.431, subdivision 17; Minnesota Statutes 1993 Supplement, section 144A.071, subdivision 4a.

Referred to the Committee on Health Care.

Messrs. Bertram and Sams introduced—

S.F. No. 1903: A bill for an act relating to agricultural economy; increasing extent of authorized state participation in rural finance authority loan restructuring program; repealing authorization for the commissioner of finance to issue obligations to assist agricultural-industrial facilities in Detroit Lakes; amending Minnesota Statutes 1992, section 41B.04, subdivision 8; repealing Laws 1992, chapter 543.

Referred to the Committee on Agriculture and Rural Development.

Mr. Benson, D.D.; Ms. Piper and Mr. Morse introduced—

S.F. No. 1904: A bill for an act relating to outdoor recreation; making additions to the state trail system; amending Minnesota Statutes 1992, section 85.015, subdivision 7, and by adding a subdivision.

Referred to the Committee on Environment and Natural Resources.

Messrs. Dille, Berg, Ms. Lesewski, Messrs. Bertram and Morse introduced—

S.F. No. 1905: A bill for an act relating to partition fences; requiring the department of natural resources and other state agencies to share in the expense of partition fences; amending Minnesota Statutes 1992, section 344.03, subdivision 1.

Referred to the Committee on Environment and Natural Resources.

Messrs. Metzen, Pogemiller, Stumpf, Morse and Johnson, D.E. introduced—

S.F. No. 1906: A bill for an act relating to retirement; correctional employees retirement plan of the Minnesota state retirement system; transferring various employment positions in the departments of corrections and human services from coverage by the general state employees retirement plan or the teachers retirement association to the correctional employees retirement plan; amending Minnesota Statutes 1992, sections 352.91, by adding subdivisions; and 352.92, subdivision 2.

Referred to the Committee on Governmental Operations and Reform.

Mr. Morse and Ms. Kiscaden introduced—

S.F. No. 1907: A bill for an act relating to education; post-secondary education; authorizing bonds and appropriating money for capital improvements at Winona state university.

Referred to the Committee on Education.

Messrs. Morse, Stumpf and Riveness introduced—

S.F. No. 1908: A bill for an act relating to public employment; correcting unintended omissions from previous early retirement legislation; ratifying certain prior payments.

Referred to the Committee on Governmental Operations and Reform.

Mr. Price, Ms. Krentz, Messrs. Morse, Dille and Murphy introduced—

S.F. No. 1909: A bill for an act relating to pollution; requiring that cities and counties adopt ordinances complying with pollution control agency rules regarding individual sewage treatment systems; requiring the agency to license sewage treatment professionals; requiring rulemaking; proposing coding for new law in Minnesota Statutes, chapter 115.

Referred to the Committee on Environment and Natural Resources.

Ms. Wiener, Messrs. Moe, R.D., Merriam, Marty and Ms. Reichgott Junge introduced—

S.F. No. 1910: A bill for an act relating to motor vehicles; emission control inspections; requiring contractors operating public inspection stations to make available the opportunity to renew motor vehicle registrations and obtain plates or tabs at inspection stations; amending Minnesota Statutes 1992, section 116.62, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 168.

Referred to the Committee on Transportation and Public Transit.

Messrs. Finn, Cohen, Betzold, Knutson and Ms. Reichgott Junge introduced—

S.F. No. 1911: A bill for an act relating to the secretary of state; changing filing procedures for corporations and certain organizations; providing for service of process on limited partnerships; changing requirements for filings governed by the uniform commercial code; amending Minnesota Statutes 1992, sections 302A.821, subdivision 1; 303.07, subdivision 2; 303.17, subdivisions 2 and 4; 315.23, subdivision 3; 315.44; Minnesota Statutes 1993 Supplement, sections 336.9-403; 336.9-407; 336.9-413; 336A.04, subdivision 3; 336A.09, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 322A.

Referred to the Committee on Judiciary.

Mr. Vickerman introduced—

S.F. No. 1912: A bill for an act relating to insurance; accident and health; permitting short term coverage; amending Minnesota Statutes 1993 Supplement, section 62A.65, by adding a subdivision.

Referred to the Committee on Commerce and Consumer Protection.

Mses. Piper, Berglin, Messrs. Sams, Samuelson and Betzold introduced—

S.F. No. 1913: A bill for an act relating to human services; appropriating money for the child care fund.

Referred to the Committee on Family Services.

Mses. Johnston, Robertson, Mr. Larson, Mrs. Pariseau and Mr. Stevens introduced—

S.F. No. 1914: A bill for an act relating to education; safe schools; requiring students who transfer and school officials to transmit students' education records; allowing peace officers to disseminate certain information to schools and social service agencies; expanding the definition of directory information to include published photographs; expanding antiviolence programs in schools; establishing grant programs to develop curricula on ethics and parenting skills; precluding disruptive students from participating in the open enrollment program; making possession of a firearm or engaging in dangerous, disruptive, or violent behavior in a school zone grounds for immediate dismissal from school; providing for criminal prosecution of juveniles alleged to have possessed a firearm in a school zone; expanding the crime of possessing a dangerous weapon on school property to include the possession of replica firearms and the possession of weapons within 300 feet of school property; extending the juvenile court's continuing jurisdiction to a minor's 23rd birthday; expanding the crime of contributing to the delinquency of a minor to include parents and guardians who fail to provide reasonable supervision or control over their minor children; establishing a school-related crime hotline; increasing the limit on parental liability for personal injury torts committed by a minor; encouraging school districts to create alternative programs for disruptive students; appropriating money; amending Minnesota Statutes 1992, sections 120.062, subdivision 7; 120.101, by adding a subdivision; 124.912, by adding a subdivision; 126.77, subdivision 1; 126.78; 127.03, subdivision 3; 127.29, subdivision 1, and by adding a subdivision; 127.30, by adding a subdivision; 127.31, by adding a subdivision; 127.35; 127.38; 260.015, subdivision 5; 260.111, by adding a subdivision; 260.125, by adding a subdivision; 260.161, by adding a subdivision; 260.181, subdivision 4; 260.315; and 609.055, subdivision 2; Minnesota Statutes 1993 Supplement, sections 13.32, subdivision 5; 120.101, subdivision 5; 121.831, subdivision 9; 260.161, subdivision 3; 540.18, subdivision 1; and 609.66, subdivision 1d; proposing coding for new law in Minnesota Statutes, chapter 299A.

Referred to the Committee on Education.

Messrs. Johnson, D.J.; Lessard and Solon introduced—

S.F. No. 1915: A bill for an act relating to game and fish; requiring return to the water of fish snagged in certain waters; amending Minnesota Statutes 1993 Supplement, section 97C.331.

Referred to the Committee on Environment and Natural Resources.

Mrs. Pariseau, Mr. McGowan, Mses. Johnston and Lesewski introduced—

S.F. No. 1916: A bill for an act relating to taxation; income; changing the dependent care credit; amending Minnesota Statutes 1992, section 290.067, subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Novak, Kroening, Kelly and Langseth introduced—

S.F. No. 1917: A bill for an act relating to state government; requiring newly hired state employees to be state residents; proposing coding for new law in Minnesota Statutes, chapter 43A.

Referred to the Committee on Governmental Operations and Reform.

Messrs. Belanger, McGowan, Neuville, Kelly and Beckman introduced—

S.F. No. 1918: A bill for an act relating to crime; making it murder in the first degree to cause the death of a local correctional officer; amending Minnesota Statutes 1992, section 609.185.

Referred to the Committee on Crime Prevention.

Mr. Kelly, Ms. Anderson, Messrs. Cohen, Belanger and Spear introduced—

S.F. No. 1919: A bill for an act relating to crime; providing mandatory minimum prison sentences for persons convicted of a drive-by shooting; prohibiting persons under the age of 21 from possessing a pistol or assault weapon; making it a felony for a person under the age of 21 to carry an assault weapon or for any person to sell a pistol or assault weapon to a person under the age of 21; prohibiting juvenile offenders from possessing any firearm for ten years following discharge from disposition for a violent offense; amending Minnesota Statutes 1993 Supplement, sections 609.11, subdivision 9; 624.713, subdivision 1; 624.7132, subdivision 15; and 624.7181, subdivision 2.

Referred to the Committee on Crime Prevention.

Messrs. Kelly, Spear and Cohen introduced—

S.F. No. 1920: A bill for an act relating to marriage dissolution; providing that interference with or denial of visitation is grounds for modification of a custody order; amending Minnesota Statutes 1992, section 518.18.

Referred to the Committee on Judiciary.

Ms. Pappas, Mrs. Pariseau, Ms. Flynn, Mr. Novak and Ms. Robertson introduced—

S.F. No. 1921: A bill for an act relating to housing projects; providing for a housing bond credit enhancement program administered by the metropolitan council; authorizing the metropolitan council to provide additional security for bonds issued for qualifying housing projects; proposing coding for new law in Minnesota Statutes, chapter 473.

Referred to the Committee on Metropolitan and Local Government.

Ms. Ranum introduced—

S.F. No. 1922: A bill for an act relating to wild animals; restricting the killing of dogs wounding, killing, or pursuing big game within the metropolitan area; amending Minnesota Statutes 1992, section 97B.011.

Referred to the Committee on Environment and Natural Resources.

Mr. Murphy introduced—

S.F. No. 1923: A bill for an act relating to the city of Red Wing; authorizing the city to extend the duration of a tax increment financing district.

Referred to the Committee on Metropolitan and Local Government.

Messrs. Sams, Riveness, Luther and Kelly introduced—

S.F. No. 1924: A bill for an act relating to energy; reestablishing electric energy policy; establishing a hierarchy of preferred electric energy sources; establishing a legislative task force to oversee implementation of energy policy; establishing intervenor compensation account with revenues from utility assessments; clarifying the availability of intervenor compensation in proceedings before the public utilities commission; authorizing the public utilities commission to set discounted rates for low-income customers; establishing specific guidelines for payment to small power producers and cogenerators under certain circumstances; requiring compliance by a utility with a conservation improvement and resource planning requirements prior to the utility seeking a certificate of need for new or expanded facilities and rate increases; amending various statutes to conform with the reestablished energy policy; providing funding for the building energy research center and the energy center at the Red Wing/Winona technical college; providing demonstration grants for wind energy conversion facilities at public postsecondary institutions; providing for state bonding; appropriating money; amending Minnesota Statutes 1992, sections 216A.07, subdivision 3; 216A.085, subdivision 1; 216B.01; 216B.02, by adding subdivisions; 216B.03; 216B.11; 216B.16, subdivision 6, and by adding a subdivision; 216B.162, subdivisions 2, 4, and 8; 216B.164, subdivisions 1, 3, 6, and 7; 216B.17, subdivisions 1, 6, and 6a; 216B.243, subdivisions 3, 3a, and 4; 216C.01, subdivision 1; 216C.05; 216C.09; 216C.10; 216C.14, subdivision 2; 216C.17, subdivision 5; 216C.18, subdivisions 1 and 1a; 216C.315; 216C.38, by adding a subdivision; and 216C.381, subdivision 1; Minnesota Statutes 1993 Supplement, sections 216B.16, subdivision 1; 216B.162, subdivision 7; 216B.164, subdivision 4; and 216B.2422, subdivisions 1, 2, 4, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 216B; and 216C; repealing Minnesota Statutes 1992, sections 216B.16, subdivision 10; Minnesota Statutes 1993 Supplement, section 216B.242.

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

Mr. Morse, Ms. Johnson, J.B. and Mr. Frederickson introduced—

S.F. No. 1925: A bill for an act relating to education; modifying the referendum revenue allowance reduction; amending Minnesota Statutes 1993 Supplement, section 124A.03, subdivision 3b.

Referred to the Committee on Education.

Mr. Merriam introduced—

S.F. No. 1926: A bill for an act relating to local government; authorizing the public library systems of the county of Anoka and the city of Anoka to merge and the county to provide library services for the city.

Referred to the Committee on Metropolitan and Local Government.

Mr. Sams and Ms. Piper introduced—

S.F. No. 1927: A bill for an act relating to human services; authorizing projects to demonstrate the effectiveness of case management alternatives for persons with developmental disabilities; proposing coding for new law in Minnesota Statutes, chapter 252.

Referred to the Committee on Health Care.

Messrs. Stumpf; Moe, R.D.; Lessard and Finn introduced—

S.F. No. 1928: A bill for an act relating to snowmobiles; providing for the registration of collector snowmobiles; amending Minnesota Statutes 1992, section 84.82, by adding a subdivision.

Referred to the Committee on Environment and Natural Resources.

Messrs. Betzold and Merriam introduced—

S.F. No. 1929: A bill for an act relating to tax-forfeited land; authorizing sale by sealed bid; amending Minnesota Statutes 1992, section 282.01, by adding a subdivision.

Referred to the Committee on Environment and Natural Resources.

Mr. Betzold introduced—

S.F. No. 1930: A bill for an act relating to human services; mental health grants; rules concerning psychopathic personalities; treatment for alcohol, drug abuse, and chemical dependency; stepparent income standards under aid to families with dependent children; inpatient hospital payments; child support incentives; medical assistance for needy persons; state and county social service plans; organ and tissue transplants; family preservation; commissioner's reports; group residential housing payments and agreements; and paternity proceedings; amending Minnesota Statutes 1992, sections 245.696, subdivision 2; 254A.02, subdivision 11; 254B.04, subdivision 1; 254B.05, subdivision 1; 256.74, subdivision 1a; 256.969, subdivisions 10 and 16; 256B.69, subdivision 4; 256E.04; 256E.09, subdivision 3; 256H.24; and 257.60; Minnesota Statutes 1993 Supplement, sections 246B.04; 256.9685, subdivision 1; 256.979, subdivision 8; 256B.0629, subdivisions 3 and 4; 256F.11, subdivision 3; and 256L.04, subdivisions 1a and 2a; repealing Minnesota Statutes 1992, section 254A.16, subdivisions 3 and 4; Laws 1993, chapter 337, section 16.

Referred to the Committee on Health Care.

Mr. Betzold introduced—

S.F. No. 1931: A bill for an act relating to health; making changes of a technical and housekeeping nature; modifying provisions relating to lead abatement enforcement; amending Minnesota Statutes 1992, sections 126A.02, subdivision 2; 144.414, subdivision 3; and 144.878, by adding a subdivision; Minnesota Statutes 1993 Supplement, sections 144.872, subdivision 4; 144.873, subdivision 1; 144.874, subdivisions 1 and 3a; 144.8771, subdivision 2; 144.878, subdivision 5; 144.99, subdivisions 1 and 6; and 157.08; proposing coding for new law in Minnesota Statutes, chapter 144; repealing Minnesota Statutes 1993 Supplement, sections 144.8771, subdivision 5; 144.8781, subdivisions 1, 2, 3, and 5; 157.082; and 157.09; Laws 1993,

chapter 286, section 11; Laws 1993, First Special Session chapter 1, article 9, section 49.

Referred to the Committee on Health Care.

Mr. Sams introduced—

S.F. No. 1932: A bill for an act relating to human services; modifying provisions concerning annual inflation adjustments in certain programs; amending Minnesota Statutes 1992, section 252.275, by adding a subdivision; Minnesota Statutes 1993 Supplement, sections 252.46, by adding a subdivision; and 256B.49, subdivision 4.

Referred to the Committee on Health Care.

Mr. Chandler, Mses. Pappas, Anderson and Johnson, J.B. introduced—

S.F. No. 1933: A bill for an act relating to metropolitan mosquito control; abolishing the metropolitan mosquito control district and commission; amending Minnesota Statutes 1992, sections 270.12, subdivision 3; 473.129, subdivision 6; 473.143, subdivision 1; and 473.8011; Minnesota Statutes 1993 Supplement, sections 3.9741, subdivision 1; 16B.122, subdivision 1; 275.065, subdivisions 3 and 5a; and 352.01, subdivision 2a; repealing Minnesota Statutes 1992, sections 473.701; 473.702; 473.703; 473.704, subdivisions 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, and 20; 473.705; 473.706; 473.711, subdivisions 1, 2, 3, and 4; 473.712; 473.714; 473.715; and 473.716; Minnesota Statutes 1993 Supplement, sections 473.704, subdivision 17; and 473.711, subdivision 5.

Referred to the Committee on Metropolitan and Local Government.

Mr. Chandler, Mses. Pappas, Runbeck and Johnson, J.B. introduced—

S.F. No. 1934: A bill for an act relating to metropolitan mosquito control; requiring the metropolitan mosquito control commission to prepare and adopt a long-range comprehensive plan and budget subject to metropolitan council approval; amending Minnesota Statutes 1992, section 473.704, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 473.

Referred to the Committee on Metropolitan and Local Government.

Mr. Chandler, Mses. Pappas and Johnson, J.B. introduced—

S.F. No. 1935: A bill for an act relating to metropolitan mosquito control; providing for conflict of interest rules to apply to employees of the commission; amending Minnesota Statutes 1992, section 473.706; Minnesota Statutes 1993 Supplement, section 10A.01, subdivision 18.

Referred to the Committee on Metropolitan and Local Government.

Mr. Chandler, Mses. Pappas; Runbeck; Johnson, J.B. and Anderson introduced—

S.F. No. 1936: A bill for an act relating to metropolitan mosquito control; requiring the metropolitan mosquito control district to submit to the environmental quality board an addendum report to the final supplemental environmental impact statement.

Referred to the Committee on Metropolitan and Local Government.

Messrs. Novak, Marty, Janezich, Frederickson and Chandler introduced—

S.F. No. 1937: A bill for an act relating to environmental education; providing an appropriation from the bond proceeds fund for a grant for capital improvements at the Laurentian Environmental Learning Center; appropriating money.

Referred to the Committee on Environment and Natural Resources.

Mr. Chandler, Ms. Anderson, Messrs. Kroening, Frederickson and Novak introduced—

S.F. No. 1938: A bill for an act relating to employment; providing for enforcement of an employees' right to review personnel records; proposing coding for new law in Minnesota Statutes, chapter 181.

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

Messrs. Chandler and Pogemiller introduced—

S.F. No. 1939: A bill for an act relating to energy; reestablishing electric energy policy; establishing a hierarchy of preferred electric energy sources; establishing a legislative task force to oversee implementation of energy policy; establishing intervenor compensation account with revenues from utility assessments; clarifying the availability of intervenor compensation in proceedings before the public utilities commission; authorizing the public utilities commission to set discounted rates for low-income customers; establishing specific guidelines for payment to small power producers and cogenerators under certain circumstances; requiring compliance by a utility with a conservation improvement and resource planning requirements prior to the utility seeking a certificate of need for new or expanded facilities and rate increases; amending various statutes to conform with the reestablished energy policy; providing funding for the building energy research center and the energy center at the Red Wing/Winona technical college; providing demonstration grants for wind energy conversion facilities at public postsecondary institutions; providing for state bonding; appropriating money; amending Minnesota Statutes 1992, sections 216A.07, subdivision 3; 216A.085, subdivision 1; 216B.01; 216B.02, by adding subdivisions; 216B.03; 216B.11; 216B.16, subdivision 6, and by adding a subdivision; 216B.162, subdivisions 2, 4, and 8; 216B.164, subdivisions 1, 3, 6, and 7; 216B.17, subdivisions 1, 6, and 6a; 216B.243, subdivisions 3, 3a, and 4; 216C.01, subdivision 1; 216C.05; 216C.09; 216C.10; 216C.14, subdivision 2; 216C.17, subdivision 5; 216C.18, subdivisions 1 and 1a; 216C.315; 216C.38, by adding a subdivision; and 216C.381, subdivision 1; Minnesota Statutes 1993 Supplement, sections 216B.16, subdivision 1; 216B.162, subdivision 7; 216B.164, subdivision 4; and 216B.2422, subdivisions 1, 2, 4, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 216B; and 216C; repealing Minnesota Statutes 1992, sections 216B.16, subdivision 10; Minnesota Statutes 1993 Supplement, section 216B.242.

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

Mses. Ranum, Piper, Mr. Cohen, Ms. Berglin and Mr. Mondale introduced—

S.F. No. 1940: A bill for an act relating to energy; reestablishing electric energy policy; establishing a hierarchy of preferred electric energy sources; establishing a legislative task force to oversee implementation of energy policy; establishing intervenor compensation account with revenues from utility assessments; clarifying the availability of intervenor compensation in proceedings before the public utilities commission; authorizing the public utilities commission to set discounted rates for low-income customers; establishing specific guidelines for payment to small power producers and cogenerators under certain circumstances; requiring compliance by a utility with a conservation improvement and resource planning requirements prior to the utility seeking a certificate of need for new or expanded facilities and rate increases; amending various statutes to conform with the reestablished energy policy; providing funding for the building energy research center and the energy center at the Red Wing/Winona technical college; providing demonstration grants for wind energy conversion facilities at public postsecondary institutions; providing for state bonding; appropriating money; amending Minnesota Statutes 1992, sections 216A.07, subdivision 3; 216A.085, subdivision 1; 216B.01; 216B.02, by adding subdivisions; 216B.03; 216B.11; 216B.16, subdivision 6, and by adding a subdivision; 216B.162, subdivisions 2, 4, and 8; 216B.164, subdivisions 1, 3, 6, and 7; 216B.17, subdivisions 1, 6, and 6a; 216B.243, subdivisions 3, 3a, and 4; 216C.01, subdivision 1; 216C.05; 216C.09; 216C.10; 216C.14, subdivision 2; 216C.17, subdivision 5; 216C.18, subdivisions 1 and 1a; 216C.315; 216C.38, by adding a subdivision; and 216C.381, subdivision 1; Minnesota Statutes 1993 Supplement, sections 216B.16, subdivision 1; 216B.162, subdivision 7; 216B.164, subdivision 4; and 216B.2422, subdivisions 1, 2, 4, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 216B; and 216C; repealing Minnesota Statutes 1992, sections 216B.16, subdivision 10; Minnesota Statutes 1993 Supplement, section 216B.242.

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

Ms. Johnson, J.B.; Messrs. Marty, Morse, Finn and Merriam introduced—

S.F. No. 1941: A bill for an act relating to energy; reestablishing electric energy policy; establishing a hierarchy of preferred electric energy sources; establishing a legislative task force to oversee implementation of energy policy; establishing intervenor compensation account with revenues from utility assessments; clarifying the availability of intervenor compensation in proceedings before the public utilities commission; authorizing the public utilities commission to set discounted rates for low-income customers; establishing specific guidelines for payment to small power producers and cogenerators under certain circumstances; requiring compliance by a utility with a conservation improvement and resource planning requirements prior to the utility seeking a certificate of need for new or expanded facilities and rate increases; amending various statutes to conform with the reestablished energy policy; providing funding for the building energy research center and the energy center at the Red Wing/Winona technical college; providing demonstration grants for wind energy conversion facilities at public postsecondary institutions; providing for state bonding; appropriating money; amending Minnesota Statutes 1992, sections 216A.07, subdivision 3; 216A.085, subdivision 1; 216B.01; 216B.02, by adding subdivisions; 216B.03; 216B.11; 216B.16, subdivision 6, and by adding a subdivision; 216B.162, subdivisions 2, 4, and 8; 216B.164, subdivisions 1, 3, 6, and 7; 216B.17, subdivisions 1, 6, and 6a; 216B.243, subdivisions 3, 3a, and 4; 216C.01, subdivision 1; 216C.05;

216C.09; 216C.10; 216C.14, subdivision 2; 216C.17, subdivision 5; 216C.18, subdivisions 1 and 1a; 216C.315; 216C.38, by adding a subdivision; and 216C.381, subdivision 1; Minnesota Statutes 1993 Supplement, sections 216B.16, subdivision 1; 216B.162, subdivision 7; 216B.164, subdivision 4; and 216B.2422, subdivisions 1, 2, 4, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 216B; and 216C; repealing Minnesota Statutes 1992, sections 216B.16, subdivision 10; Minnesota Statutes, 1993 Supplement, section 216B.242.

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

Mses. Johnson, J.B.; Anderson and Mr. Morse introduced—

S.F. No. 1942: A bill for an act relating to state departments and agencies; providing for election of public utilities commissioners; requiring commissioners to select commission chair; requiring proceedings of public utilities commission to be recorded; amending Minnesota Statutes 1992, sections 204B.11, subdivision 1; 204D.02, subdivision 1; 216A.03, subdivisions 1, 3, and by adding a subdivision; and 216A.035; Minnesota Statutes 1993 Supplement, section 204B.06, subdivision 4; repealing Minnesota Statutes 1992, section 216A.03, subdivision 1a.

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

Mses. Anderson, Pappas, Mr. Spear, Mses. Flynn and Kiscaden introduced—

S.F. No. 1943: A bill for an act relating to energy; reestablishing electric energy policy; establishing a hierarchy of preferred electric energy sources; establishing a legislative task force to oversee implementation of energy policy; establishing intervenor compensation account with revenues from utility assessments; clarifying the availability of intervenor compensation in proceedings before the public utilities commission; authorizing the public utilities commission to set discounted rates for low-income customers; establishing specific guidelines for payment to small power producers and cogenerators under certain circumstances; requiring compliance by a utility with a conservation improvement and resource planning requirements prior to the utility seeking a certificate of need for new or expanded facilities and rate increases; amending various statutes to conform with the reestablished energy policy; providing funding for the building energy research center and the energy center at the Red Wing/Winona technical college; providing demonstration grants for wind energy conversion facilities at public postsecondary institutions; providing for state bonding; appropriating money; amending Minnesota Statutes 1992, sections 216A.07, subdivision 3; 216A.085, subdivision 1; 216B.01; 216B.02, by adding subdivisions; 216B.03; 216B.11; 216B.16, subdivision 6, and by adding a subdivision; 216B.162, subdivisions 2, 4, and 8; 216B.164, subdivisions 1, 3, 6, and 7; 216B.17, subdivisions 1, 6, and 6a; 216B.243, subdivisions 3, 3a, and 4; 216C.01, subdivision 1; 216C.05; 216C.09; 216C.10; 216C.14, subdivision 2; 216C.17, subdivision 5; 216C.18, subdivisions 1 and 1a; 216C.315; 216C.38, by adding a subdivision; and 216C.381, subdivision 1; Minnesota Statutes 1993 Supplement, sections 216B.16, subdivision 1; 216B.162, subdivision 7; 216B.164, subdivision 4; and 216B.2422, subdivisions 1, 2, 4, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 216B; and 216C;

repealing Minnesota Statutes 1992, sections 216B.16, subdivision 10; Minnesota Statutes 1993 Supplement, section 216B.242.

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

Messrs. Kelly; Moe, R.D.; Johnson, D.J.; Novak and Marty introduced—

S.F. No. 1944: A bill for an act relating to employment; restoring the purchasing power of a minimum wage salary; amending Minnesota Statutes 1992, section 177.24, subdivision 1.

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

Messrs. Morse, Price and Ms. Krentz introduced—

S.F. No. 1945: A bill for an act relating to water; creating programs to provide financial assistance to address nonpoint source water pollution in the departments of agriculture and trade and economic development and the pollution control agency; establishing the drinking water revolving fund administered by the public facilities authority and the department of health; changing the membership of the public facilities authority; increasing the authority's bonding authority; requiring rulemaking; providing for certain exemptions from rulemaking; appropriating money; amending Minnesota Statutes 1992, sections 13.99, by adding a subdivision; 116.182, subdivisions 2, 3, 4, and 5; 446A.02, subdivision 1, and by adding a subdivision; 446A.03, subdivision 3; 446A.07, subdivisions 4, 6, 8, 9, 10, and 11; 446A.071, subdivision 1; 446A.11, subdivision 1; 446A.12, subdivision 1; and 446A.15, subdivision 6; Minnesota Statutes 1993 Supplement, section 446A.03, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 17; 116; and 446A; repealing Minnesota Statutes 1992, section 446A.08.

Referred to the Committee on Agriculture and Rural Development.

MEMBERS EXCUSED

Mrs. Adkins and Mr. Price were excused from the Session of today.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 12:00 noon, Wednesday, March 2, 1994. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

SIXTY-FIFTH DAY

St. Paul, Minnesota, Wednesday, March 2, 1994

The Senate met at 12:00 noon and was called to order by the President.

CALL OF THE SENATE

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

Prayer was offered by the Chaplain, Rev. Judith J. Westendorf.

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

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

The President declared a quorum present.

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

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communication was received and referred to the committee indicated.

August 12, 1991

The Honorable Jerome Hughes
President of the Senate

Dear Senator Hughes:

This is to inform you that two appointments have been made by the Regional Transit Board to the Metropolitan Transit Commission. The Metropolitan Transit Commissioners appointed are:

Todd Paulson, 3216 Poe Rd., Brooklyn Center, Hennepin County, for a term expiring August 1, 1994.

Robert Mairs, 234 B. S. Exchange St., St. Paul, Ramsey County, for a term expiring August 1, 1994.

Attached are the open appointment application forms that were filed by each appointee with the Secretary of State's Office.

If you have any questions about the appointments, please call me.

(Referred to the Committee on Metropolitan and Local Government.)

Warm regards,
Michael J. Ehrlichmann, Chair

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 984:

H.F. No. 984: A bill for an act relating to state government; modifying provisions relating to the department of administration; amending Minnesota Statutes 1992, sections 13B.04; 15.061; 16B.06, subdivision 2; 16B.17; 16B.19, subdivisions 2 and 10; 16B.24, subdivision 6, and by adding a subdivision; 16B.27, subdivision 3; 16B.32, subdivision 2; 16B.42; 16B.465, subdivision 6; 16B.48, subdivisions 2 and 3; 16B.49; 16B.51, subdivisions 2 and 3; 16B.85, subdivision 1; 94.10, subdivision 1; 343.01, subdivisions 2, 3, and by adding subdivisions; and 403.11, subdivision 1; Laws 1979, chapter 333, section 18; and Laws 1991, chapter 345, article 1, section 17, subdivision 4, as amended; proposing coding for new law in Minnesota Statutes, chapter 16B; repealing Minnesota Statutes 1992, sections 3.3026; 16B.41, subdivision 4; 16B.56, subdivision 4; Laws 1987, chapter 394, section 13.

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

Krueger, Kahn, Knickerbocker, Opatz and Krinkie have been appointed as such committee on the part of the House.

House File No. 984 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted February 28, 1994

Mr. Riveness moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 984, and that a Conference Committee of 5 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

REPORTS OF COMMITTEES

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

Mr. Mondale, for Mrs. Adkins, from the Committee on Metropolitan and Local Government, to which was referred:

S.F. No. 1744: A bill for an act relating to the city of Lakefield; allowing the city of Lakefield to expand its public utilities commission to five members.

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

Mr. Mondale, for Mrs. Adkins, from the Committee on Metropolitan and Local Government, to which was referred:

S.F. No. 1651: A bill for an act relating to local government; requiring publicly owned or leased motor vehicles to be identified; proposing coding for new law in Minnesota Statutes, chapter 471.

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

Mr. Mondale, for Mrs. Adkins, from the Committee on Metropolitan and Local Government, to which was referred:

S.F. No. 1712: A bill for an act relating to towns; providing for financial audits in certain circumstances; amending Minnesota Statutes 1992, section 367.36, subdivision 1.

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

Page 1, line 14, delete "*budget*" and insert "*revenue*"

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

Mr. Mondale, for Mrs. Adkins, from the Committee on Metropolitan and Local Government, to which was referred:

S.F. No. 309: A bill for an act relating to St. Paul; authorizing the city to require employees to reside in the city.

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

Page 1, line 12, after "DATE" insert " ; LOCAL APPROVAL "

Page 1, delete lines 13 to 15 and insert:

"Section 1 is effective the day after compliance with Minnesota Statutes, section 645.021, subdivision 3, by the governing body of the city of St. Paul."

And when so amended the bill do pass and be re-referred to the Committee on Jobs, Energy and Community Development. Amendments adopted. Report adopted.

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

S.F. No. 1742: A bill for an act relating to state departments and agencies; environmental quality board; providing that the board may provide its own staff and administration; amending Minnesota Statutes 1992, section 116C.03, subdivision 4; repealing Minnesota Statutes 1992, section 116C.03, subdivision 5.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Governmental Operations and Reform. Report adopted.

SECOND READING OF SENATE BILLS

S.F. Nos. 1744, 1651 and 1712 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Mondale moved that his name be stricken as chief author, shown as a co-author, and the name of Ms. Krentz be shown as chief author to S.F. No. 584. The motion prevailed.

Ms. Kiscaden moved that her name be stricken as a co-author to S.F. No. 1339. The motion prevailed.

Mr. Cohen moved that the name of Mr. Marty be added as a co-author to S.F. No. 1703. The motion prevailed.

Ms. Berglin moved that the name of Mr. Finn be added as a co-author to S.F. No. 1711. The motion prevailed.

Mr. Finn moved that the name of Mr. Merriam be added as a co-author to S.F. No. 1717. The motion prevailed.

Mr. Larson moved that the names of Messrs. Day, Oliver and Luther be added as co-authors to S.F. No. 1749. The motion prevailed.

Mr. Larson moved that the names of Messrs. Day, Oliver and Luther be added as co-authors to S.F. No. 1750. The motion prevailed.

Mr. Larson moved that the names of Messrs. Day, Oliver and Luther be added as co-authors to S.F. No. 1751. The motion prevailed.

Ms. Krentz moved that the names of Messrs. Chmielewski, Langseth, Belanger and Ms. Johnston be added as co-authors to S.F. No. 1816. The motion prevailed.

Ms. Berglin moved that the name of Mr. Marty be added as a co-author to S.F. No. 1901. The motion prevailed.

Mr. Bertram moved that the name of Mr. Larson be added as a co-author to S.F. No. 1903. The motion prevailed.

Mrs. Pariseau moved that the name of Mr. Neville be added as a co-author to S.F. No. 1916. The motion prevailed.

Mr. Murphy moved that S.F. No. 1923 be withdrawn from the Committee on Metropolitan and Local Government and re-referred to the Committee on Taxes and Tax Laws. The motion prevailed.

Mr. Moe, R.D. moved that the report from the Committee on Rules and Administration, relating to Senate Resolution No. 34, reported to the Senate February 28, 1994, be taken from the table. The motion prevailed.

Mr. Moe, R.D. moved the adoption of the Committee Report. The motion prevailed. Report adopted.

Mr. Moe, R.D. moved to amend Rule 71 of the Permanent Rules as follows:

PRIVILEGE OF REPORTERS

71. Provision shall be made for news reporters on the Senate floor in limited numbers, and in the Senate gallery. Because of limited space on the floor, permanent space is limited to those news agencies which have regularly covered the legislature, namely: The Associated Press, ~~United Press International~~, St. Paul Pioneer Press Dispatch, Star Tribune, Duluth News-Tribune and Herald, *Fargo Forum*, Rochester Post-Bulletin, St. Cloud Daily Times, WCCO radio, KSTP radio, and Minnesota Public Radio. An additional two spaces shall be provided to other reporters if space is available.

One person from each named agency and one person from the Senate Publications Office may be present at the press table on the Senate floor at any one time.

Other news media personnel may occupy seats provided in the Senate gallery.

The Committee on Rules and Administration may, through committee action or by delegating authority to the Secretary, allow television filming on the Senate floor on certain occasions.

The Secretary of the Senate shall compile and distribute to the public a directory of reporters accredited to report from the Senate floor. The directory must include each reporter's picture and news organization and a brief biography. The Secretary must issue each accredited reporter an identification badge showing the reporter's name and news organization.

The motion prevailed. So the rule was amended.

RECESS

Mr. Moe, R.D. moved that the Senate do now recess subject to the call of the President. The motion prevailed.

After a brief recess, the President called the Senate to order.

APPOINTMENTS

Mr. Moe, R.D. from the Subcommittee on Committees recommends that the following Senators be and they hereby are appointed as a Conference Committee on:

H.F. No. 984: Mr. Riveness; Ms. Wiener, Messrs. Hottinger, Terwilliger and Ms. Runbeck.

Mr. Moe, R.D. moved that the foregoing appointments be approved. The motion prevailed.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Mr. Terwilliger, Ms. Olson, Messrs. Merriam and Stevens introduced—

S.F. No. 1946: A bill for an act proposing an amendment to the Minnesota Constitution to provide for a unicameral legislature; 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 by law for a unicameral legislature of 135 members; amending Minnesota Statutes 1992, sections 2.021; and 2.031, subdivision 1.

Referred to the Committee on Ethics and Campaign Reform.

Messrs. Johnson, D.E.; McGowan; Laidig and Mrs. Pariseau introduced—

S.F. No. 1947: A bill for an act proposing an amendment to the Minnesota Constitution, changing article IV, section 4, and article V, section 2, and adding a new section to article XIII; placing limits on the terms of office of governor, legislators, and United States senators and representatives.

Referred to the Committee on Ethics and Campaign Reform.

Mr. Berg introduced—

S.F. No. 1948: A bill for an act relating to agriculture; providing for family farm limited liability companies and authorized farm limited liability companies; removing limitation on number of shareholders or partners for authorized farm corporations and partnerships; amending Minnesota Statutes 1992, section 500.24, subdivision 2.

Referred to the Committee on Agriculture and Rural Development.

Mr. Berg introduced—

S.F. No. 1949: A bill for an act relating to agriculture; removing limitations on ownership and use of agricultural lands by limited liability companies; amending Minnesota Statutes 1992, section 500.24, subdivision 3.

Referred to the Committee on Agriculture and Rural Development.

Mr. Metzen introduced—

S.F. No. 1950: A bill for an act relating to public safety; establishing four-year terms for certain positions in department of public safety; allowing appointment of advisory committees to submit for consideration candidates for those positions; amending Minnesota Statutes 1992, sections 12.04, subdivision 1; 299C.01, subdivision 2; 299D.01, subdivision 1; and 299F.01, subdivision 2.

Referred to the Committee on Governmental Operations and Reform.

Ms. Johnston, Mr. Benson, D.D.; Mses. Robertson and Piper introduced—

S.F. No. 1951: A bill for an act relating to insurance; health; restricting

termination or reductions of coverage for fibrocystic conditions; proposing coding for new law in Minnesota Statutes, chapter 62A.

Referred to the Committee on Commerce and Consumer Protection.

Messrs. Janezich, Pogemiller, Stumpf, Beckman and Ms. Ranum introduced—

S.F. No. 1952: A bill for an act relating to libraries; creating a capital bonding program for library accessibility projects; authorizing the issuance and sale of state bonds; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 134.

Referred to the Committee on Education.

Mr. Beckman introduced—

S.F. No. 1953: A bill for an act relating to data practices; providing for release of the current address of certain welfare recipients to law enforcement agencies; providing for release of patient and resident directory information to law enforcement agencies; permitting law enforcement and court services agencies to share their records on juveniles with school officials under certain circumstances; requiring proposed transferees of pistols and semiautomatic military-style assault weapons and applicants for a permit to carry a pistol to authorize release of mental health and chemical dependency records to the local police authority conducting the firearms background check; amending Minnesota Statutes 1992, sections 13.99, subdivision 79; 260.161, by adding a subdivision; 624.7131, subdivision 2; and 624.714, subdivisions 3 and 4; Minnesota Statutes 1993 Supplement, sections 13.46, subdivision 2; 144.651, subdivisions 2, 21, and 26; 253B.03, subdivisions 3 and 4; 260.161, subdivision 3; 624.7131, subdivision 1; and 624.7132, subdivisions 1 and 2.

Referred to the Committee on Crime Prevention.

Mr. Beckman introduced—

S.F. No. 1954: A bill for an act relating to taxation; property tax; reducing the apartment class rate in certain municipalities; amending Minnesota Statutes 1992, section 273.13, subdivision 25.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Finn, Langseth, Stumpf, Hottinger and Morse introduced—

S.F. No. 1955: A bill for an act relating to education; increasing the number of higher education representatives on the state board of teaching; amending Minnesota Statutes 1992, sections 125.183, subdivisions 1 and 3; and 125.184, subdivision 1.

Referred to the Committee on Education.

Mr. Vickerman, Ms. Lesewski, Messrs. Murphy and Dille introduced—

S.F. No. 1956: A bill for an act relating to water resources; authorizing planning, design, and engineering work on the proposed Lewis and Clark rural water system; designating a lead state agency to negotiate with federal authorities; appropriating money.

Referred to the Committee on Environment and Natural Resources.

Mr. Janezich, Ms. Wiener, Mrs. Pariseau, Messrs. Metzen and Solon introduced—

S.F. No. 1957: A bill for an act relating to motor vehicles; authorizing commissioner of public safety to study motor vehicle safety standards and inspection programs and make recommendations to legislature; appropriating money.

Referred to the Committee on Transportation and Public Transit.

Messrs. Janezich; Johnson, D.J.; Lessard; McGowan and Johnson, D.E. introduced—

S.F. No. 1958: A bill for an act relating to private lands and waters; providing for recreational use, liability, and easements or other rights; amending Minnesota Statutes 1992, sections 87.025; 87.026; and 87.03; proposing coding for new law in Minnesota Statutes, chapter 87.

Referred to the Committee on Environment and Natural Resources.

Mr. Stumpf introduced—

S.F. No. 1959: A bill for an act relating to state lands; authorizing public sale of certain tax-forfeited land that borders public water in Roseau county.

Referred to the Committee on Environment and Natural Resources.

Mr. Belanger introduced—

S.F. No. 1960: A bill for an act relating to alternative energy; providing a consumer rebate for the purchase of residential low-emission wood or biomass combustion devices; providing for rulemaking by the Minnesota pollution control agency and the department of public service; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 216C.

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

Messrs. Merriam and McGowan introduced—

S.F. No. 1961: A bill for an act relating to driving while intoxicated; authorizing imposition of a two-year gross misdemeanor sentence on certain repeat DWI offenders; requiring consecutive sentences for multiple crimes committed by repeat DWI offenders and DWI offenders who drive without insurance or after license cancellation or revocation; imposing misdemeanor penalties on persons who knowingly lend their motor vehicles to intoxicated or unlicensed drivers; amending Minnesota Statutes 1992, sections 169.797, subdivision 4; 609.02, subdivision 2, and by adding a subdivision; 609.105; Minnesota Statutes 1993 Supplement, sections 169.121, subdivision 3; and 171.24; proposing coding for new law in Minnesota Statutes, chapter 169.

Referred to the Committee on Crime Prevention.

Mr. Mondale introduced—

S.F. No. 1962: A bill for an act relating to capital improvements; appropriating money to the department of administration for a grant to the city of Hopkins for a performing arts center; authorizing the sale of state bonds.

Referred to the Committee on Metropolitan and Local Government. Mr. Vickerman questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Mr. Mondale introduced—

S.F. No. 1963: A bill for an act relating to local government; permitting the establishment of a special service district in the city of Hopkins; providing taxing and other authority for the city.

Referred to the Committee on Metropolitan and Local Government.

Messrs. Beckman, Hottinger and Vickerman introduced—

S.F. No. 1964: A bill for an act relating to appropriations; appropriating money to the city of Eagle Lake for an interceptor sewer connection with the city of Mankato.

Referred to the Committee on Environment and Natural Resources.

Messrs. Beckman and Hottinger introduced—

S.F. No. 1965: A bill for an act relating to education; allowing school districts to cancel their supplemental revenue; amending Minnesota Statutes 1993 Supplement, section 124A.22, subdivision 8.

Referred to the Committee on Education.

Mr. Langseth, Ms. Hanson and Mr. Belanger introduced—

S.F. No. 1966: A bill for an act relating to traffic regulations; making technical changes; requiring that transportation for students in Head Start programs be by school bus; removing requirement for auxiliary low beam lights to be removed or covered when snowplow blade removed; requiring seat belts for commercial motor vehicles; allowing transportation within state of raw farm and forest products exceeding maximum weight limitation by not more than three percent; amending Minnesota Statutes 1992, sections 169.448, subdivision 3; 169.743; and 169.851, subdivisions 3 and 5; Minnesota Statutes 1993 Supplement, sections 169.47, subdivision 1; 169.522, subdivision 1; 169.56, subdivision 5; and 169.686, subdivision 1.

Referred to the Committee on Transportation and Public Transit.

Ms. Pappas, Messrs. Marty, Chmielewski, Neuville and Kelly introduced—

S.F. No. 1967: A bill for an act relating to drivers' licenses; allowing commissioner of public safety to determine driver's test taken for license reinstatement; amending Minnesota Statutes 1992, section 171.29, subdivision 1.

Referred to the Committee on Transportation and Public Transit.

Ms. Pappas, Messrs. Kelly, Murphy, Vickerman and Ms. Kiscaden introduced—

S.F. No. 1968: A bill for an act relating to veterans; extending eligibility for special veterans' license plates to allied veterans; amending Minnesota Statutes 1992, section 168.123, subdivisions 1 and 2.

Referred to the Committee on Veterans and General Legislation.

Mr. Hottinger introduced—

S.F. No. 1969: A bill for an act relating to state government; revising procedures used for adoption and review of administrative rules; making various technical changes; amending Minnesota Statutes 1992, sections 14.05, subdivision 1; 14.12; 14.38, subdivisions 7, 8, and 9; 14.46, subdivisions 1 and 3; 14.47, subdivisions 1, 2, and 6; 14.50; 14.51; 17.84; 84.027, by adding a subdivision; and 128C.02, subdivision 4; Minnesota Statutes 1993 Supplement, sections 3.841; and 3.984, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 3; and 14; repealing Minnesota Statutes 1992, sections 3.842; 3.843; 3.844; 3.845; 3.846; 14.03, subdivision 3; 14.05, subdivisions 2 and 3; 14.06; 14.08; 14.09; 14.11; 14.115; 14.131; 14.1311; 14.14; 14.15; 14.16; 14.18; 14.19; 14.20; 14.22; 14.225; 14.23; 14.235; 14.24; 14.25; 14.26; 14.27; 14.28; 14.29; 14.30; 14.305; 14.31; 14.32; 14.33; 14.34; 14.35; 14.36; 14.365; 14.38, subdivisions 4, 5, and 6; and 17.83; Minnesota Statutes 1993 Supplement, section 14.10.

Referred to the Committee on Governmental Operations and Reform.

Messrs. Stumpf; Moe, R.D. and Langseth introduced—

S.F. No. 1970: A bill for an act relating to agriculture; appropriating money for wheat scab research and soybean improvement research.

Referred to the Committee on Agriculture and Rural Development.

Ms. Reichgott Junge, Messrs. Novak, Murphy, Knutson and Belanger introduced—

S.F. No. 1971: A bill for an act relating to limited liability companies; providing for the application of workers' compensation and unemployment compensation laws; amending Minnesota Statutes 1992, sections 176.041, subdivision 1; and 268.04, subdivision 7, and by adding a subdivision; Minnesota Statutes 1993 Supplement, sections 176.041, subdivision 1a; and 268.04, subdivision 12.

Referred to the Committee on Judiciary.

Mrs. Benson, J.E.; Messrs. Bertram, Samuelson, Stumpf and Stevens introduced—

S.F. No. 1972: A bill for an act relating to telecommunications; appropriating money to facilitate public sector regional telecommunications systems statewide; including matching funds for pilot project development in the central Minnesota region.

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

Ms. Hanson, Messrs. Sams, Morse, Vickerman and Marty introduced—

S.F. No. 1973: A bill for an act relating to agriculture; requiring registration of manufacturers and distributors of recombinant bovine somatotropin; amending Minnesota Statutes 1992, section 32.103; proposing coding for new law in Minnesota Statutes, chapter 32.

Referred to the Committee on Agriculture and Rural Development.

Messrs. Sams, Samuelson, Ms. Piper and Mr. Finn introduced—

S.F. No. 1974: A bill for an act relating to nursing home reimbursement; modifying special provisions for moratorium exceptions; amending Minnesota Statutes 1992, section 256B.431, subdivision 17.

Referred to the Committee on Health Care.

Messrs. Sams, Bertram, Vickerman, Ms. Hanson and Mr. Stevens introduced—

S.F. No. 1975: A bill for an act relating to agriculture; providing for uniformity of certain food laws with federal regulations; amending Minnesota Statutes 1992, sections 31.101; 31.102, subdivision 1; 31.103, subdivision 1; and 31.104.

Referred to the Committee on Agriculture and Rural Development.

Messrs. Sams; Johnson, D.J.; Hottinger and Pogemiller introduced—

S.F. No. 1976: A bill for an act relating to taxation; property; clarifying certain homestead eligibility for trust property; amending Minnesota Statutes 1993 Supplement, section 273.124, subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Mses. Piper, Ranum, Messrs. Finn, Merriam and Knutson introduced—

S.F. No. 1977: A bill for an act relating to health; permitting the commissioner of health to conduct fetal, infant, and maternal death studies; proposing coding for new law in Minnesota Statutes, chapter 145.

Referred to the Committee on Health Care.

Mr. Betzold introduced—

S.F. No. 1978: A bill for an act relating to human services; defining commitment; providing for patient commitment to the commissioner; defining when the commissioner must designate the regional center or treatment facility to receive the committed person; establishing cost of care for committed persons awaiting placement or transfer designation to the state; establishing county financial responsibility for persons temporarily confined; clarifying duration of continued commitment; amending Minnesota Statutes 1992, sections 245.485; 253B.02, by adding a subdivision; 253B.09, subdivisions 2 and 3; 253B.10, subdivision 1; and 253B.11, subdivision 2, and by adding a subdivision.

Referred to the Committee on Judiciary.

Messrs. Finn and Samuelson introduced—

S.F. No. 1979: A bill for an act relating to capital improvements; appropriating money for the Paul Bunyan state trail from Baxter to Lake Bemidji State Park; authorizing the sale of state bonds.

Referred to the Committee on Environment and Natural Resources.

Ms. Anderson, Mr. Kelly, Mses. Runbeck, Reichgott Junge and Mr. Novak introduced—

S.F. No. 1980: A bill for an act relating to crimes; controlled substance definitions; expanding public housing zones to include federally assisted housing programs administered by the Minnesota housing finance agency; amending Minnesota Statutes 1992, section 152.01, subdivision 19.

Referred to the Committee on Crime Prevention.

Messrs. Vickerman, Chmielewski, Langseth, Dille and Murphy introduced—

S.F. No. 1981: A bill for an act relating to railroads; authorizing rail carriers to participate in loan guarantee program; defining terms; amending eligibility requirements; amending Minnesota Statutes 1992, sections 222.55; 222.56, subdivisions 5, 6, and by adding subdivisions; 222.57; and 222.58, subdivision 2.

Referred to the Committee on Transportation and Public Transit.

Messrs. Novak, Metzen, Ms. Anderson and Mr. Frederickson introduced—

S.F. No. 1982: A bill for an act relating to housing; modifying accessibility loan program provisions; authorizing tribal Indian housing rehabilitation loans; authorizing the payment of housing program costs and expenses; amending Minnesota Statutes 1992, sections 462A.05, subdivision 14d; and 462A.21, by adding a subdivision; Minnesota Statutes 1993 Supplement, section 462A.07, subdivision 14.

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

Ms. Anderson, Messrs. Kelly, Novak, Chandler and Frederickson introduced—

S.F. No. 1983: A bill for an act relating to economic development; clarifying applications and criteria for Minnesota companies to participate in the international business partnership program; amending Minnesota Statutes 1992, section 116J.974.

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

Ms. Krentz, Messrs. Betzold, Novak, Ms. Johnson, J.B. and Mr. Chandler introduced—

S.F. No. 1984: A bill for an act relating to manufactured homes; clarifying certain language governing application fees with in park sales; amending Minnesota Statutes 1992, section 327C.07, subdivisions 1, 2, 3, and 6.

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

Messrs. Murphy, Morse, Ms. Johnson, J.B.; Mr. Novak and Ms. Reichgott Junge introduced—

S.F. No. 1985: A resolution memorializing the President and Congress to act expeditiously in procuring a site or sites for the storage of high-level radioactive waste.

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

Ms. Hanson, Messrs. Stumpf and Morse introduced—

S.F. No. 1986: A bill for an act relating to wetlands; changing provisions relating to compensation required when a wetland replacement plan is not approved; amending Minnesota Statutes 1992, section 103G.237, subdivision 4.

Referred to the Committee on Environment and Natural Resources.

Mr. Knutson, Ms. Robertson, Mr. Janezich, Ms. Hanson and Mr. Terwilliger introduced—

S.F. No. 1987: A bill for an act relating to education; modifying the authority of the state board of education; eliminating the authority of the state board of education to establish a final graduation rule; amending Minnesota Statutes 1992, section 121.02, subdivision 1; Minnesota Statutes 1993 Supplement, section 121.11, subdivisions 7, 7c, and 7d; repealing Laws 1992, chapter 499, article 8, section 33, as amended.

Referred to the Committee on Education.

Messrs. Murphy, Pogemiller, Morse, Finn and Janezich introduced—

S.F. No. 1988: A bill for an act relating to recycling; requiring that court papers be submitted on recycled paper; proposing coding for new law in Minnesota Statutes, chapter 480.

Referred to the Committee on Judiciary.

Messrs. Murphy, Finn, Ms. Reichgott Junge, Messrs. Dille and Bertram introduced—

S.F. No. 1989: A bill for an act relating to workers' compensation; providing an exclusion for owners of limited liability companies; amending Minnesota Statutes 1992, section 176.041, subdivision 1; Minnesota Statutes 1993 Supplement, section 176.041, subdivision 1a.

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

Messrs. Vickerman, Chmielewski, Belanger, Dille and Ms. Hanson introduced—

S.F. No. 1990: A bill for an act relating to motor vehicles; making technical corrections; taxing commuter vans as buses for vehicle registration purposes; allowing holder of personalized license plates to have priority for those plates in next registration period as long as holder keeps registration current; providing for temporary 60-day permits while waiting for special ready reserve license plates or special collegiate license plates; requiring vehicle dealers to file information relating to temporary registration permits issued to

new purchasers; requiring drive-away in transit license plates and insurance for transporting vehicles; regulating vehicle dealers; requiring that parking certificate for disabled person hang from rearview mirror; specifying parking certificate expiration times for persons with permanent and temporary disabilities; providing for administrative hearings regarding deputy registrars; requiring secured parties to be notified when a dealer buys a late model or high value salvage vehicle; amending Minnesota Statutes 1992, sections 168.011, subdivision 7; 168.013, subdivision 1f, and by adding a subdivision; 168.053, subdivision 1; 168.054; 168.09, subdivision 7; 168.092, subdivision 2; 168.12, subdivision 2a; 168.126, subdivision 1; 168.27, subdivisions 1, 12, 13, 15; 16, and 17; 168.33, subdivision 2; 168A.11, subdivision 2; 168A.153, subdivision 2; 169.345, subdivision 1; and 325F.662, subdivision 3; Minnesota Statutes 1993 Supplement, section 169.345, subdivision 3.

Referred to the Committee on Transportation and Public Transit.

Messrs. Novak, Metzen, Mondale and Kelly introduced—

S.F. No. 1991: A bill for an act relating to metropolitan government; requiring the metropolitan council to adopt rules allocating comprehensive choice housing among cities and towns in the metropolitan area; requiring metropolitan council review of efforts of cities and towns to comply with the allocation; establishing penalties for noncompliance; proposing coding for new law in Minnesota Statutes, chapters 16A; and 473.

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

Ms. Wiener, Messrs. Metzen, Murphy, Knutson and Mrs. Pariseau introduced—

S.F. No. 1992: A bill for an act relating to capital improvements; appropriating money to the state board of technical colleges to construct the Dakota county technical college decision driving course; authorizing the sale of state bonds.

Referred to the Committee on Education.

Ms. Krentz, Mr. Janezich, Mses. Ranum, Pappas and Robertson introduced—

S.F. No. 1993: A bill for an act relating to education; establishing educational and licensure requirements for school interpreters; proposing coding for new law in Minnesota Statutes, chapter 125.

Referred to the Committee on Education.

Messrs. Betzold, Luther, McGowan, Mses. Reichgott Junge and Krentz introduced—

S.F. No. 1994: A bill for an act relating to education; creating an additional general education revenue component to fund programs for at-risk students; expanding the uses of learning and development revenue; making permanent the flexibility between the capital expenditure equipment and facility accounts; appropriating money; amending Minnesota Statutes 1992, section 124A.22, subdivision 1, and by adding a subdivision; Minnesota Statutes 1993 Supplement, sections 124.243, subdivision 8; and 124A.225, subdivision 4.

Referred to the Committee on Education.

Ms. Flynn, Messrs. Johnson, D.E.; Moe, R.D.; Ms. Reichgott Junge and Mrs. Pariseau introduced—

S.F. No. 1995: A bill for an act relating to elections; providing for access to broadcast facilities for state and local candidates; imposing penalties; amending Minnesota Statutes 1992, section 211B.05, by adding a subdivision.

Referred to the Committee on Ethics and Campaign Reform.

Mr. Belanger introduced—

S.F. No. 1996: A bill for an act relating to employment; modifying the definition of employer for personnel records review purposes; amending Minnesota Statutes 1992, section 181.960, subdivision 3.

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

Mr. Cohen introduced—

S.F. No. 1997: A bill for an act relating to marriage; providing for postnuptial contracts; amending Minnesota Statutes 1992, section 519.11.

Referred to the Committee on Judiciary.

Mr. Cohen introduced—

S.F. No. 1998: A bill for an act relating to change of name; altering procedural requirements for a change of name application; amending Minnesota Statutes 1992, section 259.10.

Referred to the Committee on Judiciary.

Messrs. Benson, D.D.; Frederickson; Stevens; Dille and Ms. Lesewski introduced—

S.F. No. 1999: A bill for an act relating to agriculture; changing certain pesticide posting requirements; amending Minnesota Statutes 1992, section 18B.07, subdivision 3.

Referred to the Committee on Agriculture and Rural Development.

Mses. Berglin, Flynn, Mr. Murphy, Mses. Krentz and Piper introduced—

S.F. No. 2000: A bill for an act relating to child care; authorizing the commissioner of human services to establish a program of staff retention and recruitment grants for child care facilities; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 256H.

Referred to the Committee on Family Services.

Messrs. Hottinger and Riveness introduced—

S.F. No. 2001: A bill for an act relating to workers' compensation; modifying provisions relating to vocational rehabilitation; amending Minnesota Statutes 1992, sections 176.102, subdivisions 1, 4, and by adding a subdivision; and 176.83, subdivision 2.

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

Mr. Laidig introduced—

S.F. No. 2002: A bill for an act relating to crime; increasing mandatory minimum sentences for persons who commit certain felonies while possessing a firearm; amending Minnesota Statutes 1993 Supplement, section 609.11, subdivisions 4 and 5.

Referred to the Committee on Crime Prevention.

Mr. Laidig introduced—

S.F. No. 2003: A bill for an act relating to criminal procedure; changing the order of final argument in criminal cases; providing that evidence of similar prior conduct is presumptively admissible in violent crime prosecutions; repealing the law requiring defendants to be given a written transcript of their statement or confession as soon as possible after the statement or confession is made; amending Minnesota Statutes 1992, sections 631.07; and 634.20; repealing Minnesota Statutes 1992, section 611.033.

Referred to the Committee on Crime Prevention.

Mr. Johnson, D.J. introduced—

S.F. No. 2004: A bill for an act relating to the city of Two Harbors; permitting the use of the lodging tax for additional purposes.

Referred to the Committee on Taxes and Tax Laws.

Mr. Sams, Meses. Berglin, Kiscaden, Messrs. Samuelson and Metzen introduced—

S.F. No. 2005: A bill for an act relating to occupations and professions; board of dentistry; expanding the size of the board; providing for exchange of information with other states; providing for board immunity; establishing grounds for discipline; requiring reporting by employers; providing for temporary and limited licenses; providing for appeal of denial of license; amending Minnesota Statutes 1992, sections 150A.02; 150A.03, by adding a subdivision; and 150A.06, by adding subdivisions; Minnesota Statutes 1993 Supplement, sections 150A.06, subdivision 4a; and 150A.08, subdivisions 1 and 8; proposing coding for new law in Minnesota Statutes, chapter 150A.

Referred to the Committee on Health Care.

Messrs. Chmielewski, Bertram, Solon, Novak and Lessard introduced—

S.F. No. 2006: A bill for an act relating to taxation; motor fuels; establishing permit system for alternate fuel vehicles; setting permit fees based on vehicle weight; amending Minnesota Statutes 1993 Supplement, sections 296.02, subdivision 1a; and 296.025, subdivision 1a; proposing coding for new law in Minnesota Statutes, chapter 296.

Referred to the Committee on Transportation and Public Transit.

Messrs. Beckman, Stumpf, Sams and Vickerman introduced—

S.F. No. 2007: A bill for an act relating to education; appropriating money to the state board of technical colleges for the farm business management program.

Referred to the Committee on Education.

Messrs. Terwilliger, Oliver, Belanger and Mrs. Pariseau introduced—

S.F. No. 2008: A resolution expressing the Minnesota Legislature's support for the passage of a constitutional amendment requiring a balanced federal budget.

Referred to the Committee on Finance.

Messrs. Terwilliger and Luther introduced—

S.F. No. 2009: A bill for an act relating to public safety; increasing membership of emergency response commission by one representative of emergency managers; amending Minnesota Statutes 1992, section 299K.03, subdivision 3.

Referred to the Committee on Veterans and General Legislation.

Messrs. Terwilliger, Belanger and Oliver introduced—

S.F. No. 2010: A bill for an act relating to liquor; authorizing the city of Eden Prairie to issue additional on-sale licenses.

Referred to the Committee on Commerce and Consumer Protection.

Mr. Solon introduced—

S.F. No. 2011: A bill for an act relating to elections; providing for simulated elections for minors; proposing coding for new law in Minnesota Statutes, chapter 204B.

Referred to the Committee on Ethics and Campaign Reform.

Mr. Luther, Ms. Berglin, Messrs. Larson, Betzold and Solon introduced—

S.F. No. 2012: A bill for an act relating to insurance; requiring proof of professional liability coverage prior to issuance or renewal of certain health-related licenses; permitting licensing boards to establish exemptions by rule; amending Minnesota Statutes 1992, section 214.06, by adding a subdivision.

Referred to the Committee on Health Care.

Messrs. Luther, Chmielewski, Novak, Riveness and Mrs. Benson, J.E. introduced—

S.F. No. 2013: A bill for an act relating to taxation; motor fuels; providing for the disposition of unrefunded gasoline tax attributable to off-highway motorcycle use; amending Minnesota Statutes 1992, section 296.16, subdivision 1; Minnesota Statutes 1993 Supplement, section 84.794, subdivision 1.

Referred to the Committee on Transportation and Public Transit.

Mr. Cohen introduced—

S.F. No. 2014: A bill for an act relating to child support; clarifying insurer responsibilities for medical support; modifying provisions for child care costs; clarifying cause of action for support from an absent parent; amending Minnesota Statutes 1993 Supplement, sections 256.87, subdivision 5; 518.171, subdivision 1; and 518.551, subdivision 5.

Referred to the Committee on Family Services.

Ms. Flynn, Mrs. Pariseau, Messrs. Mondale, Moe, R.D. and Johnson, D.E. introduced—

S.F. No. 2015: A bill for an act relating to metropolitan government; establishing an elected metropolitan council; providing for a regional administrator and a management team; imposing organizational requirements; imposing duties; clarifying existing provisions and making conforming changes; amending Minnesota Statutes 1992, sections 6.76; 15.0597, subdivision 1; 15A.081, subdivision 7; 16B.58, subdivision 7; 116.16, subdivision 2; 116.182, subdivision 1; 161.173; 161.174; 169.781, subdivision 1; 169.791, subdivision 5; 169.792, subdivision 11; 204B.32, subdivision 2; 221.022; 221.041, subdivision 4; 221.071, subdivision 1; 221.295; 297B.09, subdivision 1; 352.03, subdivision 1; 352.75, subdivision 1; 353D.01, subdivision 2; 422A.01, subdivision 9; 422A.101, subdivision 2a; 462.357, subdivision 2; 471A.02, subdivision 8; 473.121, subdivisions 5a and 24; 473.123, subdivisions 1, 2a, 4, and by adding subdivisions; 473.129; 473.13, subdivision 4; 473.146, subdivisions 1 and 4; 473.149, subdivision 3; 473.1623, subdivision 2; 473.164; 473.168, subdivision 2; 473.173, subdivisions 3 and 4; 473.223; 473.303, subdivisions 2, 3a, 4, 4a, 5, and 6; 473.371, subdivision 1; 473.375, subdivisions 11, 12, 13, 14, and 15; 473.382; 473.384, subdivisions 1, 3, 4, 5, 6, 7, and 8; 473.385; 473.386, subdivisions 1, 2, 3, 4, 5, and 6; 473.387, subdivisions 2, 3, and 4; 473.388, subdivisions 2, 3, 4, and 5; 473.39, subdivisions 1, 1a, 1b, and by adding a subdivision; 473.391; 473.392; 473.394; 473.399, as amended; 473.405, subdivisions 1, 3, 4, 5, 9, 10, 12, and 15; 473.408, subdivisions 1, 2, 2a, 4, 6, and 7; 473.409; 473.411, subdivisions 3 and 4; 473.415, subdivisions 1, 2, and 3; 473.416; 473.418; 473.42; 473.436, subdivisions 2, 3, and 6; 473.446, subdivisions 1, 1a, 2, 3, and 7; 473.448; 473.449; 473.504, subdivisions 4, 5, 6, 9, 10, 11, and 12; 473.511, subdivisions 1, 2, 3, and 4; 473.512, subdivision 1; 473.513; 473.515, subdivisions 1, 2, and 3; 473.5155, subdivisions 1 and 3; 473.516, subdivisions 2, 3, 4, and 5; 473.517, subdivisions 1, 2, 3, 6, and 9; 473.519; 473.521, subdivisions 1, 2, 3, and 4; 473.523, subdivisions 1 and 2; 473.535; 473.541, subdivision 2; 473.542; 473.543, subdivisions 1, 2, 3, and 4; 473.545; 473.547; 473.549; 473.553, subdivisions 1, 2, 4, 5, and by adding subdivisions; 473.561; 473.595, subdivision 3; 473.605, subdivision 2; 473.823, subdivision 3; 473.852, subdivisions 8 and 10; and 473.858, subdivision 1; Minnesota Statutes 1993 Supplement, sections 10A.01, subdivision 18; 15A.081, subdivision 1; 115.54; 174.32, subdivision 2; 216C.15, subdivision 1; 221.025; 221.031, subdivision 3a; 275.065, subdivisions 3 and 5a; 352.01, subdivisions 2a and 2b; 352D.02, subdivision 1; 353.64, subdivision 7a; 400.08, subdivision 3; 473.123, subdivision 3a; 473.13, subdivision 1; 473.1623, subdivision 3; 473.167, subdivision 1; 473.386, subdivision 2a; 473.3994, subdivision 10; 473.3997; 473.4051; 473.407, subdivisions 1, 2, 3, 4, 5, and 6; 473.411, subdivision 5; 473.446, subdivision 8; and 473.516, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 473; repealing Minnesota

Statutes 1992, sections 115A.03, subdivision 20; 115A.33; 174.22, subdivision 4; 473.121, subdivisions 14a, 15, and 21; 473.122; 473.123, subdivisions 3, 5, and 6; 473.141, as amended; 473.146, subdivisions 2, 2a, 2b, and 2c; 473.153; 473.161; 473.163; 473.181, subdivision 3; 473.325, subdivision 5; 473.373, as amended; 473.375, subdivisions 1, 2, 3, 4, 5, 6, 7, 10, 16, 17, and 18; 473.377; 473.38, subdivision 3; 473.384; 473.388, subdivision 6; 473.404, as amended; 473.405, subdivisions 2, 6, 7, 8, 11, 13, and 14; 473.417; 473.435; 473.436, subdivision 7; 473.445, subdivisions 1 and 3; 473.501, subdivision 2; 473.503; 473.504, subdivisions 1, 2, 3, 7, and 8; 473.511, subdivision 5; 473.517, subdivision 8; 473.535; 473.543, subdivision 5; and 473.553, subdivision 4a; Minnesota Statutes 1993 Supplement, sections 473.3996, subdivisions 1 and 2.

Referred to the Committee on Metropolitan and Local Government.

Ms. Wiener and Mr. Solon introduced—

S.F. No. 2016: A bill for an act relating to intoxicating liquor; authorizing the city of Eagan to issue up to ten additional licenses.

Referred to the Committee on Commerce and Consumer Protection.

Messrs. Johnson, D.E. and Dille introduced—

S.F. No. 2017: A bill for an act relating to state lands; authorizing private sale of certain tax-forfeited land that borders public water in Meeker county.

Referred to the Committee on Environment and Natural Resources.

Messrs. Stumpf, Pogemiller and Beckman introduced—

S.F. No. 2018: A bill for an act relating to education; changing consolidation timelines; providing for early retirement incentives in districts reorganizing; creating consolidation transition revenue; appropriating money; amending Minnesota Statutes 1992, sections 122.23, subdivisions 6, 8, 10, 13, and by adding a subdivision; 122.531, subdivision 9; and 122.533; proposing coding for new law in Minnesota Statutes, chapter 124; repealing Minnesota Statutes 1992, section 122.23, subdivision 13a.

Referred to the Committee on Education.

Mr. Beckman introduced—

S.F. No. 2019: A bill for an act relating to driving while intoxicated; establishing a pilot program to evaluate the effectiveness of electronic alcohol monitoring of DWI offenders; appropriating money.

Referred to the Committee on Crime Prevention.

Mr. Beckman introduced—

S.F. No. 2020: A bill for an act relating to education; establishing community-based truancy action projects; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 126.

Referred to the Committee on Education.

Mr. Laidig, Mses. Robertson, Krentz, Berglin and Mr. Luther introduced—

S.F. No. 2021: A bill for an act relating to liability; limiting liability for certain injuries arising out of livestock activities; proposing coding for new law in Minnesota Statutes, chapter 604.

Referred to the Committee on Judiciary.

Mrs. Benson, J.E.; Mr. Bertram, Ms. Johnston and Mr. Langseth introduced—

S.F. No. 2022: A bill for an act relating to highways; designating bridge as Missing Children's Bridge of Hope; amending Minnesota Statutes 1992, section 161.14, by adding a subdivision.

Referred to the Committee on Transportation and Public Transit.

Messrs. Dille and Bertram introduced—

S.F. No. 2023: A bill for an act relating to the environment; genetically engineered organisms; authorizing the department of agriculture to exempt certain federally monitored releases; authorizing the environmental quality board to adopt rules relating to certain releases; providing for certain exemptions; amending Minnesota Statutes 1992, sections 18F.01; 18F.02, subdivisions 1, 5, and by adding a subdivision; 18F.04; 18F.07; 18F.12; 116C.91, subdivision 1; 116C.94; and 116C.96; proposing coding for new law in Minnesota Statutes, chapters 18F; and 116C; repealing Minnesota Statutes 1992, section 18F.02, subdivision 7.

Referred to the Committee on Environment and Natural Resources.

Mr. Chandler, Ms. Lesewski and Mr. Novak introduced—

S.F. No. 2024: A bill for an act relating to telecommunications; regulating competitive telephone services and incentive plans; extending expiration dates and making technical changes for certain regulatory provisions; amending Minnesota Statutes 1992, sections 237.161, by adding a subdivision; 237.57, subdivision 4; 237.58, subdivision 1; 237.59, subdivisions 1, 2, 3, 5, and by adding a subdivision; 237.60, subdivision 2; 237.62, subdivision 1; and 237.625, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 237; repealing Laws 1987, chapter 340, section 26; Laws 1989, chapter 74, sections 25 and 27; Laws 1990, chapter 513, section 3; Laws 1993, chapter 41, section 1.

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

Messrs. Novak, Sams, Morsé, Neuville and Mrs. Pariseau introduced—

S.F. No. 2025: A bill for an act relating to taxation; sales and use; providing an exemption for firefighting personal protective equipment; amending Minnesota Statutes 1992, section 297A.25, by adding a subdivision.

Referred to the Committee on Taxes and Tax Laws.

Mr. Stumpf introduced—

S.F. No. 2026: A bill for an act relating to health; providing equal access to health care providers and clinics within a network; proposing coding for new law in Minnesota Statutes, chapter 62A.

Referred to the Committee on Health Care.

Mr. Stumpf, Ms. Reichgott Junge and Mr. Finn introduced—

S.F. No. 2027: A bill for an act relating to traffic regulations; suspending driver's license for 30 days of person who fails to pay fine imposed for violating child passenger restraint law; amending Minnesota Statutes 1993 Supplement, section 169.685, subdivision 5.

Referred to the Committee on Transportation and Public Transit.

Mr. Stumpf introduced—

S.F. No. 2028: A bill for an act relating to retirement; teachers retirement association; requiring a special hearing to determine the retirement annuity accrual date for Elwin Leverington.

Referred to the Committee on Governmental Operations and Reform.

Ms. Johnston and Mr. Knutson introduced—

S.F. No. 2029: A resolution memorializing Congress to propose an amendment to the United States Constitution to authorize Congress and the states to prohibit physical damage to the flag of the United States.

Referred to the Committee on Judiciary.

Messrs. Bertram; Johnson, D.J.; Mrs. Benson, J.E. and Mr. Moe, R.D. introduced—

S.F. No. 2030: A bill for an act relating to the city of St. Cloud; exempting a tax increment financing district from certain restrictions; providing expanded eminent domain authority.

Referred to the Committee on Taxes and Tax Laws.

Mr. Bertram introduced—

S.F. No. 2031: A bill for an act relating to civil actions; authorizing enforcement of commitments for debts related to lawful gambling activities; amending Minnesota Statutes 1992, section 541.21.

Referred to the Committee on Judiciary.

Mr. Bertram introduced—

S.F. No. 2032: A bill for an act relating to motor carriers; allowing charter carrier limited authority to pick up and let off passengers when providing special transportation service; amending Minnesota Statutes 1992, section 221.121, subdivision 6b.

Referred to the Committee on Transportation and Public Transit.

Messrs. Bertram, Stevens and Mrs. Benson, J.E. introduced—

S.F. No. 2033: A bill for an act relating to local government; authorizing the board of county commissioners of Benton county to establish an economic development authority.

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

Ms. Berglin, Messrs. Sams and Vickerman introduced—

S.F. No. 2034: A bill for an act relating to human services; modifying certain provisions relating to home care services; amending Minnesota Statutes 1992, sections 256B.0625, subdivision 19b; and 256B.0627, by adding a subdivision; Minnesota Statutes 1993 Supplement, section 256B.0627, subdivision 5.

Referred to the Committee on Health Care.

Mr. Finn, Ms. Piper, Messrs. Murphy, Sams and Vickerman introduced—

S.F. No. 2035: A bill for an act relating to traffic regulations; allowing any city to establish citizen enforcement programs to enforce vehicle parking laws relating to the physically disabled; amending Minnesota Statutes 1993 Supplement, section 169.346, subdivision 4.

Referred to the Committee on Transportation and Public Transit.

Messrs. Hottinger, Betzold, Ms. Runbeck, Mrs. Pariseau and Mr. Berg introduced—

S.F. No. 2036: A bill for an act relating to human services; permitting certain providers to request a state agency hearing; modifying the conduct of state agency hearings; modifying certain requirements for prior authorization of services under medical assistance; amending Minnesota Statutes 1992, sections 256.045, subdivisions 3, 4, 5 and by adding a subdivision; and 256B.0625, subdivisions 8, 8a, 25, 31, and by adding a subdivision.

Referred to the Committee on Health Care.

Mr. Berg introduced—

S.F. No. 2037: A bill for an act relating to game and fish; requiring informational meetings and an open season on giant Canada geese in a certain area prior to the regular goose season; proposing coding for new law in Minnesota Statutes, chapter 97B.

Referred to the Committee on Environment and Natural Resources.

Messrs. Stumpf, Bertram, Berg, Larson and Moe, R.D. introduced—

S.F. No. 2038: A bill for an act relating to agriculture; modifying certain provisions relating to wheat and barley promotion orders and the payment and refund of checkoff fees; amending Minnesota Statutes 1992, sections 17.53, subdivisions 2, 8, and 13; 17.59, subdivision 2; and 17.63.

Referred to the Committee on Agriculture and Rural Development.

Mr. Janezich introduced—

S.F. No. 2039: A bill for an act relating to retirement; various public employee pension plans; authorizing the payment of partial postretirement adjustments to the estates of certain pre-1973 and related retirees; providing prorated postretirement adjustments to the estates of certain 1993 decedents; amending Minnesota Statutes 1992, section 356.86, subdivision 2.

Referred to the Committee on Governmental Operations and Reform.

Mses. Berglin and Piper introduced—

S.F. No. 2040: A bill for an act relating to family law; clarifying pension plan obligations; amending Minnesota Statutes 1992, section 518.581, subdivision 2.

Referred to the Committee on Judiciary.

Mr. Stevens, Mrs. Pariseau, Messrs. Larson, Knutson and Ms. Johnston introduced—

S.F. No. 2041: A bill for an act proposing an amendment to the Minnesota Constitution, article IV, section 12; providing for the legislature to meet only in the odd-numbered year.

Referred to the Committee on Ethics and Campaign Reform.

Messrs. Berg; Bertram; Janezich; Johnson, D.E. and McGowan introduced—

S.F. No. 2042: A bill for an act relating to lawful gambling; authorizing class D licensees to transmit and receive telecasts of horse races; amending Minnesota Statutes 1992, section 240.13, subdivision 1.

Referred to the Committee on Gaming Regulation.

Mr. Sams, Ms. Berglin, Mr. Benson, D.D.; Ms. Piper and Mrs. Benson, J.E. introduced—

S.F. No. 2043: A bill for an act relating to health; requiring dentists to participate in state health care programs; expanding medical assistance coverage of dental services; increasing medical assistance reimbursement rates for dental services; amending Minnesota Statutes 1992, section 256B.0625, subdivision 9; proposing coding for new law in Minnesota Statutes, chapter 150A.

Referred to the Committee on Health Care.

MEMBERS EXCUSED

Mrs. Adkins, Messrs. Beckman, Belanger, Price and Ms. Berglin were excused from the Session of today.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 8:00 a.m., Thursday, March 3, 1994. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

SIXTY-SIXTH DAY

St. Paul, Minnesota, Thursday, March 3, 1994

The Senate met at 8:00 a.m. and was called to order by the President.

CALL OF THE SENATE

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

Prayer was offered by the Chaplain, Rev. Rod Anderson.

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

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

The President declared a quorum present.

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

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted, with the exception of the reports pertaining to appointments. The motion prevailed.

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

S.F. No. 1660: A bill for an act relating to statutes of limitations; enacting the uniform conflict of laws-limitations act; proposing coding for new law in Minnesota Statutes, chapter 541.

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

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

S.F. No. 1473: A bill for an act relating to civil commitment; eliminating the requirement that commitment notices and documents, including the prepetition screening report, be given to any interested person; amending Minnesota Statutes 1992, section 253B.07, subdivision 4.

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

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1992, section 253B.07, subdivision 1, is amended to read:

Subdivision 1. [PREPETITION SCREENING.] (a) Prior to filing a petition for commitment of a proposed patient, an interested person shall apply to the designated agency in the county of the proposed patient's residence or presence for conduct of a preliminary investigation, ~~except when the proposed patient has been acquitted of a crime under section 611.026 and the county attorney is required to file a petition for commitment pursuant to subdivision 2.~~ In any case coming within this exception, the county attorney shall apply to the designated county agency in the county in which the acquittal took place for a preliminary investigation unless substantially the same information relevant to the proposed patient's current mental condition as could be obtained by a preliminary investigation is part of the court record in the criminal proceeding or is contained in the report of a mental examination conducted in connection with the criminal proceeding. The designated agency shall appoint a screening team to conduct an investigation which shall include:

(i) a personal interview with the proposed patient and other individuals who appear to have knowledge of the condition of the proposed patient. If the proposed patient is not interviewed, reasons must be documented;

(ii) identification and investigation of specific alleged conduct which is the basis for application; and

(iii) identification, exploration, and listing of the reasons for rejecting or recommending alternatives to involuntary placement.

(b) In conducting the investigation required by this subdivision, the screening team shall have access to all relevant medical records of proposed patients currently in treatment facilities. Data collected pursuant to this clause shall be considered private data on individuals.

(c) When the prepetition screening team recommends commitment, a written report shall be sent to the county attorney for the county in which the petition is to be filed.

(d) The prepetition screening team shall refuse to support a petition if the investigation does not disclose evidence sufficient to support commitment. Notice of the prepetition screening team's decision shall be provided to the prospective petitioner.

(e) If the interested person wishes to proceed with a petition contrary to the recommendation of the prepetition screening team, application may be made directly to the county attorney, who may determine whether or not to proceed with the petition. Notice of the county attorney's determination shall be provided to the interested party.

(f) *When the proposed patient has been acquitted of a crime under section 611.026, the county attorney shall file a petition for commitment pursuant to subdivision 2. In any case coming within this exception, the county attorney shall apply to the designated county agency in the county in which the acquittal took place for a preliminary investigation unless substantially the same information relevant to the proposed patient's current mental condition as could be obtained by a preliminary investigation is part of the court record in the criminal proceeding or is contained in the report of a mental examination conducted in connection with the criminal proceeding. If a court petitions for commitment pursuant to the rules of criminal procedure or a county attorney petitions pursuant to acquittal of a criminal charge under section 611.026, the prepetition investigation, if required by this section, shall be completed within seven days after the filing of the petition.*

(g) *The prepetition screening report must be distributed to the proposed patient, patient's counsel, the county attorney, any person authorized by the patient, and any other person as the court directs.*

(h) *The prepetition screening report is not admissible in any court proceedings unrelated to the commitment proceedings. This paragraph does not affect the admissibility of the information contained in the report.*

Sec. 2. Minnesota Statutes 1992, section 253B.07, subdivision 2, is amended to read:

Subd. 2. [THE PETITION.] Any interested person may file a petition for commitment in the ~~probate~~ district court of the county of the proposed patient's residence or presence. *The county attorney has the sole discretion to present and pursue a petition for civil commitment.* Following an acquittal of a person of a criminal charge under section 611.026, the petition shall be filed by the county attorney of the county in which the acquittal took place and the petition shall be filed with the court in which the acquittal took place, and that court shall be the committing court for purposes of this chapter. The petition shall set forth the name and address of the proposed patient, the name and address of the patient's nearest relatives, and the reasons for the petition. The petition must contain factual descriptions of the proposed patient's recent behavior, including a description of the behavior, where it occurred, and over what period of time it occurred. Each factual allegation must be supported by observations of witnesses named in the petition. Petitions shall be stated in behavioral terms and shall not contain judgmental or conclusory statements. The petition shall be accompanied by a written statement by an examiner stating that the examiner has examined the proposed patient within the 15 days preceding the filing of the petition and is of the opinion that the proposed patient is suffering a designated disability and should be committed to a treatment facility. The statement shall include the reasons for the opinion. If a petitioner has been unable to secure a statement from an examiner, the petition shall include documentation that a reasonable effort has been made to secure the supporting statement.

Sec. 3. Minnesota Statutes 1992, section 253B.07, is amended by adding a subdivision to read:

Subd. 2b. [ORDER RESTRICTING ACCESS TO PETITION.] *For good cause, the county attorney may secure an ex parte order prior to the first court hearing to restrict dissemination of the petition and related information until the court hearing.*

Sec. 4. Minnesota Statutes 1992, section 253B.07, subdivision 4, is amended to read:

Subd. 4. [PREHEARING EXAMINATION; NOTICE AND SUMMONS PROCEDURE.] A summons to appear for a prehearing examination and the commitment hearing shall be served upon the proposed patient. A plain language notice of the proceedings and notice of the filing of the petition, a copy of the petition, a copy of the examiner's supporting statement, and the order for examination and a copy of the ~~petition screening report~~ shall be given to the proposed patient, patient's counsel, the petitioner, ~~any interested person~~, and any other persons as the court directs. All papers shall be served personally on the proposed patient. Unless otherwise ordered by the court, the notice shall be served on the proposed patient by a nonuniformed person.

Sec. 5. [INSTRUCTION TO REVISOR.]

The revisor of statutes shall change the words "probate court" to "district court," where appropriate, in Minnesota Statutes 1994 and subsequent editions of the statutes."

Delete the title and insert:

"A bill for an act relating to civil commitment; modifying certain provisions concerning the petition and prepetition procedures; providing instructions to the revisor of statutes; amending Minnesota Statutes 1992, section 253B.07, subdivisions 1, 2, 4, and by adding a subdivision."

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Mr. Metzger from the Committee on Governmental Operations and Reform, to which was referred.

S.F. No. 1894: A bill for an act relating to administrative rules; repealing obsolete rules of the departments of agriculture, commerce, health, human services, public safety, public service, and revenue and the pollution control agency; removing internal references to repealed rules; amending Minnesota Rules, parts 1540.2140; 4400.4500, subpart 3; 7001.0140, subpart 2; 7001.0180; 7005.0100, subpart 8a; 7007.0100, subpart 7; 7009.0010, subpart 1; 7009.0030; 7009.0080; 7023.9050; 7035.2835, subpart 3; 7035.2835, subpart 6; 7035.2875, subpart 3; 7040.2800, subpart 1; 7045.0460, subpart 2; 8130.3500, subpart 3; and 8130.6500, subpart 5; repealing Minnesota Rules, parts 1540.0010, subparts 12, 18, 21, 22, and 24; 1540.0060; 1540.0070; 1540.0080; 1540.0100; 1540.0110; 1540.0120; 1540.0130; 1540.0140; 1540.0150; 1540.0160; 1540.0170; 1540.0180; 1540.0190; 1540.0200; 1540.0210; 1540.0220; 1540.0230; 1540.0240; 1540.0260; 1540.0320; 1540.0330; 1540.0340; 1540.0350; 1540.0370; 1540.0380; 1540.0390; 1540.0400; 1540.0410; 1540.0420; 1540.0440; 1540.0450; 1540.0460; 1540.0490; 1540.0500; 1540.0510; 1540.0520; 1540.0770; 1540.0780; 1540.0800; 1540.0810; 1540.0830; 1540.0880; 1540.0890; 1540.0900; 1540.0910; 1540.0920; 1540.0930; 1540.0940; 1540.0950; 1540.0960; 1540.0970; 1540.0980; 1540.0990; 1540.1000; 1540.1005; 1540.1010; 1540.1020; 1540.1030; 1540.1040; 1540.1050; 1540.1060; 1540.1070; 1540.1080; 1540.1090; 1540.1100; 1540.1110; 1540.1120; 1540.1130; 1540.1140; 1540.1150; 1540.1160; 1540.1170; 1540.1180; 1540.1190; 1540.1200; 1540.1210; 1540.1220; 1540.1230; 1540.1240; 1540.1250; 1540.1255; 1540.1260; 1540.1280; 1540.1290; 1540.1300; 1540.1310;

1540.1320;	1540.1330;	1540.1340;	1540.1350;	1540.1360;	1540.1380;
1540.1400;	1540.1410;	1540.1420;	1540.1430;	1540.1440;	1540.1450;
1540.1460;	1540.1470;	1540.1490;	1540.1500;	1540.1510;	1540.1520;
1540.1530;	1540.1540;	1540.1550;	1540.1560;	1549.1570;	1540.1580;
1540.1590;	1540.1600;	1540.1610;	1540.1620;	1540.1630;	1540.1640;
1540.1650;	1540.1660;	1540.1670;	1540.1680;	1540.1690;	1540.1700;
1540.1710;	1540.1720;	1540.1730;	1540.1740;	1540.1750;	1540.1760;
1540.1770;	1540.1780;	1540.1790;	1540.1800;	1540.1810;	1540.1820;
1540.1830;	1540.1840;	1540.1850;	1540.1860;	1540.1870;	1540.1880;
1540.1890;	1540.1900;	1540.1905;	1540.1910;	1540.1920;	1540.1930;
1540.1940;	1540.1950;	1540.1960;	1540.1970;	1540.1980;	1540.1990;
1540.2000;	1540.2010;	1540.2015;	1540.2020;	1540.2090;	1540.2100;
1540.2110;	1540.2120;	1540.2180;	1540.2190;	1540.2200;	1540.2210;
1540.2220;	1540.2230;	1540.2240;	1540.2250;	1540.2260;	1540.2270;
1540.2280;	1540.2290;	1540.2300;	1540.2310;	1540.2320;	1540.2325;
1540.2330;	1540.2340;	1540.2350;	1540.2360;	1540.2370;	1540.2380;
1540.2390;	1540.2400;	1540.2410;	1540.2420;	1540.2430;	1540.2440;
1540.2450;	1540.2490;	1540.2500;	1540.2510;	1540.2530;	1540.2540;
1540.2550;	1540.2560;	1540.2570;	1540.2580;	1540.2590;	1540.2610;
1540.2630;	1540.2640;	1540.2650;	1540.2660;	1540.2720;	1540.2730;
1540.2740;	1540.2760;	1540.2770;	1540.2780;	1540.2790;	1540.2800;
1540.2810;	1540.2820;	1540.2830;	1540.2840;	1540.3420;	1540.3430;
1540.3440;	1540.3450;	1540.3460;	1540.3470;	1540.3560;	1540.3600;
1540.3610;	1540.3620;	1540.3630;	1540.3700;	1540.3780;	1540.3960;
1540.3970;	1540.3980;	1540.3990;	1540.4000;	1540.4010;	1540.4020;
1540.4030;	1540.4040;	1540.4080;	1540.4190;	1540.4200;	1540.4210;
1540.4220;	1540.4320;	1540.4330;	1540.4340;	2642.0120;	subpart 1;
2650.0100;	2650.0200;	2650.0300;	2650.0400;	2650.0500;	2650.0600;
2650.1100;	2650.1200;	2650.1300;	2650.1400;	2650.1500;	2650.1600;
2650.1700;	2650.1800;	2650.1900;	2650.2000;	2650.2100;	2650.3100;
2650.3200;	2650.3300;	2650.3400;	2650.3500;	2650.3600;	2650.3700;
2650.3800;	2650.3900;	2650.4000;	2650.4100;	2655.1000;	2660.0070;
2770.7400;	4610.2210;	7002.0410;	7002.0420;	7002.0430;	7002.0440;
7002.0450;	7002.0460;	7002.0470;	7002.0480;	7002.0490;	7011.0300;
7011.0305;	7011.0310;	7011.0315;	7011.0320;	7011.0325;	7011.0330;
7011.0400;	7011.0405;	7011.0410;	7011.2220;	subpart 4;	7047.0010;
7047.0020;	7047.0030;	7047.0040;	7047.0050;	7047.0060;	7047.0070;
7100.0300;	7100.0310;	7100.0320;	7100.0330;	7100.0335;	7100.0340;
7100.0350;	7100.0360;	7510.6100;	7510.6200;	7510.6300;	7510.6350;
7510.6400;	7510.6500;	7510.6600;	7510.6700;	7510.6800;	7510.6900;
7510.6910;	7600.0100;	7600.0200;	7600.0300;	7600.0400;	7600.0500;
7600.0600;	7600.0700;	7600.0800;	7600.0900;	7600.1000;	7600.1100;
7600.1200;	7600.1300;	7600.1400;	7600.1500;	7600.1600;	7600.1700;
7600.1800;	7600.1900;	7600.2000;	7600.2100;	7600.2200;	7600.2300;
7600.2400;	7600.2500;	7600.2600;	7600.2700;	7600.2800;	7600.2900;
7600.3000;	7600.3100;	7600.3200;	7600.3300;	7600.3400;	7600.3500;
7600.3600;	7600.3700;	7600.3800;	7600.3900;	7600.4000;	7600.4100;
7600.4200;	7600.4300;	7600.4400;	7600.4500;	7600.4600;	7600.4700;
7600.4800;	7600.4900;	7600.5000;	7600.5100;	7600.5200;	7600.5300;
7600.5400;	7600.5500;	7600.5600;	7600.5700;	7600.5800;	7600.5900;
7600.6000;	7600.6100;	7600.6200;	7600.6300;	7600.6400;	7600.6500;
7600.6600;	7600.6700;	7600.6800;	7600.6900;	7600.7000;	7600.7100;
7600.7200;	7600.7210;	7600.7300;	7600.7400;	7600.7500;	7600.7600;
7600.7700;	7600.7750;	7600.7800;	7600.7900;	7600.8100;	7600.8200;

7600.8300; 7600.8400; 7600.8500; 7600.8600; 7600.8700; 7600.8800;
 7600.8900; 7600.9000; 7600.9100; 7600.9200; 7600.9300; 7600.9400;
 7600.9500; 7600.9600; 7600.9700; 7600.9800; 7600.9900; 7605.0100;
 7605.0110; 7605.0120; 7605.0130; 7605.0140; 7605.0150; 7605.0160;
 7625.0100; 7625.0110; 7625.0120; 7625.0200; 7625.0210; 7625.0220;
 7625.0230; 8120.1100, subpart 3; 8121.0500, subpart 2; 8130.9500, subpart 6;
 8130.9912; 8130.9913; 8130.9916; 8130.9920; 8130.9930; 8130.9956;
 8130.9958; 8130.9968; 8130.9972; 8130.9980; 8130.9992; 8130.9996;
 9540.0100; 9540.0200; 9540.0300; 9540.0400; 9540.0500; 9540.1000;
 9540.1100; 9540.1200; 9540.1300; 9540.1400; 9540.1500; 9540.2000;
 9540.2100; 9540.2200; 9540.2300; 9540.2400; 9540.2500; 9540.2600; and
 9540.2700.

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

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

S.F. No. 1734: A bill for an act relating to employment; establishing a
 disaster volunteer leave program in the state civil service; proposing coding
 for new law in Minnesota Statutes, chapter 43A.

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

Page 1, line 8, before "A" insert "*Subdivision 1. [LEAVE AUTHO-
 RIZED.]*"

Page 1, line 10, after "*with*" insert "*50 percent of*"

Page 1, line 12, delete "*shall*" and insert "*must*"

Page 1, line 16, after "*at*" insert "*50 percent of*"

Page 1, line 19, delete "*shall*" and insert "*may*"

Page 1, line 20, delete "*pay,*"

Page 1, after line 22, insert:

*"Subd. 2. [LIABILITY.] The state is not liable for workers' compensation
 claims arising from accident or injury while a state employee is on assignment
 as a certified disaster service volunteer for the American Red Cross. Duties
 performed while on disaster leave are not considered to be a work assignment
 by a state agency. The employee is granted leave based on the need for
 expertise in the employee's certified area. Job functions, although similar or
 related to the employee's state job functions, are performed on behalf of and
 for the benefit of the American Red Cross."*

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

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

S.F. No. 1798: A bill for an act relating to education; modifying county
 board and school district responsibilities for special education; modifying the
 interagency early childhood intervention system; amending Minnesota Stat-

utes 1993 Supplement, section 120.17, subdivisions 11b, 12, and 17; proposing coding for new law in Minnesota Statutes, chapter 120.

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

Page 2, line 5, after "nursing," insert "respite,"

Page 2, line 19, delete "human service"

Page 2, line 21, delete the second "and"

Page 2, line 22, after "nursing" insert ", respite,"

Page 8, after line 32, insert:

"(o) "Respite" means short term, temporary care provided to a child with a disability due to the temporary absence or need for relief of the family member or members or primary care giver, normally providing the care."

Page 8, line 33, delete "(o)" and insert "(p)"

Page 9, line 1, delete "(p)" and insert "(q)"

Page 11, after line 28, insert:

"Subd. 8a. [EARLY INTERVENTION RESPITE.] The provision of respite services for an eligible child and family shall be determined in the context of the IFSP development based on the individual needs of the child and family, and with consideration given to the following criteria:

(1) severity of the child's disability and needs;

(2) potential risk of out-of-home placement for the child if respite services are not provided;

(3) parental lack of access to informal support systems, including but not limited to extended family, supportive friends, and community supports;

(4) presence of factors known to increase family stress, including but not limited to family size, and presence of another child or family member with a disability;

(5) the availability of other public services provided to the family which assist the parent or primary caretaker in obtaining relief from caretaking responsibilities; and

(6) the perceived and expressed level of need for respite services by the parent.

Counties are encouraged to make a variety of respite service models available, which may include in- or out-of-home respite, family reimbursement programs, and parent-to-parent respite projects."

Page 12, line 17, after the comma, insert "and any increased cost over the base year 1993 to"

Page 12, line 18, delete "service agencies" and insert "services"

Page 13, line 4, delete "appropriated" and insert "available"

Page 13, delete line 5 and insert "Part H eligible children."

Page 15, line 28, delete everything after the period and insert "The commissioners shall provide a consistent process for reviewing these procedures. The commissioners' decision may be appealed to district court."

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

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

S.F. No. 1369: A bill for an act relating to acupuncture; requiring the commissioner of health to conduct a study and recommend a regulatory program; appropriating money.

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

Delete everything after the enacting clause and insert:

"Section 1. [148.631] [PURPOSE.]

Acupuncture practice is recognized as a clearly defined system of health care with its own specialized body of knowledge. The knowledge and skills of the acupuncture practitioner directly affect the quality and safety of treatment received by the practitioner's client. It is therefore in the public interest to ensure that acupuncture practitioners meet the generally accepted standards of competence in the profession. The purpose of sections 148.632 to 148.638 is to limit the practice of acupuncture to those persons who meet standards of competence.

Sec. 2. [148.632] [DEFINITIONS.]

Subdivision 1. [APPLICABILITY.] The definitions in this section apply to sections 148.631 to 148.638.

Subd. 2. [ACUPUNCTURE PRACTICE.] "Acupuncture practice" means a system of health care using Oriental medical theory and its unique methods of diagnosis and treatment. Its treatment techniques include the insertion of acupuncture needles through the skin, and the use of other biophysical methods of acupuncture point stimulation, including, but not limited to, the use of moxibustion, Oriental massage techniques, electrical stimulation, laser stimulation, herbal therapies, dietary guidelines, breathing techniques, and exercise on the basis of Oriental medical principles. The object of the system is to maintain or restore health, improve physiological function, and relieve pain.

Subd. 3. [ACUPUNCTURE NEEDLE.] "Acupuncture needle" means a needle designed exclusively for acupuncture purposes. It has a solid core, with a tapered point, and is approximately 28-36 gauge in thickness.

Subd. 4. [ACUPUNCTURE POINTS.] "Acupuncture points" means specific anatomically described locations as defined by the National Commission for the Certification of Acupuncturists (NCCA) recognized acupuncture reference texts. The locations are particularly effective in influencing the body's function and health when stimulated according to Oriental theory and practice.

Subd. 5. [ACUPUNCTURE PRACTITIONER.] "Acupuncture practitioner" means a person certified to practice acupuncture as set forth under section 148.633.

Subd. 6. [ADVISORY COUNCIL.] "Advisory council" means the advisory council for acupuncture, established in section 148.634.

Subd. 7. [COMMISSIONER.] "Commissioner" means the commissioner of health.

Subd. 8. [DIPLOMAT IN ACUPUNCTURE.] "Diplomat in acupuncture" means a person is certified by the NCCA as having met the standards of competence established by the NCCA, subscribes to the NCCA code of ethics, and has a current and active NCCA certification.

Current and active NCCA certification indicates successful completion of continued professional development and specified eligibility and academic requirements.

Subd. 9. [ELECTRICAL STIMULATION.] "Electrical stimulation" means a method of stimulating acupuncture points by the use of very low amperage electrical current. Electrical stimulation may be used by attachment of a device to an acupuncture needle or may be used transcutaneously without penetrating the skin.

Subd. 10. [MOXIBUSTION.] "Moxibustion" means the use of artemisia vulgaris alone or in combination with other herbs as a warming agent to affect acupuncture points.

Subd. 11. [ORIENTAL MEDICINE.] "Oriental medicine" means the system of healing arts that perceives the circulation and balance of energy in the body as being fundamental to the well-being of the individual. It implements the theory through specialized methods of analyzing the energy status of the body and treating the body with acupuncture and other related modalities for the purpose of strengthening the body, improving energy balance, maintaining or restoring health, improving physiological function, and reducing pain.

Sec. 3. [148.633] [CERTIFICATION.]

Subdivision 1. [CERTIFICATION REQUIRED.] Except as provided under subdivision 2, it is unlawful for any person to engage in the practice of acupuncture after September 1, 1995, without a valid certification. Each certified acupuncture practitioner shall conspicuously display the certification in the place of practice.

Subd. 2. [EXCEPTIONS.] (a) The following persons may practice acupuncture within the scope of their practice without certification:

- (1) physicians licensed under chapter 147;*
- (2) osteopaths licensed under chapter 147; and*
- (3) chiropractors licensed under chapter 148.*

(b) A person who is (1) studying in a formal course of study or tutorial intern program approved by the advisory council and the acupuncture practice is limited to studying and providing an intern program supervised by a certified acupuncturist; or (2) a visiting acupuncture expert practicing acupuncture within an instructional setting for the sole purpose of teaching at a school registered with the Minnesota higher education coordinating board, may practice without a certificate for a period of one year, with two one-year extensions permitted.

Subd. 3. [QUALIFICATIONS.] An applicant must:

(1) be at least 21 years of age;

(2) have current and active certification as a diplomat in acupuncture by the NCCA by passing the NCCA examination or being certified by the NCCA credential documentation review, or have within the first two years of enactment of this law qualified for certification by meeting the following criteria:

(i) have an equivalent status from another country established by documentation of graduation from an acupuncture program of at least 1,350 hours at a school on the California acupuncture committee's list of approved foreign schools; and

(ii) has engaged in acupuncture practice for at least two years within the four years prior to application at a rate of a minimum of 500 treatments per year;

(3) provide documentation of successful completion of an approved clean needle technique course; and

(4) meet any other requirements established by the commissioner.

Subd. 4. [CERTIFICATION EXPIRATION.] Certifications issued under this section shall expire:

(1) as determined by the commissioner; or

(2) when the certificant is decertified by the NCCA.

Subd. 5. [CERTIFICATION RENEWAL.] (a) [RENEWAL REQUIREMENTS.] To renew a certification an applicant must:

(1) annually complete a renewal application on a form provided by the commissioner;

(2) submit the annual renewal fee;

(3) provide documentation of current and active NCCA certification, or in the case of those certified under the criteria for foreign acupuncture school graduates, meet the then current NCCA requirements for recertification; and

(4) submit any additional information requested by the commissioner to clarify information presented in the renewal application. The information must be submitted within 30 days after the commissioner's request.

(b) [PENALTY FEE.] An application submitted after the renewal deadline date must be accompanied by a penalty fee as established under section 148.637, subdivision 3.

(c) [CERTIFICATION RENEWAL NOTICE.] Certification renewal shall be on an annual basis or as determined by the commissioner. At least 30 days before the certification renewal date, the commissioner shall send out a renewal notice to the last known address of the certificant. The notice shall include a renewal application and a notice of fees required for renewal. If the certificant does not receive the renewal notice, the certificant is still required to make the deadline for renewal to qualify for continuous certification status.

(d) [RENEWAL DEADLINE.] The renewal application and fee must be

postmarked on or before July 31 on the year of renewal or as determined by the commissioner.

Subd. 6. [CERTIFICATE BY RECIPROCITY.] The commissioner shall issue an acupuncture certification to a person who holds a current license or certificate as an acupuncturist from another jurisdiction if the commissioner determines that the standards for certification or licensure in the other jurisdiction meet or exceed the requirements for certification in Minnesota.

Subd. 7. [INACTIVE STATUS.] (a) A certification may be placed in inactive status upon application to the commissioner and upon payment of an inactive status fee.

(b) An inactive certification may be reactivated by the certification holder upon application to the commissioner. The application must include:

- (1) evidence of current active NCCA certification;*
- (2) evidence of the certificate holder's payment of an inactive status fee; and*
- (3) an annual renewal fee.*

Subd. 8. [APPLICATION FOR CERTIFICATION.] (a) An applicant for certification must:

(1) submit a completed application for certification on forms provided by the commissioner. The application must include the applicant's name, business address and phone number, home address and phone number, and a notarized copy of a current NCCA certification. The commissioner may ask the applicant to provide additional information necessary to clarify information submitted in the application;

(2) sign a statement that the information in the application is true and correct to the best of the applicant's knowledge and belief;

(3) submit with the application all fees required; and

(4) sign a waiver authorizing the commissioner to obtain access to the applicant's records in this state or any state in which the applicant has engaged in the practice of acupuncture.

(b) The commissioner may investigate information provided by an applicant to determine whether the information is accurate and complete. The commissioner shall notify an applicant of action taken on the application and of the reasons for denying certification if certification is denied.

Subd. 9. [USE OF TITLE.] Only a person certified under this section shall use the title "acupuncturist" or the initials "C.A." and be allowed to advertise and represent themselves as such.

Sec. 4. [148.634] [ADVISORY COUNCIL.]

Subdivision 1. [CREATION.] An advisory council for acupuncture is created within the department of health. The advisory council shall consist of five members appointed by the commissioner. Each member shall serve a term of three years. Three members shall be certified acupuncture practitioners as defined under section 148.632; one member shall be a licensed physician or osteopath who also practices acupuncture; and one member shall be a

member of the public who has received acupuncture from a diplomat of acupuncture.

Subd. 2. [INITIAL ADVISORY COUNCIL APPOINTED.] (a) The four members of the advisory council required by subdivision 1 to be acupuncture practitioners, who are appointed to the initial advisory council, need not be certified under section 148.633 but must satisfy the qualifications for certification provided in section 148.633, subdivision 3, and must have been engaged in acupuncture practice a minimum of three years.

(b) One member of the initial advisory council appointed shall have an initial term of one year, two members an initial term of two years, and two members an initial term of three years.

Subd. 3. [ADMINISTRATION; COMPENSATION; REMOVAL; QUORUM.] The advisory council is established and administered under section 15.059. Notwithstanding section 15.059, subdivision 5, the council shall not expire.

Subd. 4. [DUTIES.] The advisory council shall:

(1) advise the commissioner on issuance, renewal, revocation for cause, or placement of probationary restrictions on certifications to practice acupuncture;

(2) advise the commissioner on issues related to receiving, investigating, conducting hearings, and imposing disciplinary action in relation to complaints against acupuncture practitioners;

(3) maintain a register of acupuncture practitioners certified under section 148.633;

(4) maintain a record of all advisory council actions; and

(5) perform other duties authorized for advisory councils under chapter 214, as directed by the commissioner.

Sec. 5. [148.635] [PROFESSIONAL CONDUCT.]

Subdivision 1. [PRACTICE STANDARDS.] (a) Before a treatment of a patient, an acupuncture practitioner certified under section 148.633 shall ask whether the patient has been examined by a licensed physician or other professional, as defined by section 145.61, subdivision 2, with regard to the patient's illness or injury, and shall review the diagnosis as reported.

(b) An acupuncture practitioner must use sterilized equipment that meets the standards of the national Centers for Disease Control.

(c) An acupuncture practitioner shall comply with all applicable state and municipal requirements regarding public health.

(d) Data maintained on an acupuncture patient by an acupuncture practitioner is subject to section 144.336.

Subd. 2. [GROUNDS FOR SANCTIONS OR DENIAL OF CERTIFICATION.] The commissioner may discipline an acupuncture practitioner or deny an application for certification under procedures in subdivision 3 upon evidence of conduct prohibited by one or more of the following:

(1) violates any provision of sections 148.632 to 148.638 or other statutes or rules that relate to the practice of acupuncture;

(2) intentionally furnishes false, misleading, or incompetent information to the commissioner, the advisory council, or to the public;

(3) refuses to allow the commissioner to conduct inspections at reasonable times or refuses to cooperate with any investigation conducted by the commissioner or a representative of the commissioner, or fails to provide information within 30 days in response to a written request of the commissioner or representative of the commissioner;

(4) engages in unethical conduct, which includes conduct likely to deceive, defraud, or harm the public;

(5) demonstrates a willful or careless disregard for the health, safety, or welfare of a patient;

(6) aids or abets persons practicing acupuncture without certification, except as allowed in section 148.633, subdivision 2;

(7) is habitually intemperate or addicted to the use of alcohol or habit-forming drugs that impair the ability to practice acupuncture safely;

(8) engages in sexual conduct with a patient or in conduct that may reasonably be interpreted by the patient as sexual, or in verbal behavior that is seductive or sexually demeaning to a patient; or

(9) decertification by NCCA.

Subd. 3. [PROCEDURE FOR SANCTIONS OR DENIAL OF CERTIFICATION.] The commissioner shall refuse to issue or renew a certificate to an acupuncture practitioner who fails to satisfy the requirements for certification under sections 148.632 to 148.638. The commissioner may suspend, revoke, or impose probationary conditions on the certification of an acupuncture practitioner whom the commissioner determines has violated the standards of subdivision 1 or 2 or the rules promulgated by the commissioner. The commissioner shall establish a procedure for reinstating a certificate after a period of suspension. As a condition of reinstatement the commissioner may impose disciplinary or corrective measures.

Subd. 4. [PENALTY.] (a) A person who knowingly violates sections 148.632 to 148.638 is guilty of a gross misdemeanor.

(b) The commissioner or a county attorney may bring an action in the district court where the violation occurred to restrain a person from violating sections 148.632 to 148.638.

(c) The remedies in this section are in addition to other remedies or penalties provided by law.

Sec. 6. [148.636] [NONDISCRIMINATION.]

Nothing in sections 148.632 to 148.638 shall be interpreted as discriminating against, nor shall the commissioner discriminate against any person by reason of nationality, language facility, race, religion, sex or sexual preference, physical disability, except where a disability might interfere with the competent practice of acupuncture, or age, except for the minimum requirement established in section 148.633.

Sec. 7. [148.637] [FEES.]

Subdivision 1. [FIRST-TIME CERTIFICATION AND APPLICANTS FOR CERTIFICATION RENEWAL.] The commissioner shall prorate the certification fee for first-time certificants and applicants for certification renewal according to the number of months that have elapsed between the date certification is issued and the date the certificate must be renewed.

Subd. 2. [ANNUAL REGISTRATION FEE.] The fee of initial certification and annual certification renewal shall be established by the commissioner.

Subd. 3. [PENALTY FEE FOR LATE RENEWALS.] The penalty fee for late submission for renewal application shall be ten percent of that annual registration fee.

Subd. 4. [SURCHARGE FEE.] A surcharge fee shall be established by the commissioner in an amount necessary to recover over a ten-year period the direct expenditures for adoption of the rules.

Sec. 8. [148.638] [RULES.]

The commissioner shall adopt rules under chapter 14 to implement sections 148.632 to 148.637. The rules must establish additional criteria for certification consistent with the standards of the NCCA or its equivalent.

Sec. 9. [EFFECTIVE DATE.]

Sections 1 to 8 are effective the day following final enactment."

Delete the title and insert:

"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."

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

Mr. Berg from the Committee on Gaming Regulation, to which were referred the following appointments as reported in the Journal for February 18, 1993:

GAMBLING CONTROL BOARD

Clarence S. Carter
Mary K. McLeod

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

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

Mr. Berg from the Committee on Gaming Regulation, to which were referred the following appointments as reported in the Journal for February 22, 1994:

GAMBLING CONTROL BOARD

John Breon
Dennis Flaherty
Allan E. Fonfara
Laura Schupp

MINNESOTA RACING COMMISSION

Joseph Friedberg
Mary B. Magnuson
Camille J. McArdle

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

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

SECOND READING OF SENATE BILLS

S.F. Nos. 1660, 1473, 1894 and 1734 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Riveness moved that the name of Mr. Larson be added as a co-author to S.F. No. 1784. The motion prevailed.

Mr. Terwilliger moved that the name of Mr. Neuville be added as a co-author to S.F. No. 1946. The motion prevailed.

Mr. Johnson, D.E. moved that the name of Mr. Neuville be added as a co-author to S.F. No. 1947. The motion prevailed.

Mr. Metzen moved that the name of Mr. McGowan be added as a co-author to S.F. No. 1950. The motion prevailed.

Mr. Terwilliger moved that the name of Mr. Stevens be added as a co-author to S.F. No. 2008. The motion prevailed.

Mr. Bertram moved that the name of Mr. Stevens be added as a co-author to S.F. No. 2030. The motion prevailed.

Mr. Murphy moved that S.F. No. 1988 be withdrawn from the Committee on Judiciary and re-referred to the Committee on Environment and Natural Resources. The motion prevailed.

Mr. Murphy moved that S.F. No. 1989 be withdrawn from the Committee on Jobs, Energy and Community Development and re-referred to the Committee on Judiciary. The motion prevailed.

SUSPENSION OF RULES

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

GENERAL ORDERS

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

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

S.F. Nos. 1806, 1744 and 1712, which the committee recommends to pass.

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

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Ms. Ranum, Messrs. Pogemiller, Beckman, Ms. Reichgott Junge and Mr. Knutson introduced—

S.F. No. 2044: A bill for an act relating to education; establishing a pilot program to provide free breakfasts to all children in participating elementary schools; appropriating money.

Referred to the Committee on Education.

Mr. Beckman introduced—

S.F. No. 2045: A bill for an act relating to utilities; changing interest rate paid on utility customer deposits; amending Minnesota Statutes 1992, section 325E.02.

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

Messrs. Vickerman, Berg, Stevens, Janezich and Bertram introduced—

S.F. No. 2046: A bill for an act relating to local government; requiring drainage authorities rather than road authorities to be responsible to maintain town road bridges and culverts constructed on a drainage system; amending Minnesota Statutes 1992, sections 103E.525, subdivision 2; and 103E.701, subdivision 4.

Referred to the Committee on Environment and Natural Resources.

Messrs. Johnson, D.J.; Metzen; Kelly; Frederickson and Ms. Anderson introduced—

S.F. No. 2047: A bill for an act relating to taxation; exempting passenger restraint systems for children from the sales and use tax and the motor vehicle excise tax; amending Minnesota Statutes 1992, sections 297A.25, by adding a subdivision; and 297B.01, subdivision 8.

Referred to the Committee on Taxes and Tax Laws.

Mr. Berg, Mrs. Pariseau, Ms. Olson and Mr. Lessard introduced—

S.F. No. 2048: A bill for an act relating to the environment; providing that antifreeze may be disposed into a publicly owned wastewater treatment facility; amending Minnesota Statutes 1993 Supplement, section 115A.916.

Referred to the Committee on Environment and Natural Resources.

Mr. Finn, Mses. Piper, Kiscaden, Mr. Vickerman and Ms. Berglin introduced—

S.F. No. 2049: A bill for an act relating to the board on aging; creating a new position to develop a statewide service system for Indian elders, and also coordinate efforts with the National Indian Council on Aging; appropriating money; amending Minnesota Statutes 1992, section 256.976, by adding a subdivision.

Referred to the Committee on Family Services.

Ms. Johnson, J.B.; Mr. Frederickson, Mses. Wiener, Flynn and Mrs. Pariseau introduced—

S.F. No. 2050: A bill for an act relating to the environment; requiring a person who arranges for management of solid waste in an environmentally inferior manner to indemnify generators of the waste and, for a landfill, set aside a fund to pay for contamination from the landfill; proposing coding for new law in Minnesota Statutes, chapter 115A.

Referred to the Committee on Environment and Natural Resources.

Mr. Larson introduced—

S.F. No. 2051: A bill for an act relating to education; preventing the prevailing wage law from applying to school district construction and debt service equalization; amending Minnesota Statutes 1992, section 124.95, subdivision 5.

Referred to the Committee on Education.

Mr. Janezich introduced—

S.F. No. 2052: A bill for an act relating to counties; St. Louis; assigned the former town of Payne to the 7th commissioner district.

Referred to the Committee on Metropolitan and Local Government.

Mr. Janezich introduced—

S.F. No. 2053: A bill for an act relating to game and fish; authorizing disabled hunters to take deer of either sex; amending Minnesota Statutes 1992, section 97B.055, subdivision 3.

Referred to the Committee on Environment and Natural Resources.

Messrs. Morse, Merriam, Lessard, Frederickson and Laidig introduced—

S.F. No. 2054: A bill for an act relating to natural resources; personnel working on certain projects; terms and conditions of certain 1993 appropriations; amending Minnesota Statutes 1992, section 116P.09, subdivision 4; Laws 1993, chapter 172, section 14, subdivisions 4, 11, and 12.

Referred to the Committee on Environment and Natural Resources.

Ms. Johnston and Mr. Chmielewski introduced—

S.F. No. 2055: A bill for an act relating to taxation; establishing indexing formula for calculating tax on gasoline; dedicating 17 percent of motor vehicle excise tax to transit assistance; removing obsolete language and making technical changes; amending Minnesota Statutes 1992, sections 296.02, subdivision 1b, and by adding a subdivision; and 297B.09, subdivision 1.

Referred to the Committee on Transportation and Public Transit.

Mr. Benson, D.D. introduced—

S.F. No. 2056: A bill for an act relating to local government; authorizing towns in Olmsted county to adopt and enforce the state building code.

Referred to the Committee on Governmental Operations and Reform.

Mr. Morse introduced—

S.F. No. 2057: A bill for an act relating to education; permitting bonds to be issued; permitting the city of Rollingstone to construct and lease space for educational purposes to independent school district No. 861, Winona; amending Laws 1993, chapter 224, article 5, section 43.

Referred to the Committee on Metropolitan and Local Government.

Messrs. Novak and Betzold introduced—

S.F. No. 2058: A bill for an act relating to housing; requiring a report to the legislature evaluating emergency weather procedures in manufactured home parks; appropriating money.

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

Messrs. Luther, Lessard, Ms. Olson, Messrs. Morse and Novak introduced—

S.F. No. 2059: A bill for an act relating to taxation; motor fuels; providing for the disposition of unrefunded gasoline tax attributable to off-road vehicle use; amending Minnesota Statutes 1992, section 296.16, subdivision 1; Minnesota Statutes 1993 Supplement, section 84.803, subdivision 1.

Referred to the Committee on Transportation and Public Transit.

Messrs. Solon and Johnson, D.J. introduced—

S.F. No. 2060: A bill for an act relating to the city of Duluth; clarifying certain language relating to calculation of pension benefits contained in the bylaws of the Duluth firefighters relief association.

Referred to the Committee on Governmental Operations and Reform.

Mr. Neuville, Mrs. Pariseau, Messrs. Benson, D.D. and Berg introduced—

S.F. No. 2061: A bill for an act relating to the legislature; providing for the

composition of the legislative audit commission; amending Minnesota Statutes 1993 Supplement, section 3.97, subdivision 2.

Referred to the Committee on Governmental Operations and Reform.

Mr. Stevens introduced—

S.F. No. 2062: A bill for an act relating to state lands; authorizing the sale of certain lands in Mille Lacs county to resolve a trespass situation.

Referred to the Committee on Environment and Natural Resources.

Mr. Kelly introduced—

S.F. No. 2063: A bill for an act relating to recreation green space; requiring a certain public utility to relocate overhead power lines in Indian Mounds Park in Saint Paul.

Referred to the Committee on Environment and Natural Resources.

Mr. Kelly introduced—

S.F. No. 2064: A bill for an act relating to peace officers; changing the minimum standards required for licensing; amending Minnesota Statutes 1992, section 626.843, subdivision 1.

Referred to the Committee on Crime Prevention.

Mr. Kelly introduced—

S.F. No. 2065: A bill for an act relating to lotteries; authorizing the city of St. Paul to conduct lottery games for certain educational and recreational purposes; amending Minnesota Statutes 1993 Supplement, section 349A.10, subdivisions 3 and 5; proposing coding for new law in Minnesota Statutes, chapter 349A.

Referred to the Committee on Gaming Regulation.

Ms. Hanson, Messrs. Betzold and Novak introduced—

S.F. No. 2066: 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.

Referred to the Committee on Environment and Natural Resources.

Messrs. Bertram, Janezich and Berg introduced—

S.F. No. 2067: A bill for an act relating to the lottery; authorizing and regulating the use of video lottery machines for the play of poker, keno, slots, and bingo; regulating video lottery manufacturers, distributors, operators, and licensed establishments; authorizing the use of pull-tab dispensing devices; prescribing penalties; establishing fees; providing rulemaking, including exempt rulemaking; amending Minnesota Statutes 1992, sections 349.12, subdivision 18; 349.13; 349.151, subdivision 4; and 349A.13; proposing coding for new law in Minnesota Statutes, chapter 349A.

Referred to the Committee on Gaming Regulation.

Ms. Berglin and Mr. Samuelson introduced—

S.F. No. 2068: A bill for an act relating to health; modifying provisions relating to the nursing home moratorium exceptions; amending Minnesota Statutes 1992, section 144A.073, subdivisions 1, 4, 8, and by adding a subdivision; Minnesota Statutes 1993 Supplement, section 144A.073, subdivisions 2 and 3.

Referred to the Committee on Health Care.

Mr. Kelly introduced—

S.F. No. 2069: A bill for an act relating to cities; Saint Paul; providing for a rental tax equity pilot project.

Referred to the Committee on Taxes and Tax Laws.

Ms. Robertson, Mr. McGowan and Ms. Olson introduced—

S.F. No. 2070: A bill for an act relating to cities; allowing home rule charter cities to apply law applicable to statutory cities in instances in which the charter is silent, with certain restrictions; proposing coding for new law in Minnesota Statutes, chapter 410.

Referred to the Committee on Metropolitan and Local Government.

Ms. Pappas and Mr. Kelly introduced—

S.F. No. 2071: A bill for an act relating to the department of revenue; providing for the coordination of sales tax schedules for the state and the city of Saint Paul.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Mondale, Solon, Belanger and Chandler introduced—

S.F. No. 2072: A bill for an act relating to commerce; adding labeling requirements for salvaged food; adding licensing requirements for salvaged food distributors; adding record keeping requirements; requiring salvaged food served for compensation to be identified; amending Minnesota Statutes 1992, section 31.495, subdivisions 1, 2, and by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 31.

Referred to the Committee on Commerce and Consumer Protection.

Ms. Pappas, Mr. Johnson, D.J.; Mses. Reichgott Junge, Flynn and Mr. Belanger introduced—

S.F. No. 2073: A bill for an act relating to taxation; making technical corrections and administrative changes; amending Minnesota Statutes 1992, sections 103B.245, subdivision 1; 103D.911, subdivision 2; 103D.915, subdivision 1; 115A.919, subdivision 3; 115A.921, subdivision 1; 115A.923, subdivision 1; 270.12, subdivision 2; 272.025, subdivision 3; 273.111, subdivision 6; 273.13, subdivision 22; 273.134; 273.1399, subdivision 3; 275.065, subdivision 1; 278.05, subdivision 5; 279.37, subdivision 8; 282.01, subdivision 1; 282.014; 282.04, subdivision 2; 282.301; 289A.08, subdivision 7; 289A.25, subdivision 5; 290.17, subdivision 2; 290.371, subdivision 2; 290A.03, subdivisions 5 and 14; 290A.05; 297.01, subdivision 14; 297.11,

subdivision 5; 297A.021, subdivision 4; 297B.11; 297C.01, subdivision 5; 357.18, subdivision 2; 398.16; 398A.04, subdivision 8; 447.34, subdivision 2; 462.396, subdivision 2; 469.060, subdivision 6; 469.102, subdivision 5; 469.177, subdivision 9; 473.167, subdivision 3; 473.249, subdivision 1; 473.446, subdivision 1; 473.661, subdivision 2; 473.711, subdivision 2; 477A.011, subdivision 1b; 477A.0121, subdivision 4; 477A.014, subdivision 1; 477A.15; and 580.23, subdivision 3; Minnesota Statutes 1993 Supplement, sections 124.2131, subdivision 1; 272.02, subdivision 1; 273.11, subdivision 13; 273.124, subdivisions 1 and 13; 273.13, subdivision 25; 273.1398, subdivisions 1 and 3; 273.166, subdivision 3; 275.065, subdivisions 3 and 6; 276.04, subdivision 2; 277.15; 278.04; 278.08; 290A.03, subdivisions 8 and 13; 290.091, subdivision 2; 297A.01, subdivision 3; 297A.07, subdivision 1; 469.033, subdivision 6; and 473.13, subdivision 1; Laws 1989, chapter 211, section 4, subdivision 2; Laws 1992, chapter 511, article 4, section 29; Laws 1993, chapter 375, article 2, section 37; proposing coding for new law in Minnesota Statutes, chapters 273 and 275; repealing Minnesota Statutes 1992, sections 115A.923, subdivision 6; and 273.22; Minnesota Statutes 1993 Supplement, section 273.1398, subdivision 2a; Laws 1993, First Special Session chapter 1, article 2, section 6.

Referred to the Committee on Taxes and Tax Laws.

Ms. Johnson, J.B. and Mr. Marty introduced—

S.F. No. 2074: A bill for an act relating to driving while intoxicated; establishing a pilot program to evaluate the effectiveness of electronic alcohol monitoring of DWI offenders; appropriating money.

Referred to the Committee on Crime Prevention.

Messrs. Sams, Pogemiller and Samuelson introduced—

S.F. No. 2075: A bill for an act relating to education; permitting independent school district No. ..., Motley-Staples, to recognize referendum levy revenue in the capital expenditure fund.

Referred to the Committee on Education.

Messrs. Cohen; Terwilliger; Benson, D.D. and Ms. Reichgott Junge introduced—

S.F. No. 2076: A bill for an act relating to establishing a debt collection entity; providing for the collection of debts owed the state or for whom the state acts as a fiduciary; imposing fees; appropriating money; amending Minnesota Statutes 1992, sections 13.99, by adding a subdivision; 168A.05, subdivisions 2, 7, and by adding a subdivision; 508.25; and 542.07; Minnesota Statutes 1993 Supplement, section 168A.05, subdivision 3; proposing coding for new law as Minnesota Statutes, chapter 16C; repealing Minnesota Statutes 1992, sections 10.11; 10.12; 10.14; and 10.15.

Referred to the Committee on Governmental Operations and Reform.

Messrs. Samuelson and Sams introduced—

S.F. No. 2077: A bill for an act relating to human services; increasing the efficiency incentive payment for residential facilities caring for the mentally

retarded; amending Minnesota Statutes 1993 Supplement, section 256B.501, subdivision 5a.

Referred to the Committee on Health Care.

Messrs. Sams and Samuelson introduced—

S.F. No. 2078: A bill for an act relating to human services; modifying provisions relating to the reimbursement of nursing homes operating costs; amending Minnesota Statutes 1992, sections 256B.431, subdivision 3c; Minnesota Statutes 1993 Supplement, sections 256B.431, subdivision 15.

Referred to the Committee on Health Care.

Messrs. Finn, Betzold and Ms. Ranum introduced—

S.F. No. 2079: A bill for an act relating to the collection and dissemination of data; proposing classifications of data as private, nonpublic and protected nonpublic; amending Minnesota Statutes 1992, sections 13.38, by adding a subdivision; and 13.71, by adding a subdivision; amending Minnesota Statutes 1993 Supplement, section 13.643, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 13.

Referred to the Committee on Judiciary.

Ms. Pappas and Mr. Kelly introduced—

S.F. No. 2080: A bill for an act relating to local government; changing the date by which the joint property tax advisory committee must agree; amending Minnesota Statutes 1993 Supplement, section 383A.75, subdivision 3.

Referred to the Committee on Taxes and Tax Laws.

Ms. Wiener, Messrs. Morse, Riveness and Metzen introduced—

S.F. No. 2081: A bill for an act relating to state agencies; providing that the open appointments act applies to certain appointments made by the governor and by legislators; authorizing the secretary of state to collect data regarding appointments to multimember agencies by electronic means; requiring multimember agencies to register with the secretary of state; requiring the secretary of state to publish information collected through registration; requiring the secretary of state to furnish copies of registration data to the legislative reference library; amending Minnesota Statutes 1992, section 15.0597, subdivisions 1 and 5; Minnesota Statutes 1993 Supplement, section 15.0597, subdivisions 2 and 4; proposing coding for new law in Minnesota Statutes, chapter 15.

Referred to the Committee on Governmental Operations and Reform.

Messrs. Moe, R.D.; Sams; Benson, D.D. and Ms. Kiscaden introduced—

S.F. No. 2082: A bill for an act relating to human services; establishing a rural dentist education loan program; authorizing, under the medical assistance plan, a dental service pilot program in certain areas; modifying reimbursement provisions for medical assistance dental service; appropriating money; amending Minnesota Statutes 1992, sections 256B.04, by adding a

subdivision; and 256B.76, as amended; proposing coding for new law in Minnesota Statutes, chapter 136A.

Referred to the Committee on Health Care.

Messrs. Pogemiller, Stumpf and Ms. Krentz introduced—

S.F. No. 2083: A bill for an act relating to libraries; establishing an information resource grant program; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 134.

Referred to the Committee on Education.

Ms. Pappas, Messrs. Pogemiller, Stumpf, Ms. Reichgott Junge and Mr. Langseth introduced—

S.F. No. 2084: A bill for an act relating to libraries; establishing a librarians of color program; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 134.

Referred to the Committee on Education.

Messrs. Sams, Finn, Solon and Betzold introduced—

S.F. No. 2085: A bill for an act relating to health; establishing the Minnesota dental health board; transferring the regulation of dental insurance; exempting dental services from all-payer option reimbursement limits; excluding certain dental services from growth limits; allowing direct billing for upgrade dental services; proposing coding for new law in Minnesota Statutes, chapter 62J.

Referred to the Committee on Health Care.

Mses. Piper, Berglin, Messrs. Sams, Hottinger and Ms. Kiscaden introduced—

S.F. No. 2086: A bill for an act relating to health; extending dispensing authority to physician assistants and advanced practice nurses; amending Minnesota Statutes 1992, sections 147.34, subdivision 1; 149.235, by adding a subdivision; and 151.37, subdivisions 2 and 2a; Minnesota Statutes 1993 Supplement, section 151.01, subdivision 23.

Referred to the Committee on Health Care.

Mses. Anderson, Kiscaden, Ranum, Messrs. Spear and Betzold introduced—

S.F. No. 2087: A bill for an act relating to public safety; providing for judicial commitment of sexually violent predators to the custody of the commissioner of human services; providing a petitioning process and commitment procedures; amending Minnesota Statutes 1992, sections 609.1351; proposing coding for new law as Minnesota Statutes, chapter 253D; repealing Minnesota Statutes 1992, sections 526.09; 526.10; 526.11; and 526.115.

Referred to the Committee on Crime Prevention.

Messrs. Larson, Sams and Hottinger introduced—

S.F. No. 2088: A bill for an act relating to occupations and professions; requiring legal descriptions of land to be prepared by registered land surveyors or attorneys at law; amending Minnesota Statutes 1992, section 326.03, subdivision 3.

Referred to the Committee on Commerce and Consumer Protection.

Mr. Spear introduced—

S.F. No. 2089: A bill for an act relating to courts; providing that only court-appointed counsel are eligible for reimbursement of investigative, expert, and other defense costs; amending Minnesota Statutes 1992, section 611.21.

Referred to the Committee on Crime Prevention.

Mr. Betzold introduced—

S.F. No. 2090: A bill for an act relating to human services; modifying provisions dealing with the administration and enforcement of child support; amending Minnesota Statutes 1993 Supplement, section 518.551, subdivision 10.

Referred to the Committee on Family Services.

Mr. Betzold introduced—

S.F. No. 2091: A bill for an act relating to health; MinnesotaCare; requiring an alternative dispute resolution pilot project for integrated service networks; requiring the commissioner of health to seek an exemption from certain federal reporting requirements; appropriating money.

Referred to the Committee on Health Care.

Messrs. Finn, Morse and Johnson, D.J. introduced—

S.F. No. 2092: A bill for an act relating to natural resources; imposing an assessment on wood acquired by wood mills; establishing the sustainable forestry account; providing for certification of loggers and foresters; authorizing rules; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 90.

Referred to the Committee on Environment and Natural Resources.

Mr. Morse, Ms. Hanson, Messrs. Murphy, Vickerman and Sams introduced—

S.F. No. 2093: A bill for an act relating to agriculture; establishing certification and labeling program to identify milk and milk products free of recombinant bovine growth hormone; amending regulations regarding use and clarification of recombinant bovine somatotropin; appropriating money; amending Minnesota Statutes 1992, sections 32.103; 151.01, subdivision 28; 151.15, subdivision 3; and 151.25; proposing coding for new law in Minnesota Statutes, chapter 32.

Referred to the Committee on Agriculture and Rural Development.

Ms. Krentz, Messrs. Knutson, Cohen, Ms. Kiscaden and Mr. Spear introduced—

S.F. No. 2094: A bill for an act relating to children; providing for guardians ad litem and attorneys for children; establishing a state board of child advocacy; providing for a state child advocate and district child advocates; appropriating money; amending Minnesota Statutes 1992, sections 257.071, subdivision 4; 260.155, subdivision 4; 518.165; and 518.17, subdivision 1; Minnesota Statutes 1993 Supplement, section 257.071, subdivision 1; proposing coding for new law as Minnesota Statutes, chapter 495.

Referred to the Committee on Judiciary.

Mr. Cohen introduced—

S.F. No. 2095: A bill for an act relating to employment; modifying provisions relating to the public employee vacation donation program; amending Minnesota Statutes 1992, section 43A.181, subdivision 3.

Referred to the Committee on Governmental Operations and Reform.

Mr. Cohen introduced—

S.F. No. 2096: A bill for an act relating to creditors' remedies; increasing the value of the homestead exemption; amending Minnesota Statutes 1993 Supplement, section 510.02.

Referred to the Committee on Judiciary.

Mr. Langseth, Ms. Johnston, Mr. Vickerman and Ms. Hanson introduced—

S.F. No. 2097: A bill for an act relating to transportation; modifying distribution of money in transit assistance fund; establishing annual gasoline excise tax rate adjustment; modifying amounts of motor vehicle excise tax money transferred to transit assistance fund; appropriating money; amending Minnesota Statutes 1992, sections 296.02, by adding a subdivision; and 297B.09, subdivision 1; Minnesota Statutes 1993 Supplement, section 174.32, subdivision 2.

Referred to the Committee on Transportation and Public Transit.

Messrs. Langseth, Vickerman, Meses. Hanson and Johnston introduced—

S.F. No. 2098: A bill for an act relating to transportation; modifying distribution of money in transit assistance fund; increasing gasoline excise tax; modifying amount of motor vehicle excise tax money transferred to transit assistance fund; appropriating money; amending Minnesota Statutes 1992, sections 296.02, subdivision 1b, and by adding a subdivision; and 297B.09, subdivision 1; Minnesota Statutes 1993 Supplement, section 174.32, subdivision 2.

Referred to the Committee on Transportation and Public Transit.

MEMBERS EXCUSED

Mrs. Adkins, Ms. Berglin, Messrs. Cohen, Lessard and Price were excused from the Session of today.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 10:00 a.m., Monday, March 7, 1994. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

SIXTY-SEVENTH DAY

St. Paul, Minnesota, Monday, March 7, 1994

The Senate met at 10:00 a.m. and was called to order by the President.

CALL OF THE SENATE

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

Prayer was offered by the Chaplain, Rabbi Stacy Offner.

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

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

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

The President declared a quorum present.

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

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communication was received and referred to the committee indicated.

January 12, 1994

The Honorable Allan H. Spear
President of the Senate

Dear Sir:

The following appointments are hereby respectfully submitted to the Senate for confirmation as required by law:

HIGHER EDUCATION BOARD

Archie D. Chelseth, 509 Chestnut St., Cloquet, Carlton County, has been appointed by me, effective July 1, 1993, for a term expiring on June 30, 1994.

John C. Mulder, 3126 Fox Hollow Ct. S.W., Rochester, Olmsted County, has been appointed by me, effective July 1, 1993, for a term expiring on June 30, 1994.

William G. Ness, 2021 Nelson Dr., Thief River Falls, Pennington County, has been appointed by me, effective July 1, 1993, for a term expiring on June 30, 1994.

Carole J. Vennerstrom, 2409 Country Club Rd., Willmar, Kandiyohi County, has been appointed by me, effective July 1, 1993, for a term expiring on June 30, 1994.

Fannie Marshall Primm, 4544 - 5th Ave. S., Minneapolis, Hennepin County, has been appointed by me, effective July 1, 1993, for a term expiring on June 30, 1996.

Rachel M. Scherer, 1825 Ives Ln. N., Plymouth, Hennepin County, has been appointed by me, effective July 1, 1993, for a term expiring on June 30, 1998.

(Referred to the Committee on Education.)

Warmest regards,
Arne H. Carlson, Governor

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 1859 and 1863.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 3, 1994

FIRST READING OF HOUSE BILLS

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

H.F. No. 1859: A bill for an act relating to housing; establishing penalties for failure to provide a written lease; amending Minnesota Statutes 1993 Supplement, section 504.12.

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

H.F. No. 1863: A bill for an act relating to ethics in government; providing for the house and senate ethics committees to perform specified duties in ethics leadership; changing various lobbyist and principal reporting requirements; prescribing penalties; amending Minnesota Statutes 1992, section

10A.04, subdivisions 4, 5, and 6; proposing coding for new law in Minnesota Statutes, chapters 3; and 10A.

Referred to the Committee on Ethics and Campaign Reform.

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted, with the exception of the reports pertaining to appointments. The motion prevailed.

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

S.F. No. 1752: A bill for an act relating to highways; designating the Laura Ingalls Wilder historic highway; amending Minnesota Statutes 1992, section 161.14, by adding a subdivision.

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

Mr. Bertram from the Committee on Agriculture and Rural Development, to which was referred

S.F. No. 1903: A bill for an act relating to agricultural economy; increasing extent of authorized state participation in rural finance authority loan restructuring program; repealing authorization for the commissioner of finance to issue obligations to assist agricultural-industrial facilities in Detroit Lakes; amending Minnesota Statutes 1992, section 41B.04, subdivision 8; repealing Laws 1992, chapter 543.

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

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

S.F. No. 1784: A bill for an act relating to insurance; requiring disclosure of information relating to insurance fraud; granting immunity for reporting suspected insurance fraud; requiring insurers to develop antifraud plans; prescribing penalties; proposing coding for new law in Minnesota Statutes, chapter 60A.

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

Page 3, delete lines 17 to 29

Page 3, line 30, delete "4" and insert "3"

Page 4, line 36, delete "*applications and*"

Page 5, line 1, delete "*applying for insurance or*"

Page 5, line 4, delete "*Insurance fraud is a crime in Minnesota.*"

Page 5, line 7, delete "*insurance fraud*" and insert "*a crime*"

Page 5, lines 8 and 9, delete "*application or*"

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

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was referred.

S.F. No. 1709: A bill for an act relating to taxation; property tax refund; uncapping the appropriation for targeting for 1994 only; appropriating money; amending Minnesota Statutes 1993 Supplement, section 290A.04, subdivision 2h.

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

Page 2; line 14, before "On" insert "(d)"

Page 2, after line 28, insert:

"(e) By April 30, 1994, each county must provide a list to the commissioner containing the name, mailing address, and social security number of every taxpayer: (1) who owns a parcel of homestead property in the county, and (2) whose gross property taxes on that property have increased by 12 percent or more for the current taxes payable year over the prior taxes payable year. In compiling the list, each county shall disregard relative-homestead parcels. The list must be on the type of electronic data storage media designated by the commissioner and must be provided in the sequence, form, and format designated by the commissioner, whose designations in this regard are not rules subject to chapter 14."

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "requiring counties to provide the commissioner of revenue with certain data;"

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

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

S.F. No. 1846: A bill for an act relating to financial institutions; regulating administrative hearings on bank applications, certain bank mergers, certain emergency notices, certain credit union accounts, and motor vehicle sales finance contracts; making technical and clarifying changes; amending Minnesota Statutes 1992, sections 46.041, subdivision 4; 47.0154; 48.47; 48.70; 52.191; 59A.03, subdivision 1; 168.69; Minnesota Statutes 1993 Supplement, section 47.54, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 48; repealing Minnesota Statutes 1992, sections 48.26; and 48.88, subdivision 2.

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

Page 2, after line 9, insert:

"Sec. 2. Minnesota Statutes 1992, section 47.0153, subdivision 1, is amended to read:

Subdivision 1. When the officers of a financial institution are of the opinion that an emergency exists, or is impending, which affects, or may affect, a

financial institution's offices, they shall have the authority, in the reasonable exercise of their discretion, to determine not to open any of its offices on any business day or, if having opened, to close an office during the continuation of the emergency, even if the commissioner does not issue a proclamation of emergency. The office closed shall remain closed until the time that the officers determine the emergency has ended, and for the further time reasonably necessary to reopen. No financial institution office shall remain closed for more than 48 consecutive hours, excluding other legal holidays, without the prior approval of the commissioner, ~~or in the case of a national bank, the comptroller of the currency.~~"

Page 2, after line 19, insert:

"Sec. 4. Minnesota Statutes 1993 Supplement, section 47.20, subdivision 4a, is amended to read:

Subd. 4a. [MAXIMUM INTEREST RATE.] (a) No conventional or cooperative apartment loan or contract for deed shall be made at a rate of interest or loan yield in excess of a maximum lawful interest rate in an amount equal to the Federal National Mortgage Association posted yields on 30-year mortgage commitments for delivery within 60 days on standard conventional fixed-rate mortgages published in the Wall Street Journal for the last business day of the second preceding month plus four percentage points.

(b) The maximum lawful interest rate applicable to a cooperative apartment loan or contract for deed at the time the loan or contract is made is the maximum lawful interest rate for the term of the cooperative apartment loan or contract for deed. Notwithstanding the provisions of section 334.01, a cooperative apartment loan or contract for deed may provide, at the time the loan or contract is made, for the application of specified different consecutive periodic interest rates to the unpaid principal balance, if no interest rate exceeds the maximum lawful interest rate applicable to the loan or contract at the time the loan or contract is made.

(c) The maximum interest rate that can be charged on a conventional loan or a contract for deed, with a duration of ten years or less, for the purchase of real estate described in section 83.20, ~~subdivision 13~~ *subdivisions 11 and 13*, is three percentage points above the rate permitted under paragraph (a) or 15.75 percent per year, whichever is less. This paragraph is effective August 1, 1992.

(d) Contracts for deed executed pursuant to a commitment for a contract for deed, or conventional or cooperative apartment loans made pursuant to a borrower's interest rate commitment or made pursuant to a borrower's loan commitment, or made pursuant to a commitment for conventional or cooperative apartment loans made upon payment of a forward commitment fee including a borrower's loan commitment issued pursuant to a forward commitment, which commitment provides for consummation within some future time following the issuance of the commitment may be consummated pursuant to the provisions, including the interest rate, of the commitment notwithstanding the fact that the maximum lawful rate of interest at the time the contract for deed or conventional or cooperative apartment loan is actually executed or made is less than the commitment rate of interest, provided the commitment rate of interest does not exceed the maximum lawful interest rate in effect on the date the commitment was issued. The refinancing of: (1) an existing conventional or cooperative apartment loan, (2) a loan insured or guaranteed by the secretary of housing and urban development, the adminis-

trator of veterans affairs, or the administrator of the farmers home administration, or (3) a contract for deed by making a conventional or cooperative apartment loan is deemed to be a new conventional or cooperative apartment loan for purposes of determining the maximum lawful rate of interest under this subdivision. The renegotiation of a conventional or cooperative apartment loan or a contract for deed is deemed to be a new loan or contract for deed for purposes of paragraph (b) and for purposes of determining the maximum lawful rate of interest under this subdivision. A borrower's interest rate commitment or a borrower's loan commitment is deemed to be issued on the date the commitment is hand delivered by the lender to, or mailed to the borrower. A forward commitment is deemed to be issued on the date the forward commitment is hand delivered by the lender to, or mailed to the person paying the forward commitment fee to the lender, or to any one of them if there should be more than one. A commitment for a contract for deed is deemed to be issued on the date the commitment is initially executed by the contract for deed vendor or the vendor's authorized agent.

(e) A contract for deed executed pursuant to a commitment for a contract for deed, or a loan made pursuant to a borrower's interest rate commitment, or made pursuant to a borrower's loan commitment, or made pursuant to a forward commitment for conventional or cooperative apartment loans made upon payment of a forward commitment fee including a borrower's loan commitment issued pursuant to a forward commitment at a rate of interest not in excess of the rate of interest authorized by this subdivision at the time the commitment was made continues to be enforceable in accordance with its terms until the indebtedness is fully satisfied."

Page 4, after line 12, insert:

"Sec. 9. [52.137] [INDIVIDUAL RETIREMENT ACCOUNTS.]

Notwithstanding sections 52.04, subdivision 1, clause (1), and 52.05, a credit union may receive payment as deposits to establish an individual retirement account for the spouse of a blood or adoptive relative of a regularly qualified member if the blood or adoptive relative is a member of the credit union."

Page 4, line 18, strike "seven" and insert "three"

Page 4, after line 27, insert:

"Sec. 11. Minnesota Statutes 1992, section 52.24, subdivision 2, is amended to read:

Subd. 2. [CERTIFICATE OF APPROVAL.] No credit union shall be granted a certificate of approval by the commissioner of commerce unless the credit union has obtained a commitment for insurance of its member share and deposit accounts under the provisions of title II of the National Credit Union Act, or from a legally constituted credit union share insurance corporation.

Sec. 12. Minnesota Statutes 1993 Supplement, section 56.155, subdivision 1, is amended to read:

Subdivision 1. [AUTHORIZATION.] No licensee shall, directly or indirectly, sell or offer for sale any insurance in connection with any loan made under this chapter except as and to the extent authorized by this section. The sale of credit life, credit accident and health, and credit involuntary unemployment insurance is subject to the provisions of chapter 62B, except that the

term of the insurance may exceed 60 months if the term of the loan exceeds 60 months. Life, accident, health, and involuntary unemployment insurance, or any of them, may be written upon or in connection with any loan but must not be required as additional security for the indebtedness. If the debtor chooses to procure credit life insurance, credit accident and health insurance, or credit involuntary unemployment insurance as security for the indebtedness, the debtor shall have the option of furnishing this security through existing policies of insurance that the debtor owns or controls, or of furnishing the coverage through any insurer authorized to transact business in this state. A statement in substantially the following form must be made orally, except for loans by mail pursuant to section 56.12, and provided in writing in bold face type of a minimum size of 12 points to the borrower before the transaction is completed for each credit life, accident and health, and involuntary unemployment insurance coverage sold:

CREDIT LIFE INSURANCE, CREDIT DISABILITY INSURANCE, AND CREDIT INVOLUNTARY UNEMPLOYMENT INSURANCE ARE NOT REQUIRED TO OBTAIN CREDIT. YOU MAY BUY ANY INSURANCE FROM ANYONE YOU CHOOSE OR YOU MAY USE EXISTING INSURANCE.

The licensee shall disclose whether or not the benefits commence as of the first day of disability or involuntary unemployment and shall further disclose the number of days that an insured obligor must be disabled or involuntarily unemployed, as defined in the policy, before benefits, whether retroactive or nonretroactive, commence. In case there are multiple obligors under a transaction subject to this chapter, no policy or certificate of insurance providing ~~credit accident and health or credit unemployment~~ benefits may be procured by or through a licensee upon more than one of the obligors. In case there are multiple obligors under a transaction subject to this chapter, no policy or certificate of insurance providing *credit accident and health or credit life insurance* may be procured by or through a licensee upon more than two of the obligors in which case they shall be insured jointly. The premium or identifiable charge for the insurance must not exceed that filed by the insurer with the department of commerce. The charge, computed at the time the loan is made for a period not to exceed the full term of the loan contract on an amount not to exceed the total amount required to pay principal and charges, may be deducted from the proceeds or may be included as part of the principal of any loan. If a borrower procures insurance by or through a licensee, the statement required by section 56.14 must disclose the cost to the borrower and the type of insurance, and the licensee shall cause to be delivered to the borrower a copy of the policy, certificate, or other evidence thereof, within a reasonable time. No licensee shall decline new or existing insurance which meets the standards set out in this section nor prevent any obligor from obtaining this insurance coverage from other sources. Notwithstanding any other provision of this chapter, any gain or advantage to the licensee or to any employee, affiliate, or associate of the licensee from this insurance or the sale or provision thereof is not an additional or further charge in connection with the loan; nor are any of the provisions pertaining to insurance contained in this section prohibited by any other provision of this chapter.”

Page 5, line 17, after the period, insert “*Laws 1982, chapter 429, section 6, is repealed.*”

Page 5, line 19, delete “10” and insert “15”

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 6, after "contracts;" insert "regulating maximum interest rates;"

Page 1, line 8, after the first semicolon, insert "47.0153, subdivision 1;" and after "52.191;" insert "52.24, subdivision 2;"

Page 1, line 10, delete "section" and insert "sections 47.20, subdivision 4a;" and after the semicolon, insert "and 56.155, subdivision 1;"

Page 1, line 11, delete "chapter" and insert "chapters" and after the semicolon, insert "and 52;"

Page 1, line 13, before the period, insert "; Laws 1982, chapter 429, section 6"

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

Mr. Novak from the Committee on Jobs, Energy and Community Development, to which was referred

S.F. No. 1706: A bill for an act relating to public utilities; providing legislative authorization of the construction of a facility for the temporary dry cask storage of spent nuclear fuel at Prairie Island nuclear generating plant; providing conditions for any future expansion of storage capacity; approving the continued operation of pool storage at Monticello and Prairie Island nuclear generating plants; requiring development of wind power; regulating nuclear power plants; requiring increased conservation investments; providing low-income discounted electric rates; appropriating money; amending Minnesota Statutes 1992, sections 216B.16, by adding a subdivision; 216B.241, subdivision 1a; and 216B.243, by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 216B.

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

Page 1, line 23, delete "In recognition" and insert "The legislature recognizes"

Page 3, line 9, after the period, insert "While these potential costs do not currently warrant closing an operating nuclear power plant, they do warrant a moratorium on new nuclear plant construction and closer monitoring of operating nuclear power plants."

Page 6, line 4, after "waste" insert "at the site of the Prairie Island nuclear generating plant"

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

Mr. Vickerman from the Committee on Veterans and General Legislation, to which was referred

S.F. No. 1707: A bill for an act relating to capital improvements; appropriating money to the department of administration for a grant to the Minnesota humanities commission to rehabilitate and retrofit the west wing of the former Gillette Children's Hospital; authorizing the sale of state bonds.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Jobs, Energy and Community Development. Report adopted.

Mr. Vickerman from the Committee on Veterans and General Legislation, to which was referred

S.F. No. 1699: A bill for an act relating to state government; adopting the square dance as the American folk dance of Minnesota; proposing coding for new law in Minnesota Statutes, chapter 1.

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

Mr. Vickerman from the Committee on Veterans and General Legislation, to which was re-referred

S.F. No. 1700: 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.

Reports the same back with the recommendation that the resolution do pass and be re-referred to the Committee on Judiciary. Report adopted.

REPORT OF VOTE IN COMMITTEE

Pursuant to Rule 60, upon the request of three members, a roll call was taken on S.F. No. 1700.

There were yeas 10 and nays 0, as follows:

Those who voted in the affirmative were:

Messrs. Bertram, Chmielewski, Meses. Hanson, Johnston, Mr. Larson, Ms. Lesewski, Messrs. Lessard, Metzen, Murphy and Vickerman.

The resolution was recommended to pass.

Mr. Marty from the Committee on Ethics and Campaign Reform, to which was referred

S.F. No. 1483: A bill for an act relating to elections; changing certain requirements and procedures for absentee and mail voting; amending Minnesota Statutes 1992, sections 203B.02, subdivisions 1 and 1a; 203B.03, subdivision 1; 203B.04, subdivision 1; 203B.06, subdivision 3; 203B.07, subdivision 2; 203B.11, by adding a subdivision; 203B.12, subdivision 2, and by adding a subdivision; 203B.13, subdivisions 1 and 2; 203B.16, by adding a subdivision; 203B.19; 204B.45; proposing coding for new law in Minnesota Statutes, chapter 203B.

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

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1993 Supplement, section 201.071, subdivision 1, is amended to read:

Subdivision 1. [FORM.] A registration card must be of suitable size and weight for mailing and contain spaces for the following required information: voter's first name, middle name, and last name; voter's previous name, if any; voter's current address; voter's previous address, if any; voter's date of birth; voter's municipality and county of residence; voter's telephone number, *if provided by the voter*; date of registration; and voter's signature. The card must also contain the following a certification: I certify that I will be at least 18 years old on election day and am a citizen of the United States, that I reside at the address shown and will have resided in Minnesota for 20 days immediately preceding election day, and that I am not under guardianship of the person, have not been found by a court to be legally incompetent to vote, and have not been convicted of a felony without having my civil rights restored. I understand that giving false information to procure a registration is a felony punishable by not more than five years imprisonment and a fine of not more than \$10,000, or both of voter eligibility.

The form of the voter registration card and the certification of voter eligibility must be as provided in the rules of the secretary of state.

Sec. 2. Minnesota Statutes 1993 Supplement, section 201.081, is amended to read:

201.081 [REGISTRATION FILES.]

The statewide registration system is the official record of registered voters. The voter registration cards and the terminal providing access to the statewide registration system must be under the control of the county auditor or the public official to whom the county auditor has delegated the responsibility for maintaining voter registration records. The voter registration cards and terminals providing access to the statewide registration system must not be removed from the control of the county auditor except as provided in this subdivision. The county auditor may make photographic copies of voter registration cards in the manner provided by section 138.17.

A properly completed voter registration card that has been submitted to a county auditor must be maintained by the county auditor for at least 22 months after the date that the information on the card is entered into the database of the statewide registration system. The county auditor may dispose of the cards after retention for 22 months in the manner provided by section 138.17.

Sec. 3. Minnesota Statutes 1992, section 201.12, subdivision 2, is amended to read:

Subd. 2. [CHALLENGES.] Upon return of the notice by the postal service, the county auditor or the auditor's staff shall personally ascertain the name and address of that individual. If the individual is no longer at the address recorded in the statewide registration system, the county auditor shall change the registrant's status to "challenged" in the statewide registration system. An individual challenged in accordance with this subdivision shall comply with

the provisions of section 204C.12, before being allowed to vote. If a second notice mailed at least 60 days after the return of the first notice is also returned by the postal service, the county auditor ~~may remove the registration card from the file and~~ shall change the registrant's status to "inactive" in the statewide registration system.

Sec. 4. Minnesota Statutes 1992, section 201.121, subdivision 1, is amended to read:

Subdivision 1. [ENTRY OF REGISTRATION INFORMATION.] Upon receiving a voter registration card properly completed and submitted in accordance with sections 201.061 and 201.071, the county auditor shall enter in the ~~appropriate registration files and in the~~ statewide registration system the ~~registration card or the~~ information contained on it.

Upon receiving a completed voter registration card or form, the secretary of state may electronically transmit the information on the card or form to the appropriate county auditor as soon as possible for review by the county auditor before final entry into the statewide registration system. The secretary of state shall mail the registration card or form to the county auditor ~~for placement in the appropriate files.~~

Sec. 5. Minnesota Statutes 1993 Supplement, section 201.13, subdivision 1, is amended to read:

Subdivision 1. [COMMISSIONER OF HEALTH, REPORTS OF DECEASED RESIDENTS.] The commissioner of health shall report monthly to the secretary of state the name, address, date of birth, and county of residence of each individual 18 years of age or older who has died while maintaining residence in 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. Within 60 days after receiving the list from the secretary of state, the county auditor shall change the status of those registrants to "deceased" in the statewide registration system ~~and remove from the files the registration cards of the voters reported to be deceased.~~

Sec. 6. Minnesota Statutes 1993 Supplement, section 201.13, subdivision 2, is amended to read:

Subd. 2. [VOTER REGISTRATION CARD REMOVAL FOR DECEASED NONRESIDENTS.] ~~The county auditor may remove from the files the voter registration cards of voters who have died outside of the county, after receiving notice of death. Within 60 days after receiving notice of death of a voter who has died outside the county, the county auditor shall change the voter's status to "deceased."~~ Notice must be in the form of a printed obituary or a written statement signed by a registered voter of the county. ~~The county auditor shall also make the appropriate changes in the data base of the statewide registration system when voter registration cards are removed from the files.~~

Sec. 7. Minnesota Statutes 1992, section 201.171, is amended to read:

201.171 [POSTING VOTING HISTORY; FAILURE TO VOTE; REGISTRATION REMOVED.]

Within six weeks after every election, the county auditor shall post the voting history for every person who voted in the election. After the close of

the calendar year, the secretary of state shall determine if any registrants have not voted during the preceding four years and shall change the status of those registrants to "inactive" in the statewide registration system. The secretary of state shall also prepare a report to the county auditor containing the names of all registrants whose status was changed to "inactive."

The county auditor shall remove the voter registration card of any voter whose name appears on the report. Although not counted in an election, a late absentee ballot must be considered a vote for the purpose of continuing registration.

Sec. 8. Minnesota Statutes 1992, section 203B.02, subdivision 1a, is amended to read:

Subd. 1a. ~~[EXPERIMENTAL PROCEDURES VOTING BEFORE ELECTION DAY.] A county board may authorize~~ Any eligible voter in the county to may vote by absentee ballot without qualification by submitting a written request to at any location designated by the county auditor between August 1, 1991 and November 30, 1992 as provided in section 14, 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, date of birth, 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. 9. Minnesota Statutes 1992, section 203B.03, subdivision 1, is amended to read:

Subdivision 1. [VIOLATION.] No individual shall intentionally:

- (a) make or sign any false certificate required by this chapter;
- (b) make any false or untrue statement in any application for absentee ballots;
- (c) apply for absentee ballots more than once in any election with the intent to cast an illegal ballot;
- (d) exhibit a ballot marked by that individual to any other individual;
- (e) do any act in violation of the provisions of this chapter for the purpose of casting an illegal vote in any precinct or for the purpose of aiding another to cast an illegal vote; or
- (f) use information from absentee ballot materials or records for purposes unrelated to elections, political activities, or law enforcement; or
- (g) provide assistance to an absentee voter except in the manner provided by section 204C.15, subdivision 1.

Before inspecting information from absentee ballot materials or records, an individual shall provide identification to the public official having custody of the material or information.

Sec. 10. Minnesota Statutes 1992, 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. *The county auditor shall prepare absentee ballot application forms in the format provided in the rules of the secretary of state and shall furnish them to any person on request.* 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 *name*, residence and mailing addresses, *and date of birth*, 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. *An application submitted on behalf of a voter by a person other than the voter must be mailed or returned to the county auditor or municipal clerk within ten days after it has been dated by the voter and no later than six days before the election. A copy of an absentee ballot application or list of voters applying for an absentee ballot made available for public inspection may not include the voter's day or month of birth.*

Sec. 11. Minnesota Statutes 1992, section 203B.06, subdivision 3, is amended to read:

Subd. 3. [DELIVERY OF BALLOTS.] If an application for absentee ballots is accepted at a time when absentee ballots are not yet available for distribution, the county auditor, or municipal clerk accepting the application shall file it and as soon as absentee ballots are available for distribution shall mail them to the address specified in the application. If an application for absentee ballots is accepted when absentee ballots are available for distribution, the county auditor or municipal clerk accepting the application shall promptly:

(a) Mail the ballots to the voter whose signature appears on the application if the application is submitted by mail; ~~or~~

(b) Deliver the absentee ballots directly to the voter if the application is submitted in person;

(c) *Transmit a facsimile of the ballots to the voter in the manner provided in section 15; or*

(d) *Deliver the absentee ballots in a sealed transmittal envelope to an agent who has been designated to bring the ballots to a voter who is a patient in a hospital or health care facility, as provided in section 203B.11, subdivision 4.*

If an application does not indicate the election for which absentee ballots are sought, the county auditor or municipal clerk shall mail or deliver only the ballots for the next election occurring after receipt of the application. Only one set of ballots may be mailed, *transmitted, or delivered* to an applicant for any election, *except as provided in section 203B.13, subdivision 2, or when a replacement ballot has been requested by the voter for a ballot that has been spoiled or lost in transit.*

~~This subdivision does not apply to applications for absentee ballots received pursuant to sections 203B.04, subdivision 2, and 203B.11.~~

Sec. 12. Minnesota Statutes 1992, section 203B.07, subdivision 2, is amended to read:

Subd. 2. [DESIGN OF ENVELOPES.] The return envelope shall be of sufficient size to conveniently enclose and contain the ballot envelope and a voter registration card folded along its perforations. The return envelope shall be designed to open on the left hand end. *The return envelope must include spaces for the voter's name, address, and date of birth.* A certificate of eligibility to vote by absentee ballot shall be printed on the right hand three-fourths of the back of the envelope. The certificate shall contain a statement to be signed and sworn by the voter indicating that the voter meets all of the requirements established by law for voting by ~~absentee ballot~~. *If the voter was not previously registered,* the certificate shall also contain a statement signed by ~~an eligible a registered voter of the county precinct in which the absent voter maintains residence or by a notary public, United States postmaster, assistant postmaster, postal supervisor, clerk of a postal service contract station or other individual authorized to administer oaths~~ stating that:

- (a) ~~the ballots were displayed to that individual unmarked;~~
- (b) ~~the voter marked the ballots in that individual's presence without showing how they were marked, or, if the voter was physically unable to mark them, that the voter directed another individual to mark them; and~~
- (c) ~~if the voter was not previously registered, that the voter has provided proof of residence as required by section 201.061, subdivision 3.~~

The county auditor or municipal clerk shall affix first class postage to the return envelopes.

Sec. 13. Minnesota Statutes 1992, section 203B.08, subdivision 1, is amended to read:

Subdivision 1. [MARKING AND RETURN BY VOTER.] An eligible voter who receives absentee ballots as provided in this chapter shall mark them in the manner specified in the directions for casting the absentee ballots. The return envelope containing marked ballots may be mailed as provided in the directions for casting the absentee ballots or may be left with the county auditor or municipal clerk who transmitted the absentee ballots to the voter.

The voter may designate an agent to deliver in person the sealed absentee ballot return envelope to the county auditor or municipal clerk or to deposit the return envelope in the mail. An agent may deliver or mail the return envelopes of not more than three voters in any election. Any person designated as an agent who tampers with either the return envelope or the voted ballots

or does not immediately mail or deliver the return envelope to the county auditor or municipal clerk is guilty of a misdemeanor.

Sec. 14. [203B.081] [VOTING BEFORE ELECTION DAY.]

An eligible voter may vote by absentee ballot in the office of the county auditor and at any other polling place designated by the county auditor during the 30 days before the election. At least one voting booth in each polling place must be made available by the county auditor for this purpose.

Sec. 15. [203B.082] [USE OF FACSIMILE BALLOTS.]

Subdivision 1. [ELIGIBILITY.] During the seven days prior to the state primary and state general election, an eligible voter may vote by an electronically transmitted facsimile ballot if the voter is either a patient or a temporary resident of a hospital or health care facility, temporarily absent from the precinct, or permanently residing outside the territorial limits of the United States.

Subd. 2. [APPLICATION.] Upon receipt of a properly completed application, the county auditor may send the voter the appropriate ballots and a ballot transmission form using an electronic facsimile device. The ballot transmission form must provide space for the voter's name, address, signature, date of birth, date on which the ballots were transmitted by the voter, and a statement acknowledging that the voter's ballots will not be secret. The secretary of state shall prepare samples of the data transmission form for use by the county auditor.

Subd. 3. [RETURN.] The voter may return the voted ballots to the county auditor using an electronic facsimile device. If an electronic facsimile device is used, the voter must also complete and return the ballot transmission form. Upon receipt of an electronically transmitted ballot, the county auditor shall immediately compare the information provided on the absentee ballot application with the information provided on the ballot transmission form. No record of the votes cast by the voter may be made. After the information on the ballot transmission form has been verified, the ballots must be sealed in a ballot secrecy envelope. The ballot transmission form must be attached to the ballot secrecy envelope and placed with the other absentee ballots for the precinct in which the voter resides. The county auditor shall certify that the ballots were properly enclosed in the ballot secrecy envelope, that no record of the votes cast on the ballots was made, and that the auditor will not disclose for whom the voter has voted.

Subd. 4. [REJECTION.] If the county auditor cannot verify that the ballots were transmitted by the same person who submitted the absentee ballot application, the ballots must be rejected and no votes on the ballots may be counted.

Sec. 16. Minnesota Statutes 1992, section 203B.11, is amended by adding a subdivision to read:

Subd. 4. [AGENT DELIVERY OF BALLOTS.] During the four days preceding an election and until 4:00 p.m. on election day, an eligible voter who is a patient of a hospital or health care facility may designate an agent to deliver the ballots to the voter from the county auditor or municipal clerk. The voted ballots must be returned to the county auditor or municipal clerk no later than 5:00 p.m. on election day. The voter must complete an affidavit requesting the auditor or clerk to provide the agent with the ballots in a sealed

transmittal envelope. The affidavit must include a statement from the voter stating that the ballots were delivered to the voter by the agent in the sealed transmittal envelope. An agent may deliver ballots to no more than three persons in any election. The secretary of state shall provide samples of the affidavit and transmission envelope for use by the county auditors.

Sec. 17. Minnesota Statutes 1992, 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. If a ballot has been prepared under section 204B.12, subdivision 2a, or 204B.41, the election judges shall not begin removing ballot envelopes from the return envelopes until 8:00 p.m. on election day, 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:

(1) *the voter's name, address, and date of birth on the return envelope are the same as the information provided on the absentee ballot application;*

(a) (2) *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) (3) *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) (4) *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) (1) to (c) (4), they shall mark the return envelope "Rejected," initial or sign it below the word "Rejected," and return it to the county auditor.

Sec. 18. Minnesota Statutes 1992, section 203B.12, is amended by adding a subdivision to read:

Subd. 7. [NAMES OF PERSONS SUBMITTING ABSENTEE BALLOTS.] *The names of voters who have submitted an absentee ballot return envelope to the county auditor or municipal clerk may not be made available for public inspection until the close of voting on election day.*

Sec. 19. Minnesota Statutes 1992, section 203B.13, subdivision 1, is amended to read:

Subdivision 1. [ESTABLISHMENT.] *The governing body of any county that has established a counting center as provided in section 206.85, subdivision 2, any municipality may by ordinance, or the school board of any school district may by ordinance or resolution, authorize an absentee ballot board. The board shall consist of a sufficient number of election judges appointed as provided in sections 204B.19 to 204B.22.*

Sec. 20. Minnesota Statutes 1992, section 203B.13, subdivision 2, is amended to read:

Subd. 2. [DUTIES.] The absentee ballot board may do any of the following:

(a) Receive from each precinct in the municipality or school district all ballot envelopes marked "Accepted" by the election judges; provided that the governing body of a municipality or the school board of a school district may authorize the board to examine all return absentee ballot envelopes and receive or reject absentee ballots in the manner provided in section 203B.12;

(b) Open and count the absentee ballots, tabulating the vote in a manner that indicates each vote of the absentee voter and the total absentee vote cast for each candidate or question in each precinct; or

(c) Report the vote totals tabulated for each precinct.

The absentee ballot board may begin the process of examining the return envelopes and marking them "accepted" or "rejected" at any time during the 30 days before the election. If an envelope has been rejected, the ballots in the envelope must be considered spoiled ballots and the official in charge of the absentee ballot board shall inform the voter who submitted the absentee ballot. The voter shall be provided with an application to receive another absentee ballot in place of the spoiled ballot. The secretary of state shall provide samples of this application for use by the county auditor.

Sec. 21. Minnesota Statutes 1992, section 203B.16, is amended by adding a subdivision to read:

Subd. 3. [DUTIES OF MUNICIPAL CLERK.] The municipal clerk shall administer the duties of the county auditor in sections 203B.16 to 203B.27 for municipal elections not held on the same day as a state or county election.

Sec. 22. Minnesota Statutes 1992, section 203B.19, is amended to read:

203B.19 [RECORDING APPLICATIONS.]

Upon accepting an application, the county auditor shall record ~~in a permanent register~~ *on the statewide registration system* the voter's name, address of present or former residence in Minnesota, mailing address, *date of birth*, school district number, and the category under section 203B.16, to which the voter belongs. ~~After recording this information,~~ *The county auditor shall retain the application record for two years after the date of the next state general election. A voter whose name is recorded as provided in this section shall not be required to register under any other provision of law in order to vote under sections 203B.16 to 203B.27.*

The polling place rosters prepared by the secretary of state must include separate pages to list the persons whose applications have been recorded as provided in this section. The election judges shall indicate on the roster each person for whom an absentee ballot has been accepted.

Sec. 23. [EFFECTIVE DATE.]

This act is effective January 1, 1995, except that sections 8; 11, subdivision 3, paragraph (d); 14; 16; and 20 are effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to elections; changing certain requirements and procedures for voter registration and absentee voting; imposing a penalty; amending Minnesota Statutes 1992, sections 201.12, subdivision 2; 201.121, subdivision 1; 201.171; 203B.02, subdivision 1a; 203B.03, subdivision 1; 203B.04, subdivision 1; 203B.06, subdivision 3; 203B.07, subdivision 2; 203B.08, subdivision 1; 203B.11, by adding a subdivision; 203B.12, subdivision 2, and by adding a subdivision; 203B.13, subdivisions 1 and 2; 203B.16, by adding a subdivision; and 203B.19; Minnesota Statutes 1993 Supplement, sections 201.071, subdivision 1; 201.081; and 201.13, subdivisions 1 and 2; proposing coding for new law in Minnesota Statutes, chapter 203B."

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

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

S.F. No. 844: A bill for an act relating to public employees; requiring public employers to afford time off to appointed representatives of an exclusive representative of any Minnesota public employer; amending Minnesota Statutes 1992, section 179A.07, subdivision 6.

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

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

S.F. No. 2081: A bill for an act relating to state agencies; providing that the open appointments act applies to certain appointments made by the governor and by legislators; authorizing the secretary of state to collect data regarding appointments to multimember agencies by electronic means; requiring multimember agencies to register with the secretary of state; requiring the secretary of state to publish information collected through registration; requiring the secretary of state to furnish copies of registration data to the legislative reference library; amending Minnesota Statutes 1992, section 15.0597, subdivisions 1 and 5; Minnesota Statutes 1993 Supplement, section 15.0597, subdivisions 2 and 4; proposing coding for new law in Minnesota Statutes, chapter 15.

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

Page 5, after line 17, insert:

"*Secretary*" means the secretary of state."

Page 7, after line 7, insert:

"Sec. 6. Minnesota Statutes 1993 Supplement, section 16B.61, subdivision 3, is amended to read:

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

spaces suitable for the parking of motor vehicles having a capacity of seven to 16 persons and which are principally used to provide prearranged commuter transportation of employees to or from their place of employment or to or from a transit stop authorized by a local transit authority.

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

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

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

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

(f) [FAMILY AND GROUP FAMILY DAY CARE.] ~~The commissioner of administration shall establish a task force to determine occupancy standards specific and appropriate to family and group family day care homes and to examine hindrances to establishing day care facilities in rural Minnesota. The task force must include representatives from rural and urban building code inspectors, rural and urban fire code inspectors, rural and urban county day care licensing units, rural and urban family and group family day care providers and consumers, child care advocacy groups, and the departments of administration, human services, and public safety.~~

~~By January 1, 1989, the commissioner of administration shall report the task force findings and recommendations to the appropriate legislative committees together with proposals for legislative action on the recommendations.~~

Until the legislature enacts legislation specifying appropriate standards, the definition of Group R-3 occupancies in the state building code applies to family and group family day care homes licensed by the department of human services under Minnesota Rules, chapter 9502.

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

to establish reasonable safeguards for health, safety, welfare, comfort, and security is maintained.

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

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

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

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

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

Sec. 7. Minnesota Statutes 1992, section 115A.072, subdivision 1, is amended to read:

Subdivision 1. [WASTE EDUCATION COALITION.] (a) The office shall provide for the development and implementation of a program of general public education on waste management in cooperation and coordination with the pollution control agency, metropolitan council, department of education, department of agriculture, environmental quality board, environmental education board, educational institutions, other public agencies with responsibility for waste management or public education, and three other persons who represent private industry and who have knowledge of or expertise in recycling and solid waste management issues. The objectives of the program are to: develop increased public awareness of and interest in environmentally sound waste management methods; encourage better informed decisions on waste management issues by business, industry, local governments, and the public; and disseminate practical information about ways in which households and other institutions and organizations can improve the management of waste.

(b) The office shall appoint an advisory task force, to be called the waste education coalition, of up to 18 members to advise the office in carrying out its responsibilities under this section and whose membership represents the agencies and entities listed in this subdivision. *The task force expires on June 30, 1997.*

Sec. 8. Minnesota Statutes 1992, section 115A.12, is amended to read:

115A.12 [ADVISORY COUNCILS.]

Subdivision 1. [SOLID AND HAZARDOUS WASTE MANAGEMENT.]

(a) The director shall establish a solid waste management advisory council, a hazardous waste management planning council, and a market development coordinating council, that are broadly representative of the geographic areas and interests of the state.

(b) The solid waste council shall have not less than nine nor more than 21 members. The membership of the solid waste council shall consist of one-third citizen representatives, one-third representatives from local government units, and one-third representatives from private solid waste management firms. The solid waste council shall contain at least three members experienced in the private recycling industry and at least one member experienced in each of the following areas: state and municipal finance; solid waste collection, processing, and disposal; and solid waste reduction and resource recovery.

(c) The hazardous waste council shall have not less than nine nor more than 18 members. The membership of the hazardous waste advisory council shall consist of one-third citizen representatives, one-third representatives from local government units, and one-third representatives of hazardous waste generators and private hazardous waste management firms.

(d) The market development coordinating council shall have not less than nine nor more than 18 members and shall consist of one representative from the department of trade and economic development, the department of administration, the pollution control agency, Minnesota Technology, Inc., the metropolitan council, and the legislative commission on waste management. The other members shall represent local government units, private recycling markets, and private recycling collectors. The market development coordinating council expires June 30, ~~1994~~ 1997.

(e) The chairs of the advisory councils shall be appointed by the director. The director shall provide administrative and staff services for the advisory councils. The advisory councils shall have such duties as are assigned by law or the director. The solid waste advisory council shall make recommendations to the office on its solid waste management activities. The hazardous waste advisory council shall make recommendations to the office on its activities under sections 115A.08, 115A.09, 115A.10, 115A.11, 115A.20, 115A.21, and 115A.24. Members of the advisory councils shall serve without compensation but shall be reimbursed for their reasonable expenses as determined by the director. The solid waste management advisory council and the hazardous waste management planning council expire June 30, ~~1994~~ 1997.

Sec. 9. [REPEALER.]

Minnesota Statutes 1992, section 256.9751, subdivision 2, is repealed."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 12, after the semicolon, insert "extending the expiration date of certain advisory councils; eliminating the family and group family day care task force;"

Page 1, line 13, delete "section" and insert "sections"

Page 1, line 13, after the semicolon, insert "115A.072, subdivision 1; and 115A.12;"

Page 1, line 14, delete "section" and insert "sections"

Page 1, line 15, after the semicolon, insert "and 16B.61, subdivision 3;"

Page 1, line 16, before the period, insert "; repealing Minnesota Statutes 1992, section 256.9751, subdivision 2"

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Mr. Metzger from the Committee on Governmental Operations and Reform, to which was referred

S.F. No. 1421: A bill for an act relating to state government; correcting erroneous, ambiguous, obsolete, and omitted text and obsolete references; eliminating redundant, conflicting, and superseded provisions in Minnesota Rules; making technical corrections; correcting Minnesota Rules, parts 1200.0300; 1400.0500; 3530.0200; 3530.0300; 3530.1500; 3530.2614; 3530.2642; 4685.0100; 4685.3000; 4685.3200; 4692.0020; 5000.0400; 6105.0400; 6105.0410; 6105.0510; 6105.0630; 6105.0850; 6105.0870; 6105.1440; 6105.1460; 6105.1670; 7045.0075; 7411.7100; 7411.7400; 7411.7700; 7640.0140; 7856.2020; 7883.0100; 8130.3500; 8130.6500; 8800.1200; 8800.1400; 8800.3100; 8820.0600; 8820.2300; 9050.0040; 9050.0300; 9050.0500; 9050.0520; 9050.1070; 9505.0323; and 9505.2175; repealing Minnesota Rules, parts 1300.0100; 1300.0200; 1300.0300; 1300.0400; 1300.0500; 1300.0600; 1300.0700; 1300.0800; 1300.0900; 1300.0940; 1300.0942; 1300.0944; 1300.0946; 1300.0948; 1300.1000; 1300.1100; 1300.1150; 1300.1200; 1300.1300; 1300.1400; 1300.1500; 1300.1600; 1300.1700; 1300.1800; 1300.1900; 1300.2000; 4685.2600; 4692.0020, subpart 2; 4692.0045; 7856.0100, subpart 5; 8017.5000; 8115.0200; 8115.0300; 8115.0400; 8115.0500; 8115.0600; 8115.1000; 8115.1100; 8115.1200; 8115.1300; 8115.1400; 8115.1500; 8115.1600; 8115.1700; 8115.1800; 8115.1900; 8115.2000; 8115.2100; 8115.2200; 8115.2300; 8115.2400; 8115.2500; 8115.2600; 8115.2700; 8115.2800; 8115.2900; 8115.3000; 8115.4000; 8115.4100; 8115.4200; 8115.4300; 8115.4400; 8115.4500; 8115.4600; 8115.4700; 8115.4800; 8115.4900; 8115.5000; 8115.5100; 8115.5200; 8115.5300; 8115.5400; 8115.5500; 8115.5600; 8115.5700; 8115.5800; 8115.5900; 8115.6000; 8115.6100; 8115.6200; 8115.6300; 8115.6400; 8115.9900; 8120.0800; 8120.1400; 8120.1700; 8120.2800, subpart 1; 8120.5100, subpart 1; 8130.9500, subpart 6; 8130.9912; 8130.9913; 8130.9916; 8130.9920; 8130.9930; 8130.9956; 8130.9958; 8130.9968; 8130.9972; 8130.9980; 8130.9992; 8130.9996; 8150.0190; 8150.0200; 8150.0400; 8150.0500; 8150.0600; 8150.0700; 8150.1405; 8150.1410; 8150.1415; 8150.1420; 8150.1425; 8150.1430; 8150.1435; 8150.1440; 8150.1445; 8150.1505; 8150.1510; 8150.1515; 8150.1520; 8150.1525; 8150.1540; 8150.1545; 8150.1600; 8150.1800; 8150.1900; 8150.2000; 8150.2100; 8150.2205; 8150.2210; 8150.2300; and 8150.2400.

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

Pages 3 and 4, delete section 4

Pages 7 to 9, delete sections 13 and 14

Pages 10 and 11, delete sections 19 and 20

Pages 15 to 17, delete sections 29 to 32

Pages 17 to 19, delete section 34

Pages 19 and 20, delete section 36

Page 20, line 21, delete "1300.1150;"

Page 20, line 31, delete "7856.0100" and insert "7856.1000"

Page 20, delete lines 34 to 38

Page 21, delete lines 1 to 10

Page 21, delete lines 15 to 22

Renumber the subdivisions in sequence

Page 21, line 28, after the period, insert:

"The legislature does not intend this act to validate otherwise invalid rules."

Page 21, delete section 40

Renumber the sections in sequence

Delete the title and insert:

"A bill for an act relating to state government; correcting erroneous, ambiguous, obsolete, and omitted text and obsolete references; eliminating redundant, conflicting, and superseded provisions in Minnesota Rules; making technical corrections; correcting Minnesota Rules, parts 1200.0300; 1400.0500; 3530.0200; 3530.1500; 3530.2614; 3530.2642; 4685.0100; 4685.3000; 4685.3200; 4692.0020; 5000.0400; 7045.0075; 7411.7100; 7411.7400; 7411.7700; 7883.0100; 8130.3500; 8130.6500; 8800.1200; 8800.1400; 8800.3100; 8820.0600; 8820.2300; 9050.1070; and 9505.2175; repealing Minnesota Rules, parts 1300.0100; 1300.0200; 1300.0300; 1300.0400; 1300.0500; 1300.0600; 1300.0700; 1300.0800; 1300.0900; 1300.0940; 1300.0942; 1300.0944; 1300.0946; 1300.0948; 1300.1000; 1300.1100; 1300.1200; 1300.1300; 1300.1400; 1300.1500; 1300.1600; 1300.1700; 1300.1800; 1300.1900; 1300.2000; 4685.2600; 4692.0020, subpart 2; 4692.0045; 7856.1000, subpart 5; 8017.5000; 8130.9500, subpart 6; 8130.9912; 8130.9913; 8130.9916; 8130.9920; 8130.9930; 8130.9956; 8130.9958; 8130.9968; 8130.9972; 8130.9980; 8130.9992; and 8130.9996."

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

Mr. Solon from the Committee on Commerce and Consumer Protection, to which were referred the following appointments as reported in the Journal for February 22, 1994:

BOARD OF INVENTION

Joseph Alvite
 Penny Becker
 Henry Buchwald
 Daniel Ferber
 Philip M. Goldman
 Steven Levinson
 Donna J. McBrian
 Janet Robb
 Patsy Sherman
 Lyle Stevermer
 Milton Toratti

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

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

Mr. Bertram from the Committee on Agriculture and Rural Development, to which were referred the following appointments as reported in the Journal for January 19, 1993:

MINNESOTA RURAL FINANCE AUTHORITY

Vivian Evans
Marlene H. Malstrom
Curtis J. Pietz
Christopher J. Skaalen

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

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

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

S.F. No. 1339: 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 1992, sections 214.01, subdivision 2; and 214.04, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 148.

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

Page 1, delete section 1

Page 1, line 25, delete "2 to 15" and insert "1 to 13"

Page 4, lines 12, 14, 28, 29, 34, and 36, delete "2 to 15" and insert "1 to 13"

Page 5, line 17, delete "dietician" and insert "dietitian"

Page 6, lines 10 and 32, delete "dietician" and insert "dietitian"

Page 7, lines 20 and 30, delete "2 to 15" and insert "1 to 13"

Page 7, line 25, delete "2" and insert "1"

Page 7, line 26, delete "15" and insert "13"

Page 7, line 36, delete "4" and insert "3"

Page 8, line 7, delete "4" and insert "3"

Page 8, line 17, delete "2 to 15" and insert "1 to 13"

Page 9, line 11, delete "2" and insert "1"

Page 9, line 12, delete "15, a dietician" and insert "13, a dietitian".

Page 9, line 13, delete "dietician" and insert "dietitian"

Page 9, lines 15, 20, 23, and 28, delete "2 to 15" and insert "1 to 13"

Page 10, line 25, delete "2 to 15, a dietician" and insert "1 to 13, a dietitian"

Page 10, line 27, delete "2" and insert "1"

Page 10, line 28, delete "15" and insert "13" and delete "dietician" and insert "dietitian"

Page 10, line 29, delete "dietician" and insert "dietitian"

Page 11, lines 13, 21, and 32, delete "2 to 15" and insert "1 to 13"

Page 11, delete section 14

Pages 11 and 12, delete section 16 and insert:

"Sec. 14. Minnesota Statutes 1993 Supplement, section 214.01, subdivision 2, is amended to read:

Subd. 2. [HEALTH-RELATED LICENSING BOARD.] "Health-related licensing board" means the board of examiners of nursing home administrators established pursuant to section 144A.19, the board of medical practice created pursuant to section 147.01, the board of nursing created pursuant to section 148.181, the board of chiropractic examiners established pursuant to section 148.02, the board of optometry established pursuant to section 148.52, the board of nutrition and dietetics practice established pursuant to section 148.622, the board of psychology established pursuant to section 148.90, the social work licensing board pursuant to section 148B.19, the board of marriage and family therapy pursuant to section 148B.30, the mental health practitioner advisory council established pursuant to section 148B.62, the chemical dependency counseling licensing advisory council established pursuant to section 148C.02, the board of dentistry established pursuant to section 150A.02, the board of pharmacy established pursuant to section 151.02, the board of podiatric medicine established pursuant to section 153.02, and the board of veterinary medicine, established pursuant to section 156.01."

Page 13, line 33, delete "2 to 15" and insert "1 to 13" and delete "1994" and insert "1995"

Page 13, delete line 35 and insert:

"Sections 2, 3, and 14 to 16 are effective July 1, 1995."

Page 14, line 2, delete "4" and insert "3"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 8, delete "sections 214.01, subdivision 2; and" and insert "section"

Page 1, line 9, after the semicolon, insert "Minnesota Statutes 1993 Supplement, section 214.01, subdivision 2;"

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

Ms. Piper from the Committee on Family Services, to which was referred

S.F. No. 1758: A bill for an act relating to welfare reform; requiring pregnant and parenting minors to live with their parents in order to receive aid to families with dependent children (AFDC); providing an exception to the AFDC overpayment statute; allowing start work grants to AFDC in the first month of work; broadening the scope of the employment and training statute by requiring more AFDC recipients to participate in job search; limiting post-secondary education while on AFDC to two years; allowing vendor emergency assistance payments for delinquent rent and damage deposit; providing required workers' compensation insurance for community work experience program workers; expanding cost-neutral fraud prevention programs; allowing emergency assistance damage deposit be returned to the county; allowing the county to pay monthly general assistance differently; making general assistance and work readiness lump-sum criteria the same as the AFDC lump-sum criteria; making the emergency general assistance criteria the same as the aid to families with dependent children-emergency assistance criteria; requiring a study to expand the parent's fair share pilot project statewide; requiring the departments of human services and revenue to design and implement a plan which supports working families; directing the commissioner of human services to seek several waivers from the federal government which support and promote moving off welfare and becoming self-sufficient; expanding the parent's fair share pilot project into Ramsey county; expanding state support for basic sliding fee day care program; appropriating money; amending Minnesota Statutes 1992, sections 256.73, by adding subdivisions; 256.736, subdivision 3; 256.737, by adding a subdivision; 256.81; 256.983, subdivision 1; 256D.05, subdivision 6; and 256D.09, by adding subdivisions; Minnesota Statutes 1993 Supplement, sections 256.73, subdivisions 5 and 8; and 256.736, subdivisions 10 and 14; proposing coding for new law in Minnesota Statutes, chapter 256D; repealing Minnesota Statutes 1993 Supplement, section 256.734.

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

Page 1, after line 42, insert:

"Section 1. [256.0281] [RESTRUCTURING OF PUBLIC ASSISTANCE.]

The commissioners of human services and jobs and training shall develop a plan for first-time application for aid to families with dependent children (AFDC) and family general assistance (FGA) in order to assure that, during the first six months of eligibility, first-time applicants for AFDC and FGA will receive the following in lieu of standard AFDC or FGA:

- (1) *immediate and enhanced job search and placement activities;*
- (2) *if an unsubsidized job is not located within the first 60 days, or at an earlier date recommended by the commissioners, then subsidized employment in the private or public sector or a placement in a community service job that pays wages up to the value of AFDC or FGA is required;*
- (3) *priority help in establishing child support enforcement;*

- (4) child care assistance for job search activities and employment;
- (5) eligibility for medical care; and
- (6) vendor payments for need items included in the AFDC consolidated standard of assistance under the state plan.

The commissioners shall consider to what extent exceptions should be made for:

(1) a person who is suffering from a professionally certified permanent or temporary illness, injury, or incapacity which is expected to continue for more than 30 days and which prevents the person from obtaining or retaining employment;

(2) a person whose presence in the home on a substantially continuous basis is required because of the professionally certified illness, injury, incapacity, or the age of another member of the household;

(3) a person who has been placed in, and is residing in, a licensed or certified facility for purposes of physical or mental health or rehabilitation, or in an approved chemical dependency domiciliary facility, if the placement is based on illness or incapacity and is pursuant to a plan developed or approved by the county agency through its director or designated representative;

(4) a person who resides in a shelter facility described in section 256D.05, subdivision 3;

(5) a person not described in clause (1) or (3) who is diagnosed by a licensed physician, licensed psychologist, or other qualified professional, as mentally retarded or mentally ill, and that condition prevents the person from obtaining or retaining employment;

(6) a person who has an application pending for, or is appealing termination of benefits from, the Social Security Disability program or the program of Supplemental Security Income for the aged, blind, and disabled, provided the person has a professionally certified permanent or temporary illness, injury, or incapacity which is expected to continue for more than 30 days and which prevents the person from obtaining or retaining employment;

(7) a person who is unable to obtain or retain employment because advanced age significantly affects the person's ability to seek or engage in substantial work; and

(8) a woman in the last trimester of pregnancy who does not qualify for AFDC. A woman who is in the last trimester of pregnancy who is currently receiving AFDC may be granted emergency general assistance to meet emergency needs.

The commissioners shall present to the 1995 legislature a statewide phased-in implementation plan, starting in counties designated by the commissioners which includes employability assessment criteria, feasibility of colocation of services, and a description of the modifications that the commissioners recommend. The plan must identify needed federal waivers, evaluation criteria, state plan amendments, and other approvals under the AFDC and job opportunities and basic skills (JOBS) program. The commissioner's plan must include implementation of the project by October 1, 1995, or after the necessary waivers are approved, whichever is later. The

commissioners shall also provide to the legislature by February 1, 1997, a report which includes a comparison of the immediate job search project and the project implemented under this section.

Sec. 2. [256.0282] [RESTRUCTURING OF PROJECT STRIDE.]

The commissioners of human services and jobs and training shall develop recommendations to restructure the program entitled "success through reaching individual development and employment" (STRIDE), under sections 256.73 to 256.739, to effectively and efficiently employ AFDC recipients. The commissioners shall identify modifications necessary to implement the following principles:

- (1) employment is the expected program outcome;*
- (2) training and education will be used primarily to enhance job skills of employed participants;*
- (3) adequate support services shall remain available until the recipient achieves employment that provides wages that enable the recipient to be self-sufficient;*
- (4) aggressive development of job markets;*
- (5) extended post-placement follow-up to retain current employment or move to better jobs;*
- (6) concurrent services which combine education and employment;*
- (7) within the limits of available funding, certain categories of AFDC recipients shall be required to participate in project STRIDE services after two years; and*
- (8) failure to participate will result in termination of assistance for noncompliant participants under the Family Support Act of 1988.*

The commissioners shall present to the 1995 legislature a plan which includes specific categories for mandatory participants and a description of the modifications that the commissioners recommend within existing appropriations. The proposal must identify needed federal waivers, state plan amendments, and other approvals under the AFDC and JOBS programs.

Sec. 3. Minnesota Statutes 1993 Supplement, section 256.031, subdivision 3, is amended to read:

Subd. 3. [AUTHORIZATION FOR THE DEMONSTRATION.] (a) The commissioner of human services, in consultation with the commissioners of education, finance, jobs and training, health, and planning, and the director of the higher education coordinating board, is authorized to proceed with the planning and designing of the Minnesota family investment plan and to implement the plan to test policies, methods, and cost impact on an experimental basis by using field trials. The commissioner, under the authority in section 256.01, subdivision 2, shall implement the plan according to sections 256.031 to 256.0361 and Public Law Numbers 101-202 and 101-239, section 8015, as amended. If major and unpredicted costs to the program occur, the commissioner may take corrective action consistent with Public Law Numbers 101-202 and 101-239, which may include termination of the program. Before taking such corrective action, the commissioner shall consult with the chairs of the senate family services committee, the house health and

human services committee, the health care and family services division of the senate family services and health care committees and the human services division of the house health and human services committee, or, if the legislature is not in session, consult with the legislative advisory commission.

(b) The field trials shall be conducted as permitted under federal law, for as many years as necessary, and in different geographical settings, to provide reliable instruction about the desirability of expanding the program statewide.

(c) The commissioner shall select the counties which shall serve as field trial or comparison sites based on criteria which ensure reliable evaluation of the program.

(d) The commissioner is authorized to determine the number of families and characteristics of subgroups to be included in the evaluation.

(i) A family that applies for or is currently receiving financial assistance from aid to families with dependent children; family general assistance or work readiness; or food stamps may be tested for eligibility for aid to families with dependent children or family general assistance and may be assigned by the commissioner to a test or a comparison group for the purposes of evaluating the family investment plan. A family found not eligible for aid to families with dependent children or family general assistance will be tested for eligibility for the food stamp program. If found eligible for the food stamp program, the commissioner may randomly assign the family to a test group, comparison group, or neither group. Families assigned to a test group receive benefits and services through the family investment plan. Families assigned to a comparison group receive benefits and services through existing programs. A family may not select the group to which it is assigned. Once assigned to a group, an eligible family must remain in that group for the duration of the project.

(ii) To evaluate the effectiveness of the family investment plan, the commissioner may designate a subgroup of families from the test group who shall be exempt from section 256.035, subdivision 1, and shall not receive case management services under section 256.035, subdivision 6a. Families are eligible for services under section 256.736 to the same extent as families receiving AFDC.

(e) After field trials have begun, the commissioner may extend field trials of the Minnesota family investment plan to Ramsey county with county board consent. This extension of the field trials may be executed only if permitted under federal law, and is subject to federal approval. Ramsey county shall coordinate efforts with the community when developing the service delivery plan under section 256.0361, subdivision 1."

Pages 2 and 3, delete section 2 and insert:

“Sec. 5. Minnesota Statutes 1992, section 256.73, is amended by adding a subdivision to read:

Subd. 5a. [PARENTING OR PREGNANT MINORS; RESTRICTION ON ASSISTANCE WITH FEDERAL EXCEPTIONS.] (a) The definitions in this paragraph apply to this subdivision.

(1) “Minor parent” means an individual who:

(i) is under the age of 18;

(ii) has never been married; and

(iii) is either the natural parent of a dependent child living in the same household or eligible for assistance paid to a pregnant woman under subdivision 5.

(2) "Household of a parent, legal guardian, or other adult relative" means the place of residence of:

(i) a natural or adoptive parent;

(ii) a legal guardian pursuant to appointment or acceptance under section 260.242, 525.615, or 525.6165, and related laws; or

(iii) another individual who is age 18 or over and related to the minor parent as specified in Code of Federal Regulations, title 45, section 233.90(c)(1)(v), provided that the residence is maintained as a home for the minor parent and child under Code of Federal Regulations, title 45, section 233.90(c)(1)(v)(B).

(3) "Adult-supervised supportive living arrangement" means a private family setting or other living arrangement, not including a public institution, which, as determined by the county agency, is maintained as a family setting, as evidenced by the assumption of responsibility for the care and control of the minor parent and dependent child or the provision of supportive services, such as counseling, guidance, or supervision.

(b) A minor parent and the dependent child who is in the care of the minor parent must reside in the household of a parent, legal guardian, or other adult relative, or in an adult-supervised supportive living arrangement in order to receive AFDC unless:

(1) the minor parent has no living parent or legal guardian whose whereabouts is known;

(2) no living parent or legal guardian of the minor parent allows the minor parent to live in the parent's or legal guardian's home;

(3) the minor parent lived apart from the minor parent's own parent or legal guardian for a period of at least one year before either the birth of the dependent child or the parent's having made application for AFDC;

(4) the physical or emotional health or safety of the minor parent or dependent child would be jeopardized if they resided in the same residence with the minor parent's parent or legal guardian; or

(5) the minor parent and dependent child have, on the effective date of this section, been living independently as part of an approved social services plan for less than the one-year period required under clause (3).

(c) Minor applicants must be informed orally and in writing about the eligibility requirements and their rights and obligations under the program.

(d) If a minor parent makes allegations supporting the conclusion that paragraph (b), clause (4), applies, a referral must be made to child protective services, and child protective services must determine, or must have previously determined, that the home is not safe due to alleged maltreatment or that protective services are needed.

(e) If a minor parent is not living with a parent or legal guardian due to paragraph (b), clause (2) or (4), the minor parent must reside in a living arrangement that meets the standards of paragraph (a), clause (3).

(f) AFDC must be paid in the form of a protective payment on behalf of the minor parent and dependent child to the minor parent's parent, legal guardian, or other adult relative in accordance with Code of Federal Regulations, title 45, section 234.60.

(g) This subdivision is applicable only to persons in the control group, which is necessary to evaluate the effect of the federal waiver, after the request to waive the federal exceptions is granted.

Sec. 6. Minnesota Statutes 1992, section 256.73, is amended by adding a subdivision to read:

Subd. 5b. [PARENTING OR PREGNANT MINORS; RESTRICTION ON ASSISTANCE WITH STATE EXCEPTIONS.] (a) The definitions in this paragraph apply to this subdivision.

(1) "Minor parent" means an individual who:

(i) is under the age of 18;

(ii) has never been married; and

(iii) is either the natural parent of a dependent child living in the same household or eligible for assistance paid to a pregnant woman under subdivision 5.

(2) "Household of a parent, legal guardian, or other adult relative" means the place of residence of:

(i) a natural or adoptive parent;

(ii) a legal guardian pursuant to appointment or acceptance under section 260.242, 525.615, or 525.6165, and related laws; or

(iii) another individual who is age 18 or over and related to the minor parent as specified in Code of Federal Regulations, title 45, section 233.90(c)(1)(v), provided that the residence is maintained as a home for the minor parent and child under Code of Federal Regulations, title 45, section 233.90(c)(1)(v)(B).

(3) "Adult-supervised supportive living arrangement" means a private family setting or other living arrangement, not including a public institution, which, as determined by the county agency, is maintained as a family setting, as evidenced by the assumption of responsibility for the care and control of the minor parent and dependent child or the provision of supportive services, such as counseling, guidance, or supervision.

(b) A minor parent and the dependent child who is in the care of the minor parent must reside in the household of a parent, legal guardian, or other adult relative, or in an adult-supervised supportive living arrangement in order to receive AFDC unless:

(1) the minor parent applying for aid has no parent or legal guardian whose whereabouts are known;

(2) the county determines that the minor parent or the minor's dependent child has been a victim of neglect, sexual abuse, physical abuse, mental injury,

or threatened injury as defined in section 626.556, subdivision 1, by a parent, or an individual residing in the same home as the minor parent; or

(3) no living parent or legal guardian of the minor parent allows the minor parent to live in the parent's or legal guardian's home.

(c) AFDC must be paid in the form of a protective payment on behalf of the minor parent and dependent child to the minor parent's parent, legal guardian, or other adult relative in accordance with Code of Federal Regulations, title 45, section 234.60.

(d) This subdivision supersedes subdivision 5a and is effective upon federal approval of the request to waive the exceptions in the federal regulation."

Page 4, line 24, delete "GRANT" and insert "OFFSET"

Page 4, line 28, delete "grant" and insert "offset" in both places

Page 4, line 32, delete "one time only" and insert "every two years"

Pages 4 to 6, delete section 5

Page 8, line 19, delete "limits" and insert "includes a written agreement between the case manager and the caregiver that outlines a reasonable schedule for completing the plan, including specific completion deadlines, and confirms that (A) there is a market for full-time employees with this education or training where the caregiver will or is willing to reside upon completion of the program; (B) the average wage level for employees with this education or training is greater than the caregiver can earn without this education or training; (C) the caregiver has the academic ability to successfully complete the program; and (D) there is a reasonable expectation that the caregiver will complete the training program based on such factors as the caregiver's previous education, training, work history, current motivation, and changes in previous circumstances"

Page 8, delete lines 20 to 26

Page 8, line 27, delete everything before the semicolon

Page 10, lines 27 and 28, delete the new language

Page 10, line 30, after the period, insert "Unless exempt, an AFDC caretaker who has received AFDC for at least 36 months or more out of the last 60 months must also be referred to and begin participation in the work experience program under section 256.737, the on-the-job training program under section 256.738, or the grant diversion program under section 256.739, but is not required to participate in the work experience program under paragraph (d)."

Page 10, line 34, strike "or the" and insert a comma

Page 10, line 35, after "caretaker" insert ", or the caretaker who has been on assistance for at least 36 out of the last 60 months"

Page 11, line 14, after the period, insert "For purposes of the AFDC caretakers who have received AFDC for at least 36 months or more out of the last 60 months, the job search must also include 32 hours of job search training. The commissioners of human services and jobs and training shall develop criteria so that job search shall include a maximum of 32 hours of training for participants in how to search for employment, development of a

personal resume, use of job banks and other employer identification methods, practice of effective interviewing skills, familiarity of appropriate work behaviors, identification of specific job openings, and a plan to apply for such openings. The employment and training service provider shall report to the county agency if the caretaker fails to cooperate with the job search requirement."

Page 11, line 16, strike "non-AFDC-UP" and after "caretakers" insert "not mandated to participate in the job search program"

Page 11, line 34, delete "\$500" and insert "\$1,000"

Page 12, line 2, after "all" insert "valid" and delete "not"

Page 12, line 3, delete everything before "to"

Page 12, line 4, delete everything after "pay"

Page 12, line 5, delete "due for the" and insert "the portion of an"

Page 12, line 6, delete "a reasonable time" and insert "three months of the date of submission"

Page 12, lines 8 and 14, delete "Senate" and insert "senate" and delete "House" and insert "house"

Page 12, lines 9 and 15, delete "Representatives" and insert "representatives"

Page 12, line 11, delete "the" and insert "any" and delete "paid" and insert "that exceed the original appropriation provided to the department to operate this program. Any unspent monies from this fund shall carry over to the second year of the biennium, and any unspent monies remaining at the end of the second year shall be returned to the state general fund"

Page 12, line 12, delete "\$500" and insert "\$1,000"

Page 12, line 19, delete "permanent total or partial" and after "disability" insert "as impairment compensation"

Page 12, line 20, delete "any"

Page 12, delete line 21 and insert "lost wages. Payments made under this section shall be reduced by any proceeds received by the claimant from any insurance policy covering the loss. For the purposes of this section, "insurance policy" does not include the medical assistance program authorized under chapter 256B or the general assistance medical care program authorized under chapter 256D."

Page 12, line 26, after "any" insert "state or"

Page 14, delete lines 12 to 15

Page 14, line 16, delete "(8)" and insert "(7)"

Page 14, line 21, before the period, insert "or paid to the recipient's new landlord as a vendor payment"

Page 14, after line 21, insert:

"Sec. 13. Minnesota Statutes 1992, section 256.979, is amended by adding a subdivision to read:

Subd. 9. [ACCRUAL OF SUPPORT OBLIGATIONS.] The commissioner of human services shall seek a waiver from the secretary of the Department of Health and Human Services to enable the agency to accrue child support payments received on behalf of both AFDC and non-AFDC clients until the sum total of the money owed by the state agency to the client is at least \$10. Obligor shall be assessed a processing fee of \$10 to be retained by the county agency in every instance when both of the following conditions exist:

- (1) the obligor pays less than the required monthly support obligation; and*
- (2) that reduced payment would result in a child support payment to an AFDC or non-AFDC client of less than \$10 for that month."*

Page 14, line 34, after "to" insert ": (1)"

Page 15, line 1, before the period, insert "; and (2) counties that have the largest aid to families with dependent children caseloads as of July 1, 1993, and are not currently participating in the fraud prevention investigation pilot project" and delete "into any county"

Page 15, line 2, delete "additional receipts offset the cost of the expansion" and insert "the expansion is budget neutral to the state"

Page 16, line 19, after "children" insert ", unless the person demonstrates that the lump-sum payment was used for basic needs, including items necessary to participate in education, work, and training to become economically self-sufficient, or medical expenses"

Page 16, line 22, delete "Assistance under"

Page 16, delete lines 23 and 24

Page 16, line 25, delete "payment to the landlord."

Page 16, line 30, before the period, insert "or paid to the recipient's new landlord as a vendor payment"

Page 16, delete section 14 and insert:

"Sec. 18. Minnesota Statutes 1992, section 256H.05, subdivision 1b, is amended to read:

Subd. 1b. [ELIGIBLE RECIPIENTS.] Families eligible for guaranteed child care assistance under the AFDC child care program are:

- (1) persons receiving services under section 256.736;*
- (2) AFDC recipients who are employed;*
- (3) persons who are members of transition year families under section 256H.01, subdivision 16;*
- (4) members of the control group for the STRIDE evaluation conducted by the Manpower Demonstration Research Corporation; and*
- (5) AFDC caretakers who are participating in the non-STRIDE AFDC child care program; and*
- (6) persons participating in the immediate job search pilot project in Hennepin county and one rural county.*

Sec. 19. Minnesota Statutes 1992, section 268.672, subdivision 6, is amended to read:

Subd. 6. [ELIGIBLE JOB APPLICANT.] "Eligible job applicant" means a person who: (1) has been a resident of this state for at least one month, (2) is unemployed, (3) is not receiving and is not qualified to receive unemployment compensation or workers' compensation, ~~and~~ (4) is determined to be likely to be available for employment by an eligible employer for the duration of the job, and (5) is participating in the immediate job search pilot project in Hennepin county and one rural county.

For the purposes of this subdivision, a farmer or any member of a farm family household who can demonstrate severe household financial need must be considered unemployed."

Page 17, line 6, after "with" insert "*the departments of trade and economic development and jobs and training, and with*"

Page 17, after line 8, insert:

"Sec. 21. [CHILD CARE COOPERATIVES STUDY.]

The commissioner of human services shall determine the feasibility of operation and use of child care cooperatives by AFDC recipients who are working or attending school.

The commissioner shall present to the 1995 legislature the results of the determination and statewide phased-in implementation plan starting with counties designated by the commissioner, but including at a minimum, at least one rural and one metro county. The plan must ensure parental choice of a provider that best suits the family needs, identify evaluation criteria, state plan amendments, state legislation waivers, and all other information that is necessary to implement the plan."

Page 17, line 11, delete "*and implement*"

Page 17, line 14, after the period, insert "*The commissioner shall report the recommendations in the plan to the legislature by January 1, 1995.*"

Page 17, line 30, after the period, insert "*The commissioner shall also notify the revisor of statutes when each waiver is approved by the federal government.*"

Page 17, delete lines 33 to 36

Page 18, delete lines 1 and 2

Page 18, line 3, delete everything before the period and insert "*seek a waiver from the filing unit requirement, Code of Federal Regulations, title 45, section 206.10(a)(1)(vii), for minor parents who live with a parent who is on AFDC with other dependent children so that the minor can get the same separate need standard as they would get if the parent were not on AFDC. The commissioner shall also seek a waiver from deeming parental income, Code of Federal Regulations, title 45, section 233.20(a)(3)(xviii), so the separate minor caretaker unit's eligibility is not affected by parental income. If the commissioner experiences barriers or complications in preparing the waiver under this subdivision, the commissioner shall report back to the legislature for clarification. This should not delay the requests for the other waivers under this section. The commissioner shall also explore how the waivers*

under this subdivision will affect other programs, and report to the legislature potential waivers to provide necessary consistency across programs. The general policy in requesting these waivers is to keep the family intact and give the minor parent, the dependent child, and the grandparent an incentive to continue living together as a family. That incentive is providing the minor parent with a grant, probably based on a two-child standard, without taking a grant away from the grandparent"

Page 18, line 6, delete "GRANTS" and insert "OFFSET"

Page 18, line 12, delete "grant" and insert "offset"

Page 18, line 13, delete "one time only" and insert "every two years"

Page 18, line 15, after "RULE" insert " ; WORK HISTORY REQUIREMENT; 30-DAY WAITING PERIOD REQUIREMENT"

Page 18, line 16, delete everything after "waiver" and insert "to eliminate the 100-hour rule under Code of Federal Regulations, title 45, section 233.100(a)(1)(i); the eligibility requirement for past employment history under Code of Federal Regulations; title 45, section 233.100(a)(3)(iii); and the requirement for a 30-day waiting period under Code of Federal Regulations, title 45, section 233.100(a)(3)(i)."

Page 18, delete lines 17 to 20

Page 18, line 24, delete "\$4,500" and insert "the level permitted under the federal Food Stamp Program"

Page 19, after line 1, insert:

"Subd. 7. [WAIVER OF THE FEDERAL EXCEPTIONS TO REQUIRING A PARENTING MINOR TO LIVE WITH A PARENT.] *The commissioner shall seek a waiver of the exceptions to the law which requires minor parents to live with a parent or in a supervised living arrangement in order to be eligible for AFDC.*"

Page 19, line 2, delete "7" and insert "8"

Page 19, line 7, delete "8" and insert "9"

Page 19, after line 11, insert:

"Subd. 10. [ADDITIONAL WAIVER REQUEST FOR EMPLOYED DISABLED PERSONS.] *The commissioner shall seek a federal waiver in order to implement a work incentive for disabled persons eligible for medical assistance who are not residents of long-term care facilities. The waiver shall request authorization to establish a medical assistance earned income disregard for employed disabled persons equivalent to the threshold amount applied to persons who qualify under section 1619(b) of the Social Security Act, except that when a disabled person's earned income reaches the maximum income permitted at the threshold under section 1619(b), the person shall retain medical assistance eligibility and must contribute to the costs of medical care on a sliding fee basis. This subdivision is subject to the implementation process under subdivision 8.*

Sec. 24. [IMMEDIATE JOB SEARCH; PILOT PROJECT.]

Subdivision 1. [PILOT PROJECT.] Hennepin County and one rural county chosen by the commissioner of human services from among rural counties that

apply shall develop and implement a pilot project which requires AFDC and family general assistance recipients not previously entered on the MAXIS computer system to begin immediate job search.

Subd. 2. [PROGRAM REQUIREMENTS.] (a) Recipients who become eligible for assistance on or after January 1, 1995, in the rural county and on or after October 1, 1995, in Hennepin county, or after necessary waivers have been obtained, whichever occurs later, shall be screened by a financial eligibility worker as follows:

(1) recipients who have serious barriers to employment and may be eligible for Supplemental Security Income shall be referred for a Supplemental Security Income assessment according to the procedures in Minnesota Statutes, section 256D.06, subdivision 7; and

(2) all other recipients shall immediately participate in the existing job search program in the county for up to 60 days, except:

(i) those persons exempt under Minnesota Statutes, section 256.736, subdivision 14, provided that the exemption for a caretaker providing full-time care for the child is only available while the child is under the age of one; and

(ii) persons participating in the Minnesota family investment program under Minnesota Statutes, section 256.033.

(b) Participation in job search under paragraph (a) is a condition of eligibility for AFDC and family general assistance.

(c) Recipients under paragraph (a), clause (2), that have not become employed within 60 days may be referred to a multidisciplinary team of qualified professionals for an employability development plan which:

(i) will meet the needs of the recipient's physical capacity, skills, experience, health and safety, family responsibilities, place of residence, proficiency, child care, and other support service needs;

(ii) is based on available resources and local employment opportunities;

(iii) specifies the services to be provided by the employment and training service provider;

(iv) specifies the activities the recipient will participate in, including the worksite to which the caretaker will be assigned, if the caretaker is subject to the requirements of Minnesota Statutes, section 256.737, subdivision 2;

(v) specifies necessary supportive services such as child care; and

(vi) to the extent possible, reflects the preferences of the participant. The employability development plan must be completed 90 days after applying for assistance.

(d) Recipients who are successful in gaining employment during job search are eligible for job-related child care until they qualify for sliding fee child care assistance.

(e) Recipients who have not become employed after completing their employability plan may be referred to the emergency jobs program under Minnesota Statutes, section 268.673.

Subd. 3. [WAGE SUBSIDY FOR PILOT PROJECT.] For the purposes of this pilot project, the wage subsidy funding under Minnesota Statutes, section

268.6751, must be allocated to Hennepin county and the rural county selected by the commissioner by determining the number of AFDC and family general assistance cases in each county as a percentage of the total AFDC and family general assistance state caseload, provided that the total appropriation for this purpose shall be allocated to the rural county until October 1, 1995. The appropriation may be used for persons in any stage of the pilot project.

Subd. 4. [PRIORITIZATION OF CLIENTS.] *The project must include criteria to prioritize clients if sufficient funds are not available to serve all eligible clients.*

Subd. 5. [WORKER DISPLACEMENT PROHIBITED.] *(a) For purposes of work performed by an individual with an employer whose employees are covered by a collective bargaining agreement, a pilot project county must obtain the written concurrence of the appropriate exclusive bargaining representative with respect to the individual's job duties to ensure that no work performed results in:*

(1) termination, layoff, or reduction of the work hours of an employee for the purpose of hiring an individual;

(2) the hiring of an individual if any other person is on layoff from the same or a substantially equivalent job;

(3) any infringement of the promotional opportunities of any currently employed individual;

(4) the impairment of existing contracts for service or collective bargaining agreements; or

(5) except for on-the-job training, a participant filling an established unfilled position vacancy. Work established under this pilot project must also result in an increase in employment opportunities over those which would otherwise be available.

(b) For purposes of this section a pilot project county and bargaining units representing public employees may enter into agreements that provide for the training of individuals, on-the-job experience, or work experience training provided that such arrangements result in permanent employment. If the permanent employment is with a public employer, wages and benefits must be provided according to collectively bargained agreements.

Subd. 6. [REPORT.] *The commissioner shall provide to the legislature by February 1, 1997, a progress report on the pilot project. The report must include recommendations on whether the project should be continued."*

Page 19, line 13, after "I." insert "[APPROPRIATIONS.] *The appropriations in this section are from the general fund to the commissioner of human services and are available for the fiscal year ending June 30, 1995, and are added to or subtracted from the appropriation in Laws 1993 First Special Session, chapter 1, article 1, section 2.*

Subd. 2." and delete "(a)"

Page 19, line 14, delete "from the general fund to the"

Page 19, line 15, delete "commissioner of human services"

Page 19, line 16, delete "(1)" and insert "(a)"

Page 19, line 22, delete "(2)" and insert "(b)" and after "each" insert "added to the appropriations"

Page 19, delete line 24

Page 19, line 25, delete "2" and insert "3"

Page 19, delete line 26

Page 19, line 27, delete "services" and insert "added to the appropriation"

Page 19, line 28, delete everything after "256H.03"

Page 19, line 29, delete everything before the period

Page 19, line 30, delete "3" and insert "4" and delete "\$900,000" and insert "\$....."

Page 19, line 31, delete "7" and insert "10"

Page 19, delete lines 33 to 36

Page 20, line 1, delete "from the general"

Page 20, line 2, delete everything before the second "to"

Page 20, line 4, delete everything after the period

Page 20, delete line 5 and insert:

"Subd. 6. [SOCIAL SERVICES EVALUATION.] \$..... is appropriated to pay for county costs associated with minor caretaker evaluations.

Subd. 7. [AFDC CHILD CARE.] \$1,809,389 is added to the appropriation to pay for child care costs incurred by job search participants.

Subd. 8. [FRAUD PREVENTION INVESTIGATION PROGRAM.] \$..... is added to the appropriation to expand the number of counties participating in the fraud prevention investigation program.

Subd. 9. [AFDC GRANTS.] \$..... is added to the appropriation for the aid to families with dependent children program.

Subd. 10. [GENERAL ASSISTANCE/WORK READINESS GRANTS.] \$..... is subtracted from the appropriation for general assistance and work readiness program grants.

Subd. 11. [IMMEDIATE JOB SEARCH; PILOT PROJECT.] \$..... is appropriated to pay for additional costs associated with the immediate job search pilot project.

Subd. 12. [CHILD CARE COOPERATIVES STUDY.] \$15,000 is appropriated for the child care cooperatives study and plan implementation."

Page 20, line 10, delete "and 4" and insert "4, 5, and 6"

Page 20, delete line 11 and insert "the applicable waivers in section 23. Section 5 is effective October 1, 1994."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 6, delete "grants" and insert "offset" and after "AFDC" insert "recipients"

Page 1, line 34, delete "256.736, subdivision 3;"

Page 1, line 35, after the second semicolon, insert "256.979, by adding a subdivision;"

Page 1, line 36, delete "and"

Page 1, line 37, delete "subdivisions" and insert "a subdivision" and after the semicolon, insert "256H.05, subdivision 1b; and 268.672, subdivision 6;"

Page 1, line 38, after "sections" insert "256.031, subdivision 3;" and delete "subdivisions 5 and" and insert "subdivision"

Page 1, line 40, delete "chapter" and insert "chapters 256; and"

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

SECOND READING OF SENATE BILLS

S.F. Nos. 1752, 1903, 1709, 1846, 1699, 1483, 844, 2081 and 1421 were read the second time.

MOTIONS AND RESOLUTIONS

Ms. Lesewski moved that her name be stricken as a co-author to S.F. No. 819. The motion prevailed.

Ms. Berglin moved that the names of Ms. Krentz, Mrs. Benson, J.E.; Ms. Pappas and Mr. Benson, D.D. be added as co-authors to S.F. No. 1726. The motion prevailed.

Mr. Spear moved that the name of Mr. Merriam be added as a co-author to S.F. No. 1871. The motion prevailed.

Mr. Beckman moved that the name of Mr. Finn be added as a co-author to S.F. No. 2007. The motion prevailed.

Mrs. Benson, J.E. moved that the name of Mr. Stevens be added as a co-author to S.F. No. 2022. The motion prevailed.

Ms. Johnston moved that the name of Mr. Vickerman be added as a co-author to S.F. No. 2055. The motion prevailed.

Mr. Mondale moved that the name of Ms. Wiener be added as a co-author to S.F. No. 2072. The motion prevailed.

Mr. Moe, R.D. moved that the name of Ms. Berglin be added as a co-author to S.F. No. 2082. The motion prevailed.

Mr. Pogemiller moved that the name of Mr. Mondale be added as a co-author to S.F. No. 2083. The motion prevailed.

Mr. Finn moved that the name of Mr. Moe, R.D. be added as a co-author to S.F. No. 2092. The motion prevailed.

Mr. Johnson, D.J. moved that his name be stricken as a co-author to S.F. No. 2092. The motion prevailed.

Mr. Bertram moved that S.F. No. 1903, on General Orders, be stricken and re-referred to the Committee on Finance. The motion prevailed.

Mr. Riveness moved that S.F. No. 1712, No. 3 on the Calendar, be stricken and placed at the top of General Orders. The motion prevailed.

Mr. Morse moved that S.F. No. 2057 be withdrawn from the Committee on Metropolitan and Local Government and re-referred to the Committee on Education. The motion prevailed.

CALENDAR

S.F. No. 1806: A bill for an act relating to nursing; allowing certified clinical specialists in psychiatric or mental health nursing to prescribe and administer drugs; amending Minnesota Statutes 1992, section 148.235, by adding subdivisions; Minnesota Statutes 1993 Supplement, section 148.235, subdivision 2.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

Anderson	Finn	Laidig	Neuville	Samuelson
Beckman	Flynn	Langseth	Novak	Solon
Belanger	Frederickson	Larson	Oliver	Spear
Benson, D.D.	Hanson	Lesewski	Pappas	Stevens
Benson, J.E.	Janezich	Lessard	Pariseau	Stumpf
Berg	Johnson, D.E.	Marty	Piper	Terwilliger
Bertram	Johnson, J.B.	McGowan	Price	Vickerman
Betzold	Johnston	Merriam	Ranum	Wiener
Chandler	Kiscaden	Metzen	Riveness	
Chmielewski	Knutson	Moe, R.D.	Robertson	
Cohen	Krentz	Morse	Runbeck	
Dille	Kroening	Murphy	Sams	

So the bill passed and its title was agreed to.

S.F. No. 1744: A bill for an act relating to the city of Lakefield; allowing the city of Lakefield to expand its public utilities commission to five members.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

CONSENT CALENDAR

S.F. No. 1651: A bill for an act relating to local government; requiring publicly owned or leased motor vehicles to be identified; proposing coding for new law in Minnesota Statutes, chapter 471.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 1473: A bill for an act relating to civil commitment; modifying certain provisions concerning the petition and prepetition procedures; providing instructions to the revisor of statutes; amending Minnesota Statutes 1992, section 253B.07, subdivisions 1, 2, 4, and by adding a subdivision.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

GENERAL ORDERS

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

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

S.F. No. 1894, which the committee recommends to pass.

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

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Mr. Larson and Ms. Johnston introduced—

S.F. No. 2099: A bill for an act relating to recreational vehicles; requiring department of transportation to accept competitive design-build bids for certain nonvehicular bridges on pedestrian facilities and bicycle paths; amending Minnesota Statutes 1992, section 160.262, by adding a subdivision.

Referred to the Committee on Transportation and Public Transit.

Mr. Hottinger introduced—

S.F. No. 2100: A bill for an act relating to elections; allowing a single polling place for two precincts in certain cases; amending Minnesota Statutes 1992, section 204B.16, subdivision 2.

Referred to the Committee on Ethics and Campaign Reform.

Mr. Hottinger introduced—

S.F. No. 2101: A bill for an act relating to drivers licenses; requiring graduation or satisfactory attendance in school for juvenile to possess driver's license; amending Minnesota Statutes 1992, sections 171.01, by adding a subdivision; 171.04, subdivision 1; and 171.18, subdivision 1.

Referred to the Committee on Transportation and Public Transit.

Mses. Pappas, Robertson, Mr. Beckman, Ms. Ranum and Mr. Langseth introduced—

S.F. No. 2102: A bill for an act relating to education; improving instruction and educational accountability; providing teachers with additional preparation time and reducing adult to student ratios in the classroom; using staff development revenue to develop alternative staffing patterns; increasing the kindergarten pupil unit weighting; amending Minnesota Statutes 1993 Supplement, sections 123.951; 124.17, subdivision 1; 124A.225, subdivisions 3, 4, and 5; 124A.29, subdivision 1; and 125.230, subdivisions 3, 4 and 6; proposing coding for new law in Minnesota Statutes, chapter 123; repealing Minnesota Statutes 1993 Supplement, section 124A.225, subdivision 2.

Referred to the Committee on Education.

Mr. Mondale, Mses. Pappas, Flynn, Messrs. Luther and Metzen introduced—

S.F. No. 2103: A bill for an act relating to local government; providing for the appointment of certain metropolitan area special boards and all metropolitan county officials except board members; amending Minnesota Statutes 1992, sections 103C.201, subdivision 8; 103C.301, by adding a subdivision; 103C.305, by adding a subdivision; 103C.311; 103C.315, subdivisions 1 and

2; 382.20; 382.37; 383B.68, subdivisions 1 and 3; 398.03; and 398.04; Minnesota Statutes 1993 Supplement, section 383B.68, subdivision 4; proposing coding for new law in Minnesota Statutes, chapters 103C; and 382; repealing Minnesota Statutes 1992, section 383B.69.

Referred to the Committee on Metropolitan and Local Government.

Mses. Runbeck, Ranum, Mr. Laidig, Mses. Johnston and Piper introduced—

S.F. No. 2104: A bill for an act relating to children; establishing an abused child program under the commissioner of corrections; creating an advisory committee; specifying powers and duties of the commissioner and the advisory committee; proposing coding for new law in Minnesota Statutes, chapter 241.

Referred to the Committee on Crime Prevention.

Messrs. Day, Sams, Stevens, Neuville and Ms. Kiscaden introduced—

S.F. No. 2105: A bill for an act relating to workers' compensation law and insurance; permitting the commissioner of the department of labor and industry to certify a certain plan of workers' compensation law; alternatively providing a new general system of law and insurance provisions for the compensation of employment related injuries; transferring the jurisdiction and personnel of the workers' compensation court of appeals; providing rights, duties, and remedies; providing for administration and procedure; permitting adoption of administrative rules; proposing penalties; amending Minnesota Statutes 1992, sections 175.007, subdivision 2; 175.17; proposing coding for new law as Minnesota Statutes, chapters 176; 176C; 176D; repealing Minnesota Statutes 1992, sections 79.01; 79.074; 79.081; 79.085; 79.095; 79.096; 79.10; 79.253; 79.50; 79.52; 79.53; 79.531; 79.54; 79.55; 79.56; 79.57; 79.58; 79.59; 79.60; 79.61; 79.62; 176.001; 176.011, subdivisions 1, 2, 3, 4, 5, 6, 7, 7a, 8, 9a, 11a, 12, 14, 15, 16, 17, 18, 20, 21, 22, 23, 24, 25, 26, and 27; 176.021; 176.031; 176.041, subdivisions 1, 2, 3, 4, 5a, and 6; 176.051; 176.061; 176.071; 176.081; 176.095; 176.101; 176.1011; 176.102; 176.1021; 176.103; 176.104; 176.1041; 176.105; 176.106; 176.111, subdivisions 1, 2, 3, 4, 6, 7, 8, 9a, 10, 12, 14, 15, 16, 17, 18, 20, and 21; 176.121; 176.129; 176.130; 176.1311; 176.132; 176.1321; 176.133; 176.135; 176.1351; 176.136, subdivisions 1, 1a, 1c, 2, and 3; 176.1361; 176.137; 176.139; 176.141; 176.145; 176.151; 176.155; 176.161; 176.165; 176.171; 176.175; 176.178; 176.179; 176.181; 176.182; 176.183; 176.184; 176.185; 176.186; 176.191; 176.192; 176.194; 176.195; 176.201; 176.205; 176.211; 176.215; 176.221; 176.222; 176.225; 176.231; 176.232; 176.234; 176.235; 176.238; 176.239; 176.245; 176.251; 176.253; 176.261; 176.2615; 176.271; 176.275; 176.281; 176.291; 176.295; 176.301; 176.305; 176.306; 176.307; 176.311; 176.312; 176.321; 176.322; 176.325; 176.331; 176.341; 176.351; 176.361; 176.371; 176.381; 176.391; 176.401; 176.411; 176.421; 176.442; 176.451; 176.461; 176.471; 176.481; 176.491; 176.511; 176.521, subdivisions 2a and 3; 176.522; 176.531; 176.540; 176.541; 176.551; 176.561; 176.571; 176.572; 176.581; 176.591; 176.603; 176.611; 176.641; 176.645; 176.651; 176.66; 176.669; 176.82; 176.83; 176.84; 176.85; 176.86; Minnesota Statutes 1993 Supplement, sections 79.211; 79.251; 79.252; 79.255; 79.361; 79.362; 79.363; 79.371; 79.51; 176.011, subdivision 10; 176.041, subdivision 1a; 176.091;

176.092; 176.111, subdivision 5; 176.136, subdivision 1b; 176.521, subdivisions 1 and 2; and 176.5401.

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

Mses. Flynn, Ranum, Messrs. Pogemiller and Spear introduced—

S.F. No. 2106: A bill for an act relating to the city of Minneapolis; providing that a levy for a contribution to the Minneapolis teachers retirement fund association is a special taxing district levy for property tax purposes; amending Minnesota Statutes 1993 Supplement, section 354A.12, subdivision 3b.

Referred to the Committee on Metropolitan and Local Government.

Mses. Berglin, Ranum, Flynn and Mr. Spear introduced—

S.F. No. 2107: A bill for an act relating to cities; Minneapolis; appropriating money for Minneapolis convention center expansion; authorizing the sale of state bonds.

Referred to the Committee on Metropolitan and Local Government.

Ms. Wiener, Messrs. Metzen, Murphy and Mrs. Pariseau introduced—

S.F. No. 2108: A bill for an act relating to waste management; metropolitan government; authorizing private ownership of solid waste facilities; permitting counties and local governments to impose certain conditions on disposal of unprocessed solid waste; authorizing counties to require record keeping; adding requirements for liners and leachate systems; amending Minnesota Statutes 1992, sections 13.99, by adding a subdivision; 473.803, subdivisions 1 and 1c; 473.811, subdivisions 5 and 5a; and 473.848, subdivision 1; Minnesota Statutes 1993 Supplement, section 473.848, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 473.

Referred to the Committee on Metropolitan and Local Government.

Ms. Reichgott Junge, Mr. Luther, Ms. Robertson and Mr. Marty introduced—

S.F. No. 2109: A bill for an act relating to education; increasing from three years to four years the length of school board members' terms; making the first Tuesday after the first Monday in November the time of the general election in each school district; amending Minnesota Statutes 1992, sections 123.33, subdivision 1; and 205A.04, subdivision 1.

Referred to the Committee on Ethics and Campaign Reform.

Mses. Reichgott Junge, Ranum, Messrs. Kelly and McGowan introduced—

S.F. No. 2110: A bill for an act relating to controlled substances; providing that marijuana penalties in sale and possession crimes may be based on number of marijuana plants; amending Minnesota Statutes 1992, sections 152.021, subdivisions 1 and 2; 152.022, subdivision 2; and 152.023, subdivision 1; Minnesota Statutes 1993 Supplement, sections 152.022, subdivision 1; and 152.023, subdivision 2.

Referred to the Committee on Crime Prevention.

Ms. Reichgott Junge, Messrs. Kelly, Cohen, Merriam and McGowan introduced—

S.F. No. 2111: A bill for an act relating to drivers' licenses; prohibiting issuance of a license to a person under age 18 years unless the person has graduated from or is attending a secondary school; requiring suspension of a license when a person under age 18 withdraws from school, is dismissed from school, has been habitually truant, or has committed a juvenile offense; amending Minnesota Statutes 1992, sections 171.04, subdivision 1, and by adding a subdivision; 171.043; 171.16, subdivision 5; and 171.18, subdivision 3, and by adding subdivisions; Minnesota Statutes 1993 Supplement, section 171.30, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 120; and 260.

Referred to the Committee on Transportation and Public Transit.

Mses. Reichgott Junge, Ranum, Kiscaden, Krentz and Mr. Knutson introduced—

S.F. No. 2112: A bill for an act relating to prostitution; creating a civil cause of action for persons who are coerced into prostitution; proposing coding for new law in Minnesota Statutes, chapter 611A.

Referred to the Committee on Judiciary.

Mr. Kelly introduced—

S.F. No. 2113: A bill for an act relating to housing; deleting the requirement that an entitlement issuer deduct entitlement bond allocations carried forward more than one year; relieving metropolitan cities of the first class from the obligation to submit certain housing programs to the metropolitan council for review; amending Minnesota Statutes 1992, section 474A.04, subdivision 1a; Minnesota Statutes 1993 Supplement, section 462C.04, subdivision 2.

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

Mr. Kelly introduced—

S.F. No. 2114: A bill for an act relating to the city of Saint Paul; authorizing a program for the replacement of lead pipes and the charging or assessment of costs for the program and the issuance of general or special obligations to pay the costs of the program.

Referred to the Committee on Environment and Natural Resources.

Mr. Kelly, Ms. Ranum, Mr. Spear, Ms. Anderson and Mr. McGowan introduced—

S.F. No. 2115: A bill for an act relating to crime; requiring prosecutors to report sentencing practices under the mandatory minimum sentencing law relating to certain weapon-related offenses; prohibiting waiver of the mandatory minimum sentence for a repeat offender; increasing felony penalties for furnishing a minor with a firearm, ammunition, or explosives or recklessly furnishing another with a dangerous weapon; imposing penalties on persons who transfer firearms in violation of the gun control act when the firearm is used later in a violent crime; broadening the scope of the gun control act to apply to transfers of firearms by persons who are not federally licensed

dealers; amending Minnesota Statutes 1992, sections 244.09, by adding a subdivision; 609.66, subdivisions 1b, 1c, and by adding a subdivision; and Minnesota Statutes 1993 Supplement, sections 609.11, subdivision 8, and by adding a subdivision; and 624.7132, subdivision 12.

Referred to the Committee on Crime Prevention.

Mr. Knutson, Ms. Wiener, Messrs. Metzen, Neuville and McGowan introduced—

S.F. No. 2116: A bill for an act relating to crime; authorizing revocation proceedings to be conducted after the term of the stay or after the prescribed six-month period; making it a crime for a high school teacher to have sexual contact with a 16 or 17 year old student; authorizing courts to stay execution of sentence for certain repeat sex offenders only upon finding that offenders do not present a danger to the public safety and other specific findings; authorizing reasonable attorney fees for persons charged with concealing criminal proceeds; prescribing penalties for giving a fictitious name to a court official in a criminal proceeding; making it arson in the first degree to destroy certain buildings if a combustible or flammable liquid is used to start or accelerate the fire; providing penalty enhancements when persons suffer injuries as a result of arson offenses; expanding the crime of defrauding insurer to include making a false claim that property was lost, damaged, or destroyed; providing that the offender has the burden to produce evidence if challenging restitution dollar amounts; providing insurers with the standing of crime victims with respect to restitution orders in certain circumstances; amending Minnesota Statutes 1992, sections 609.341, by adding a subdivision; 609.497, subdivision 1, and by adding a subdivision; 609.506, by adding a subdivision; 609.561, by adding a subdivision; 609.611; and 611A.045, subdivision 3; Minnesota Statutes 1993 Supplement, sections 609.14, subdivision 1; 609.344, subdivision 1; 609.345, subdivision 1; 609.346, subdivision 2; and 611A.04, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 609.

Referred to the Committee on Crime Prevention.

Messrs. Larson, Solon, Luther, Day and Ms. Johnston introduced—

S.F. No. 2117: A bill for an act relating to commerce; regulating certain insurance and real property licensing terms and fees; providing for two-year licensing; amending Minnesota Statutes 1992, sections 60A.14, subdivision 1; 60A.19, subdivision 4; 60A.21, subdivision 2; 60K.03, subdivisions 1, 5, and 6; 60K.06; 60K.19, subdivision 8; 82.20, subdivisions 7 and 8; 82.21, by adding a subdivision; 82B.08, subdivisions 4 and 5; 82B.09, subdivision 1; 83.25; Minnesota Statutes 1993 Supplement, sections 60A.198, subdivision 3; 82.21, subdivision 1; 82.22, subdivisions 6 and 13; 82.34, subdivision 3.

Referred to the Committee on Commerce and Consumer Protection.

Mr. Chmielewski introduced—

S.F. No. 2118: A bill for an act relating to local government; clarifying that the Moose Lake Fire Protection District is a governmental subdivision for certain purposes; making other clarifications; amending Laws 1987, chapter 402, section 2, subdivisions 2, 3, and by adding a subdivision.

Referred to the Committee on Metropolitan and Local Government.

Mr. Chmielewski introduced—

S.F. No. 2119: A bill for an act relating to transportation; requiring understandable notice of requirements for appealing town road damage awards; amending Minnesota Statutes 1992, section 164.07, subdivision 6.

Referred to the Committee on Metropolitan and Local Government.

Messrs. Larson and Neuville introduced—

S.F. No. 2120: A bill for an act relating to education; modifying award of grants for faculty exchange and temporary assignment programs; amending Minnesota Statutes 1993 Supplement, section 125.138, subdivisions 6 and 8.

Referred to the Committee on Education.

Mses. Hanson, Johnston, Messrs. Morse and Vickerman introduced—

S.F. No. 2121: A bill for an act relating to education; modifying the referendum expiration date; amending Laws 1993, chapter 224, article 1, section 37.

Referred to the Committee on Education.

Ms. Kiscaden and Mr. Benson, D.D. introduced—

S.F. No. 2122: A bill for an act relating to corrections; appropriating money for grants for an alternative community corrections program for certain offenders in certain counties.

Referred to the Committee on Crime Prevention.

Ms. Lesewski, Messrs. Stevens, Murphy, Berg and Knutson introduced—

S.F. No. 2123: A bill for an act relating to crime; increasing penalties for intentionally mutilating a flag; clarifying the purpose of the law; amending Minnesota Statutes 1992, section 609.40, subdivision 2, and by adding a subdivision.

Referred to the Committee on Crime Prevention.

Ms. Lesewski, Messrs. Langseth, Frederickson, Mrs. Pariseau and Mr. Day introduced—

S.F. No. 2124: A bill for an act relating to local government; abandoning judicial ditch number 37 in Redwood and Lyon counties.

Referred to the Committee on Environment and Natural Resources.

Mr. Metzen introduced—

S.F. No. 2125: A bill for an act relating to data practices; classifying data relating to emergency telephone service calls; amending Minnesota Statutes 1992, section 13.82, subdivision 3.

Referred to the Committee on Judiciary.

Messrs. Solon; Johnson, D.J.; Stumpf; Lessard and Moe, R.D. introduced—

S.F. No. 2126: A bill for an act relating to appropriations; providing for a grant for regional land use planning in the northern counties.

Referred to the Committee on Environment and Natural Resources.

Messrs. Terwilliger, Morse and Stumpf introduced—

S.F. No. 2127: A bill for an act relating to retirement; limiting the salary that can be used in calculating a public employee's annuity; declaring legislative intent; excluding future employees or officers of labor and professional organizations from participation in certain public pension plans; amending Minnesota Statutes 1992, sections 352.75, subdivision 1; and 422A.09, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 356; repealing Minnesota Statutes 1992, sections 352.029; and 354.41, subdivisions 4, 5, 7, and 9; Minnesota Statutes 1993 Supplement, section 353.017; Laws 1992, chapter 598, article 3, section 2.

Referred to the Committee on Governmental Operations and Reform.

Messrs. Marty, Kelly, Cohen and Ms. Ranum introduced—

S.F. No. 2128: A bill for an act relating to alcoholic beverages; extending the dram shop act to include illegal gifts of alcoholic beverages to persons under age 21; requiring the commissioner of public safety to prescribe standards for identification of beer kegs; requiring retailers of beer to maintain records of sale of beer kegs and record the identification number of each beer keg sold; prescribing penalties; amending Minnesota Statutes 1992, section 340A.801, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 340A; repealing Minnesota Statutes 1992, section 340A.801, subdivision 6.

Referred to the Committee on Commerce and Consumer Protection.

Ms. Piper, Messrs. Spear, Merriam, Belanger and Ms. Ranum introduced—

S.F. No. 2129: A bill for an act relating to adoption; regulating certain advertising and payments in connection with adoption; regulating agencies; providing for nonagency adoption; providing for the enforceability of post-adoption contact agreements; providing penalties; amending Minnesota Statutes 1992, sections 144.227, subdivision 1, and by adding a subdivision; 245A.03, subdivisions 1 and 2; 245A.04, by adding a subdivision; 245A.07, by adding a subdivision; 259.21, by adding subdivisions; 259.22, subdivisions 1, 2, and by adding a subdivision; 259.27, by adding a subdivision; 259.31; and 317A.907, subdivision 6; Minnesota Statutes 1993 Supplement, section 245A.03, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 259.

Referred to the Committee on Family Services.

Ms. Berglin, Messrs. Hottinger, Day, Sams and Finn introduced—

S.F. No. 2130: A bill for an act relating to health; establishing a health insurance counseling and assistance program; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 256.

Referred to the Committee on Health Care.

Ms. Krentz, Messrs. Janezich, Knutson, Ms. Ranum and Mr. Beckman introduced—

S.F. No. 2131: A bill for an act relating to education; increasing the general education formula allowance; increasing the funding for the learning and development program; establishing a staff development revenue component; modifying the levy for retiree health insurance benefits; amending Minnesota Statutes 1992, section 124A.22, subdivision 1, and by adding a subdivision; Minnesota Statutes 1993 Supplement, sections 124.17, subdivision 1; 124.916, subdivision 2; 124A.22, subdivisions 2 and 9; 124A.225, subdivision 1; and 124A.29, subdivision 1.

Referred to the Committee on Education.

Messrs. Beckman, Vickerman, Hottinger, Metzen and Mrs. Pariseau introduced—

S.F. No. 2132: A bill for an act relating to real property; eliminating authority of county recorders to collect certain fees; repealing Minnesota Statutes 1993 Supplement, section 357.18, subdivision 3.

Referred to the Committee on Metropolitan and Local Government.

Mr. Betzold, Ms. Berglin, Messrs. Sams and Samuelson introduced—

S.F. No. 2133: A bill for an act relating to human services; providing supplementary rates for certain group residential housing; amending Minnesota Statutes 1992, section 256I.05, by adding a subdivision.

Referred to the Committee on Health Care.

Mr. Spear, Ms. Berglin, Messrs. Finn and Samuelson introduced—

S.F. No. 2134: A bill for an act relating to group residential housing; authorizing a moratorium exception for Hennepin county; amending Minnesota Statutes 1993 Supplement, section 256I.04, subdivision 3.

Referred to the Committee on Health Care.

Messrs. Sams, Riveness, Ms. Berglin and Mr. Samuelson introduced—

S.F. No. 2135: A bill for an act relating to community social services; modifying certain provisions regarding county community social service plans; amending Minnesota Statutes 1992, section 256E.09, subdivision 1.

Referred to the Committee on Family Services.

Ms. Piper introduced—

S.F. No. 2136: A bill for an act relating to retirement; Austin fire department relief association; modifying health insurance benefit coverage for the spouses of certain retired firefighters; providing survivor benefit coverage for the spouses of certain retired firefighters; amending Laws 1992, chapter 455, section 2.

Referred to the Committee on Governmental Operations and Reform.

Messrs. Metzen and Sams introduced—

S.F. No. 2137: A bill for an act relating to crime; removing the authority of prosecutors to seek waiver of mandatory minimum sentences for crimes committed with a firearm or other dangerous weapon; repealing Minnesota Statutes 1993 Supplement, section 609.11, subdivision 8.

Referred to the Committee on Crime Prevention.

Messrs. Sams; Johnson, D.J.; Ms. Pappas, Messrs. Day and Novak introduced—

S.F. No. 2138: A bill for an act relating to the local government trust fund; transferring an appropriation from the local government trust fund to the general fund; amending Minnesota Statutes 1993 Supplement, section 256E.06, subdivision 12.

Referred to the Committee on Family Services.

Ms. Kiscaden, Messrs. Benson, D.D.; Moe, R.D.; Solon and Morse introduced—

S.F. No. 2139: A bill for an act relating to capital improvements; appropriating money to the state board of technical colleges to plan and design the relocation of the Minnesota Riverland technical college, Rochester campus, to the university center at Rochester; authorizing the sale of state bonds.

Referred to the Committee on Education.

Messrs. Cohen, Kelly, Ms. Pappas, Mr. Chandler and Ms. Anderson introduced—

S.F. No. 2140: A bill for an act relating to capital improvements; appropriating money for the science museum of Minnesota; authorizing the sale of bonds.

Referred to the Committee on Environment and Natural Resources.

Ms. Johnson, J.B.; Mr. Morse, Mses. Hanson, Krentz and Mr. Knutson introduced—

S.F. No. 2141: A bill for an act relating to education; increasing the kindergarten pupil unit weighting; appropriating money; amending Minnesota Statutes 1993 Supplement, section 124.17, subdivision 1.

Referred to the Committee on Education.

Ms. Johnson, J.B. introduced—

S.F. No. 2142: A bill for an act relating to state agencies; requiring that the department of administration implement the use of UN/EDIFACT standards for electronic data interchange; amending Minnesota Statutes 1993 Supplement, section 16B.41, by adding a subdivision.

Referred to the Committee on Governmental Operations and Reform.

Ms. Reichgott Junge, Messrs. Hottinger; Johnson, D.J.; Terwilliger and Metzen introduced—

S.F. No. 2143: A bill for an act relating to state government; board of government innovation and cooperation; authorizing local governments to apply to the board for waivers on behalf of nonprofit organizations providing services to the local governments; modifying certain powers and duties of the board; modifying grant programs administered by the board; appropriating money; amending Minnesota Statutes 1993 Supplement, sections 465.795, subdivision 7; 465.796, subdivision 2; 465.797, subdivisions 1, 2, 3, 4, and 5; 465.798; and 465.799; proposing coding for new law in Minnesota Statutes, chapter 465; repealing Minnesota Statutes 1992, section 465.80, subdivision 3; Minnesota Statutes 1993 Supplement, section 465.80, subdivisions 1, 2, 4, and 5.

Referred to the Committee on Governmental Operations and Reform.

Messrs. Day and Sams introduced—

S.F. No. 2144: A bill for an act relating to government data practices; prohibiting the use of government data for commercial mailing lists or telephone solicitation; providing a civil penalty; amending Minnesota Statutes 1992, section 13.03, by adding a subdivision.

Referred to the Committee on Judiciary.

Messrs. Chmielewski, Solon, Vickerman, Ms. Johnson, J.B. and Mr. Frederickson introduced—

S.F. No. 2145: A bill for an act relating to capital improvements; appropriating money for a scrap paper sorting facility operated by the department of corrections on prison grounds; authorizing the sale of state bonds.

Referred to the Committee on Crime Prevention.

Mr. Finn introduced—

S.F. No. 2146: A bill for an act relating to lawful gambling; regulating the deposit of gambling receipts; amending Minnesota Statutes 1992, section 349.19, subdivision 2.

Referred to the Committee on Gaming Regulation.

Mr. Finn introduced—

S.F. No. 2147: A bill for an act relating to motor carriers; reinstating laws governing personal service transportation; prohibiting providers of personal service transportation from picking up passengers within the seven-county metropolitan area; amending Minnesota Statutes 1992, sections 168.1281, by adding a subdivision; and 221.85, subdivision 1; repealing Minnesota Statutes 1993 Supplement, section 168.1281, subdivision 4; and Laws 1993, chapter 323, sections 3 and 4.

Referred to the Committee on Transportation and Public Transit.

Ms. Johnston, Mrs. Pariseau, Mr. Terwilliger, Mses. Olson and Robertson introduced—

S.F. No. 2148: A bill for an act relating to the environment; providing for temporary registrations of vehicles for the purpose of emissions inspections; amending Minnesota Statutes 1992, section 116.62, by adding a subdivision.

Referred to the Committee on Environment and Natural Resources.

Messrs. Stevens and Merriam introduced—

S.F. No. 2149: A bill for an act relating to the environment; making the field citation pilot project permanent law; authorizing penalties for unauthorized waste disposal; proposing coding for new law in Minnesota Statutes, chapter 116.

Referred to the Committee on Environment and Natural Resources.

Messrs. Dille, Stevens, Berg, Ms. Lesewski and Mr. Bertram introduced—

S.F. No. 2150: A bill for an act relating to agriculture; transferring responsibility for control of pollution by animal feedlots to the department of agriculture; providing for development of feedlot rules; creating a feedlot pollution control equipment income tax credit; changing definitions in the corporate farming law; appropriating money; amending Minnesota Statutes 1992, sections 115.01, subdivision 11; 116.07, subdivision 7; 290.06, by adding a subdivision; 500.24, subdivision 2; and 561.19, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 17.

Referred to the Committee on Agriculture and Rural Development.

Mr. Langseth and Ms. Hanson introduced—

S.F. No. 2151: A bill for an act relating to motor vehicles; requiring motor vehicles sold in Minnesota on and after January 1, 2000, to be equipped with an automatic mileage recorder meeting certain specifications; requiring a study and report by the commissioner of transportation on replacing the present highway user tax system with a system based on charges per mile traveled; proposing coding for new law in Minnesota Statutes, chapter 169.

Referred to the Committee on Transportation and Public Transit.

Mr. Langseth introduced—

S.F. No. 2152: A bill for an act relating to state lands; authorizing public sale of certain tax-forfeited land that borders public water in Clay and Wilkin counties.

Referred to the Committee on Environment and Natural Resources.

Messrs. Riveness, Chmielewski, Merriam, Knutson and Ms. Wiener introduced—

S.F. No. 2153: A bill for an act relating to transportation; establishing a high speed bus service pilot project; appropriating money; authorizing bonds to be sold; amending Minnesota Statutes 1992, section 473.39, by adding a subdivision.

Referred to the Committee on Transportation and Public Transit.

Messrs. Berg, Lessard, Merriam and Frederickson introduced—

S.F. No. 2154: A bill for an act relating to state lands; expanding the scope of cooperative farming agreements on hunting, game refuge, or wildlife management lands; exempting agreements from treatment as leases for tax purposes; amending Minnesota Statutes 1992, section 97A.135, subdivision 3.

Referred to the Committee on Environment and Natural Resources.

Mr. Hottinger introduced—

S.F. No. 2155: A bill for an act relating to transportation; bonding; abolishing requirement that electorate approve bonds in excess of tax limitations for airports and authorizing issuance by 60 percent vote of governing body; allowing taxes to be levied by local governing body to pay bond principal or interest; allowing one municipality to issue bonds on behalf of other municipalities in a joint agreement; amending Minnesota Statutes 1992, sections 360.036, subdivisions 2 and 3; 360.037, subdivision 2; and 360.042, subdivision 10.

Referred to the Committee on Metropolitan and Local Government.

Mr. Hottinger introduced—

S.F. No. 2156: A bill for an act relating to children; authorizing transportation of certain truants to school; amending Minnesota Statutes 1992, sections 260.132, subdivisions 1, 3, and by adding a subdivision; and 260.165, subdivision 1.

Referred to the Committee on Crime Prevention.

Messrs. Hottinger; Johnson, D.J.; Mses. Pappas, Flynn and Mr. Novak introduced—

S.F. No. 2157: A bill for an act relating to local government aid; providing for city aid for calendar year 1994 and thereafter; amending Minnesota Statutes 1993 Supplement, sections 477A.013, subdivisions 8 and 9; and 477A.03, subdivision 1; repealing Minnesota Statutes 1993 Supplement, section 477A.011, subdivision 37.

Referred to the Committee on Metropolitan and Local Government.

Ms. Kiscaden, Messrs. Moe, R.D.; Benson, D.D.; Finn and Luther introduced—

S.F. No. 2158: A bill for an act relating to health; establishing a center for women's health; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 145.

Referred to the Committee on Health Care.

Messrs. Hottinger, Marty, Finn, Ms. Pappas and Mr. Betzold introduced—

S.F. No. 2159: A bill for an act relating to health; changing the membership of regional coordinating boards; creating the Minnesota health assurance

board; designating the board as the sole seller of insurance policies; requiring statewide and regional health care budgets; abolishing the Minnesota health care commission; appropriating money; amending Minnesota Statutes 1992, section 62J.09, by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 62J; repealing Minnesota Statutes 1992, section 62J.05, as amended; Minnesota Statutes 1993 Supplement, section 62J.09, subdivisions 2 and 8.

Referred to the Committee on Health Care.

Mses. Reichgott Jungé and Ranum introduced—

S.F. No. 2160: A bill for an act relating to family law; requesting the supreme court to develop a pilot program for mandatory family law proceeding orientation and education; appropriating money.

Referred to the Committee on Judiciary.

Messrs. Solon, Metzen and Belanger introduced—

S.F. No. 2161: A bill for an act relating to alcoholic beverages; defining terms; prohibiting certain solicitations by retailers; authorizing consignment sales of beer by wholesalers to temporary licensees; removing requirement that retail licensees be citizens or resident aliens; authorizing counties to issue on-sale licenses to hotels; allowing registered political committees in existence for less than three years to obtain temporary on-sale licenses; placing restrictions on the number of temporary licenses issued to any organization or for any location; imposing new restrictions on issuance of more than one off-sale license to any person in a municipality; regulating certain wine tastings; restricting use of coupons by retailers, wholesalers, and manufacturers; providing penalties; amending Minnesota Statutes 1992, sections 340A.101, subdivision 13; 340A.308; 340A.404, subdivisions 6 and 10; 340A.405, subdivision 4; 340A.410, by adding a subdivision; 340A.412, subdivision 3; and 340A.416, subdivision 3; Minnesota Statutes 1993 Supplement, sections 340A.402; and 340A.415; proposing coding for new law in Minnesota Statutes, chapter 340A.

Referred to the Committee on Commerce and Consumer Protection.

Ms. Pappas introduced—

S.F. No. 2162: A bill for an act relating to cities; Saint Paul; appropriating money for unpaid special assessments to property owned by the state, the Minnesota state agricultural society, and other public and quasi-public entities.

Referred to the Committee on Taxes and Tax Laws.

Mr. Kelly introduced—

S.F. No. 2163: A bill for an act relating to corrections; modifying the intensive community supervision program to increase numbers of offenders participating in the program; amending Minnesota Statutes 1992, sections 244.12, subdivisions 1 and 2; and 244.15, subdivision 4; Minnesota Statutes 1993 Supplement, section 244.14, subdivision 3.

Referred to the Committee on Crime Prevention.

Ms. Reichgott Junge and Mr. Kelly introduced—

S.F. No. 2164: A bill for an act relating to crime prevention; juvenile justice; excluding from the jurisdiction of the juvenile court cases involving children aged 14 to 18 who are charged with certain felonies involving firearms; amending Minnesota Statutes 1992, sections 260.015, subdivision 5; 260.111, by adding a subdivision; 260.115, subdivision 1; 260.125, subdivision 1; and 609.055, subdivision 2.

Referred to the Committee on Crime Prevention.

Messrs. Chmielewski; Solon; Lessard; Johnson, D.J. and Janezich introduced—

S.F. No. 2165: A bill for an act relating to public administration; authorizing spending to make public improvements of a capital nature; authorizing issuance of state bonds to finance the construction of a secure juvenile detention and treatment facility for multicounty use; authorizing juvenile courts to make placements at the facility; appropriating money; amending Minnesota Statutes 1993 Supplement, section 260.185, subdivision 1.

Referred to the Committee on Crime Prevention.

Mr. Hottinger, Mses. Pappas, Piper and Berglin introduced—

S.F. No. 2166: A bill for an act relating to human services; appropriating money for cultural dynamic training of child care providers; amending Minnesota Statutes 1992, section 245A.14, subdivision 7.

Referred to the Committee on Family Services.

Messrs. Pogemiller; Moe, R.D.; Janezich; Mses. Ranum and Robertson introduced—

S.F. No. 2167: A bill for an act relating to education; establishing a grant program to foster male responsibility, reduce teen pregnancy, and prevent violence; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 126.

Referred to the Committee on Education.

Messrs. Bertram; Johnson, D.J.; Sams; Dille and Ms. Lesewski introduced—

S.F. No. 2168: A bill for an act relating to agricultural businesses; providing an interest buy-down program for farmers and small businesses; creating a program of farm disaster property tax relief payments; providing supplemental funding for certain emergency employment programs; creating a crop disaster insurance program; increasing funding for the farm advocates program, agricultural resource centers, farm and small business management programs at technical colleges, and the Farmers' Legal Action Group; expanding research on grain diseases and genetics; appropriating money.

Referred to the Committee on Agriculture and Rural Development.

Messrs. Sams; Benson, D.D.; Johnson, D.J. and Luther introduced—

S.F. No. 2169: A bill for an act relating to state government; requiring certain funds to be transferred to the ambulance service personnel longevity award and incentive trust; amending Minnesota Statutes 1992, sections 43A.316, subdivision 9; 69.031, subdivision 5; and 353.65, subdivision 7; Minnesota Statutes 1993 Supplement, section 144C.03, subdivision 2.

Referred to the Committee on Governmental Operations and Reform.

Messrs. Sams and Benson, D.D. introduced—

S.F. No. 2170: A bill for an act relating to state government; requiring prompt payment for grantees; amending Minnesota Statutes 1992, section 16A.124, subdivisions 2, 3, 4, 5, and 6.

Referred to the Committee on Governmental Operations and Reform.

Messrs. Moe, R.D. and Johnson, D.J. introduced—

S.F. No. 2171: A bill for an act relating to fire and police state aid; including Indian tribal governments in definition of municipality; amending Minnesota Statutes 1992, section 69.011, subdivision 1.

Referred to the Committee on Governmental Operations and Reform.

Messrs. Cohen, Chandler and Ms. Anderson introduced—

S.F. No. 2172: A bill for an act relating to taxation; requiring disclosure of and a vote by local governing bodies on increases in property taxes due to reduced market value; amending Minnesota Statutes 1993 Supplement, section 275.065, subdivision 6.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Hottinger; Pogemiller; Johnson, D.J.; Mses. Pappas and Flynn introduced—

S.F. No. 2173: A bill for an act relating to tax increment financing; exempting redevelopment districts from certain reductions in state aids; amending Minnesota Statutes 1993 Supplement, section 273.1399, subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Ms. Berglin, Messrs. Metzen, Belanger and Novak introduced—

S.F. No. 2174: A bill for an act relating to tax increment financing; extending the allowable period tax increments may be used for housing interest reduction programs; amending Minnesota Statutes 1992, sections 469.176, subdivision 4f; and 469.1761, subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Frederickson, Johnson, D.E. and Terwilliger introduced—

S.F. No. 2175: A bill for an act relating to public administration; appropriating money, and supplementing, reducing, and transferring earlier appropriations, with certain conditions; amending Minnesota Statutes 1992, sections 16A.124, subdivisions 2 and 7; 16A.127, as amended; 16A.15,

subdivision 3; 16B.01, subdivision 4; 16B.05, subdivision 2; 16B.06, subdivisions 1 and 2; 17B.15, subdivision 1; 43A.316, subdivision 9; 43A.37, subdivision 1; 60K.06; 60K.19, subdivision 8; 69.031, subdivision 5; 82.20, subdivisions 7 and 8; 82.21, by adding a subdivision; 82B.08, subdivisions 4 and 5; 82B.09, subdivision 1; 83.25; 97A.165; 116N.08, subdivision 6; 121.904, subdivision 4e; 124.195, subdivisions 3a and 12; 176.102, subdivisions 3a and 14; 176.611, subdivision 6a; 221.041, by adding a subdivision; 221.171, subdivision 2; 246.18, by adding a subdivision; 353.65, subdivision 7; 354.42, subdivision 5; 360.305, subdivision 4; 574.26; and 574.261, subdivision 1; Minnesota Statutes 1993 Supplement, sections 82.21, subdivision 1; 82.22, subdivisions 6 and 13; 82.34, subdivision 3; 116J.966, subdivision 1; 121.904, subdivisions 4a and 4c; 239.785, subdivision 2, and by adding a subdivision; and 246.18, subdivision 4; repealing Minnesota Statutes 1992, sections 16A.06, subdivision 8; 16A.124, subdivision 6; 43A.21, subdivision 5; 355.04; and 355.06; Laws 1993, chapter 224, article 1, section 38.

Referred to the Committee on Finance.

Ms. Reichgott Junge, Mr. Chmielewski, Ms. Pappas, Mr. Johnson, D.J. and Ms. Flynn introduced—

S.F. No. 2176: A bill for an act relating to taxation; motor vehicle excise; exempting certain library vehicles; amending Minnesota Statutes 1993 Supplement, section 297B.03.

Referred to the Committee on Transportation and Public Transit.

Messrs. Spear; Cohen; Moe, R.D. and Novak introduced—

S.F. No. 2177: A bill for an act relating to children; modifying liability provisions for child abuse investigations; providing for attorney fees in certain actions; providing for the establishment of protocols for investigations; prohibiting certain conflicts of interest; providing for access to data regarding determinations of maltreatment; amending Minnesota Statutes 1992, section 626.556, subdivisions 4, 10e, and by adding subdivisions; Minnesota Statutes 1993 Supplement, section 626.556, subdivision 11.

Referred to the Committee on Judiciary.

Mses. Pappas, Hanson, Krentz and Mr. Chmielewski introduced—

S.F. No. 2178: A bill for an act relating to taxation; exempting transit providers receiving reimbursement for transporting persons needing medical assistance from payment of excise tax on gasoline; amending Minnesota Statutes 1993 Supplement, section 296.02, subdivision 1a.

Referred to the Committee on Transportation and Public Transit.

Messrs. Solon; Johnson, D.J.; Riveness and Oliver introduced—

S.F. No. 2179: A bill for an act relating to commerce; insurance; allowing certain assessments as offsets against certain tax liabilities; amending Minnesota Statutes 1992, sections 60A.15, by adding a subdivision; and 290.35, by adding a subdivision.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Kroening, Terwilliger, Pogemiller and Morse introduced—

S.F. No. 2180: A bill for an act relating to retirement; providing for terms on which surviving spouse benefits are granted to members of the Minneapolis fire department relief association; amending Laws 1965, chapter 519, section 1, as amended.

Referred to the Committee on Governmental Operations and Reform.

Messrs. Johnson, D.E. and Samuelson introduced—

S.F. No. 2181: A bill for an act relating to military affairs; appropriating money for the Minnesota National Guard youth camp.

Referred to the Committee on Veterans and General Legislation.

Mr. Bertram, Mrs. Benson, J.E. and Mr. Stevens introduced—

S.F. No. 2182: A bill for an act relating to housing; regulating the use of federal tax exempt revenue bonds; amending Minnesota Statutes 1992, section 474A.03, subdivisions 1 and 2a.

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

Mr. Cohen introduced—

S.F. No. 2183: A bill for an act relating to human services; modifying provisions dealing with the administration, computation, and enforcement of child support; adopting the uniform interstate family support act; repealing the revised uniform reciprocal enforcement of support act; providing penalties; appropriating money; amending Minnesota Statutes 1992, sections 168.042, by adding a subdivision; 171.04, subdivision 1; 171.30, by adding a subdivision; 214.101, as amended; 518.611, subdivision 8; 548.091, subdivisions 2a and 4; and 609.375, by adding subdivisions; Minnesota Statutes 1993 Supplement, sections 168.042, subdivision 2; 518.551, subdivision 12; 548.091, subdivision 3a; and 609.375, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 8; and 518C; repealing Minnesota Statutes 1992, sections 518C.01; 518C.02; 518C.03; 518C.04; 518C.05; 518C.06; 518C.07; 518C.08; 518C.09; 518C.10; 518C.11; 518C.12; 518C.13; 518C.14; 518C.15; 518C.16; 518C.17; 518C.18; 518C.19; 518C.20; 518C.21; 518C.22; 518C.23; 518C.24; 518C.25; 518C.26; 518C.27; 518C.28; 518C.29; 518C.30; 518C.31; 518C.32; 518C.33; 518C.34; 518C.35; and 518C.36; Minnesota Statutes 1993 Supplement, sections 518.171, subdivision 2a; 518.551, subdivision 5; and 518.561.

Referred to the Committee on Family Services.

Mr. Cohen introduced—

S.F. No. 2184: A bill for an act relating to crime; traffic regulations; requiring automobile insurance identification cards to include the vehicle's registration plate number; increasing the maximum fine applicable to petty misdemeanor traffic violations; clarifying the elements of the driving after license suspension, revocation, and cancellation offenses; increasing the penalty for committing certain escapes from custody; making technical changes; amending Minnesota Statutes 1992, sections 65B.482, subdivision 1;

169.89, subdivision 2; 609.0331; 609.0332; 609.485, subdivision 4; and 626A.05, subdivision 2; Minnesota Statutes 1993 Supplement, section 171.24.

Referred to the Committee on Transportation and Public Transit.

Mrs. Pariseau and Mr. Neuville introduced—

S.F. No. 2185: A bill for an act relating to the state building code; providing for the disposition of certain receipts from permit surcharges; appropriating money; amending Minnesota Statutes 1992, section 16B.70, subdivision 1.

Referred to the Committee on Governmental Operations and Reform.

Mrs. Pariseau, Mr. Stevens, Ms. Kiscaden and Mr. Neuville introduced—

S.F. No. 2186: A bill for an act relating to local government; eliminating the requirement for audits of statutory cities in certain circumstances; amending Minnesota Statutes 1992, sections 412.02, subdivision 3; and 412.591, subdivision 2.

Referred to the Committee on Metropolitan and Local Government.

Mr. Neuville introduced—

S.F. No. 2187: A bill for an act relating to capital improvements; appropriating money to complete the Sakatah Singing Hills state trail; authorizing the sale of state bonds.

Referred to the Committee on Environment and Natural Resources.

Mses. Pappas, Reichgott Junge and Mr. Pogemiller introduced—

S.F. No. 2188: A bill for an act relating to taxation; income; providing for a subtraction from federal taxable income; amending Minnesota Statutes 1992, section 290.01, subdivision 19b.

Referred to the Committee on Taxes and Tax Laws.

Ms. Reichgott Junge introduced—

S.F. No. 2189: A bill for an act relating to animals; changing the definition of a potentially dangerous dog; changing the identification tag requirements for a dangerous dog; amending Minnesota Statutes 1992, sections 347.50, subdivision 3; and 347.51, subdivision 7.

Referred to the Committee on Veterans and General Legislation.

Messrs. Morse, Larson, Janezich, Mses. Ranum and Robertson introduced—

S.F. No. 2190: A bill for an act relating to education; providing for state payment of outstanding debt on technical college property transferred to the higher education board; proposing coding for new law in Minnesota Statutes, chapter 136E.

Referred to the Committee on Education.

Ms. Krentz, Mr. Spear and Ms. Berglin introduced—

S.F. No. 2191: A bill for an act relating to parentage; providing for assistance in correcting inaccurate birth certificate information about a person who was a state ward; requiring blood tests and sharing of medical records; proposing coding for new law in Minnesota Statutes, chapter 257.

Referred to the Committee on Judiciary.

Ms. Berglin, Mr. Benson, D.D.; Ms. Piper, Mr. Sams and Mrs. Benson, J.E. introduced—

S.F. No. 2192: A bill for an act relating to health; MinnesotaCare; establishing and regulating community integrated service networks; defining terms; creating a reinsurance and risk adjustment association; classifying data; requiring reports; mandating studies; modifying provisions relating to the regulated all-payer option; requiring administrative rulemaking; setting time-lines and requiring plans for implementation; designating essential community providers; establishing an expedited fact finding and dispute resolution process; requiring proposed legislation; establishing task forces; providing for demonstration models; mandating universal coverage; requiring insurance reforms; providing grant programs; establishing the Minnesota health care administrative simplification act; implementing electronic data interchange standards; creating the Minnesota center for health care electronic data interchange; providing standards for the Minnesota health care identification card; appropriating money; providing penalties; amending Minnesota Statutes 1992, sections 60A.15; subdivision 1; 62A.303; 62D.04, by adding a subdivision; 62E.02, subdivisions 10, 18, 20, and 23; 62E.10, subdivisions 1, 2, and 3; 62E.141; 62E.16; 62J.03, by adding a subdivision; 62L.02, subdivisions 9, 13, 16, 17, 24, and by adding subdivisions; 62L.03, subdivision 1; 62L.05, subdivisions 1, 5, and 8; 62L.08, subdivisions 2, 5, 6, and 7; 62L.12; 62L.21, subdivision 2; 62M.02, subdivisions 5 and 21; 62M.03, subdivisions 1, 2, and 3; 62M.05, subdivision 3; 62M.06, subdivision 3; 62M.09, subdivision 5; and 295.50, by adding subdivisions; Minnesota Statutes 1993 Supplement, sections 43A.317, by adding a subdivision; 60K.14, subdivision 7; 61B.20, subdivision 13; 62A.011, subdivision 3; 62A.65, subdivisions 2, 3, 4, 5, and by adding a subdivision; 62D.12, subdivision 17; 62J.03, subdivision 6; 62J.04, subdivisions 1 and 1a; 62J.09, subdivision 2; 62J.33, by adding subdivisions; 62J.35, subdivisions 2 and 3; 62J.38; 62J.41, subdivision 2; 62J.45, by adding subdivisions; 62L.02, subdivisions 8, 11, 15, 19, and 26; 62L.03, subdivisions 3, 4, and 5; 62L.04, subdivision 1; 62L.08, subdivisions 4 and 8; 62N.01; 62N.02, subdivisions 1, 8, and by adding a subdivision; 62N.06, subdivision 1; 62N.065, subdivision 1; 62N.10, subdivisions 1 and 2; 62N.22; 62N.23; 62P.01; 62P.03; 62P.04; 62P.05; 144.1486; 151.21, subdivisions 7 and 8; 256.9352, subdivision 3; 256.9657, subdivision 3; 295.50, subdivisions 3, 4, and 12b; 295.53, subdivisions 1, 2, and 5; 295.54; 295.58; and 295.582; proposing coding for new law in Minnesota Statutes, chapters 62A; 62J; 62N; and 62P; proposing coding for new law as Minnesota Statutes, chapter 62Q; repealing Minnesota Statutes 1992, sections 62A.02, subdivision 5; 62E.51; 62E.52; 62E.53; 62E.531; 62E.54; 62E.55; and 256.362, subdivision 5; Minnesota Statutes 1993 Supplement, sections 62J.04, subdivision 8; 62N.07; 62N.075; 62N.08; 62N.085; and 62N.16;

Referred to the Committee on Health Care.

Mr. Morse, Ms. Krentz, Messrs. Dille and Murphy introduced—

S.F. No. 2193: A bill for an act relating to water; establishing the drinking water revolving fund administered by the public facilities authority and the department of health; amending Minnesota Statutes 1992, section 446A.11, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 446A.

Referred to the Committee on Health Care.

Messrs. Riveness, Metzen, Morse, Terwilliger and Sams introduced—

S.F. No. 2194: A bill for an act relating to legislative audit commission; appropriating money for the legislative auditor to perform best practices review audits; amending Minnesota Statutes 1992, sections 3.97, subdivision 11; and 3.971, by adding a subdivision.

Referred to the Committee on Governmental Operations and Reform.

Messrs. Riveness, Metzen, Sams, Terwilliger and Ms. Wiener introduced—

S.F. No. 2195: A bill for an act relating to state government; reports to the legislature; prohibiting standing requirements for periodic reports; amending Minnesota Statutes 1992, section 3.302, subdivisions 3 and 3a; proposing coding for new law in Minnesota Statutes, chapter 3; repealing Minnesota Statutes 1992, section 3.195.

Referred to the Committee on Governmental Operations and Reform.

Messrs. Riveness, Kelly, Stevens and Mondale introduced—

S.F. No. 2196: A bill for an act relating to human services; replacing the work readiness programs in Hennepin and Ramsey counties with a public works training program; amending Minnesota Statutes 1992, section 256D.05, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 256D.

Referred to the Committee on Family Services.

Messrs. Pogemiller and Laidig introduced—

S.F. No. 2197: A bill for an act relating to elections; codifying and recodifying the legislative district boundaries used for the 1992 election, with adjustments to avoid dividing the cities of Willernie and New Hope and simplify the division of Ham Lake; providing for distribution and correction of redistricting plans; amending Minnesota Statutes 1992, sections 2.031, subdivision 2; 2.043; 2.053; 2.063; 2.073; 2.083; 2.093, subdivision 2; 2.103; 2.113; 2.123; 2.133; 2.143; 2.153, subdivision 2; 2.163; 2.173; 2.183; 2.193; 2.203, subdivision 1; 2.213; 2.223; 2.233; 2.243; 2.253; 2.263; 2.273; 2.283; 2.293; 2.313; 2.323; 2.333; 2.343; 2.353; 2.363; 2.373; 2.383; 2.393; 2.403; 2.413; 2.433; 2.443; 2.453, subdivision 1; 2.463; 2.473, subdivision 2; 2.483, subdivision 2; 2.493; 2.503; 2.513, subdivision 1; 2.523; 2.533; 2.543, subdivision 1; 2.553; 2.563; 2.573; 2.583; 2.593, subdivision 2; 2.603; 2.613, subdivision 2; 2.623; 2.633, subdivision 2; 2.643; 2.653, subdivision 1; 2.663; 2.673; 2.683, subdivision 1; 2.693; and 2.703, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 2.

Referred to the Committee on Ethics and Campaign Reform.

Messrs. Lessard and Chmielewski introduced—

S.F. No. 2198: A bill for an act relating to highways; cemeteries; authorizing highway information signs to direct travelers to public cemeteries; amending Minnesota Statutes 1992, section 160.292, subdivisions 2, 10, and by adding a subdivision.

Referred to the Committee on Transportation and Public Transit.

Messrs. Pogemiller and Laidig introduced—

S.F. No. 2199: A bill for an act relating to elections; codifying the congressional district plan adopted by the Minnesota special redistricting panel; proposing coding for new law in Minnesota Statutes, chapter 2; repealing Minnesota Statutes 1992, sections 2.741; 2.751; 2.761; 2.771; 2.781; 2.791; 2.801; and 2.811.

Referred to the Committee on Ethics and Campaign Reform.

Mr. Pogemiller introduced—

S.F. No. 2200: A bill for an act relating to economic development; modifying requirements for the neighborhood revitalization program; establishing a resident advisory council; amending Minnesota Statutes 1992, section 469.1831, subdivision 6.

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

Mr. Lessard introduced—

S.F. No. 2201: A bill for an act relating to transportation; providing for the construction of one and phase out of another highway rest area; providing for the operation and maintenance by the city of Floodwood; appropriating money; authorizing the issuance of state bonds.

Referred to the Committee on Transportation and Public Transit.

Mr. Pogemiller and Mrs. Adkins introduced—

S.F. No. 2202: A bill for an act relating to education; maximum effort school loan program; approving a capital loan for independent school district No. 727, Big Lake; appropriating money; authorizing the sale of bonds.

Referred to the Committee on Education.

Mr. Lessard introduced—

S.F. No. 2203: A bill for an act relating to counties; authorizing the county board to abolish a sheriff's civil service commission in certain instances; amending Minnesota Statutes 1992, section 387.43, subdivision 1, and by adding a subdivision.

Referred to the Committee on Metropolitan and Local Government.

Mr. Pogemiller introduced—

S.F. No. 2204: A bill for an act relating to the environment; providing that local units of government may adopt ordinances relating to underground

storage tanks that are more stringent than those of the state; amending Minnesota Statutes 1992, section 116.50.

Referred to the Committee on Environment and Natural Resources.

Messrs. Johnson, D.J. and Solon introduced—

S.F. No. 2205: A bill for an act relating to the city of Duluth; authorizing the issuance of general obligation bonds to finance improvements to the Duluth entertainment convention center.

Referred to the Committee on Metropolitan and Local Government.

Mr. Pogemiller and Ms. Krentz introduced—

S.F. No. 2206: A bill for an act relating to education; making technical changes in education programs and policies; amending Minnesota Statutes 1992, sections 124.26, subdivision 1b; 124.95, subdivision 4; and 272.02, subdivision 8; Minnesota Statutes 1993 Supplement, sections 124.155, subdivision 2; 124.226, subdivision 3a; 124.26, subdivision 1c; 124.2714; 124.573, subdivision 2b; 124.91, subdivision 5; 124.95, subdivision 1; 124A.03, subdivision 1c; and 124A.292, subdivision 3.

Referred to the Committee on Education.

Mr. Pogemiller introduced—

S.F. No. 2207: A bill for an act relating to cities of the first class; allowing them to require auto junkyards to be covered from the elements and from sight; proposing coding for new law in Minnesota Statutes, chapter 465.

Referred to the Committee on Metropolitan and Local Government.

Mr. Pogemiller and Mrs. Adkins introduced—

S.F. No. 2208: A bill for an act relating to education; authorizing a fund transfer for independent school district No. 882, Monticello.

Referred to the Committee on Education.

Mr. Lessard introduced—

S.F. No. 2209: A bill for an act relating to capital improvements; appropriating money to the commissioner of trade and economic development for the national shooting sports center; authorizing the sale of state bonds.

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

Mr. Kelly, Ms. Pappas, Messrs. Cohen, Chandler and Ms. Anderson introduced—

S.F. No. 2210: A bill for an act relating to health; Ramsey Health Care, Inc.; authorizing the public corporation to incorporate as a nonprofit corporation; terminating its status as a public corporation; providing for the care of the indigent of Ramsey county and other counties; providing for certain of its powers and duties; repealing Minnesota Statutes 1992, sections 246A.01; 246A.02; 246A.03; 246A.04; 246A.05; 246A.06; 246A.07; 246A.08; 246A.09; 246A.10; 246A.11; 246A.12; 246A.13; 246A.14; 246A.15;

246A.16; 246A.17; 246A.18; 246A.19; 246A.20; 246A.21; 246A.22; 246A.23; 246A.24; 246A.25; 246A.26; and 246A.27.

Referred to the Committee on Health Care.

Mses. Anderson and Lesewski introduced—

S.F. No. 2211: A bill for an act relating to economic development; establishing a coordinator of international affairs; establishing an advisory committee; providing for appointments; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 116J.

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

Mr. Lessard introduced—

S.F. No. 2212: A bill for an act relating to capital improvements; appropriating money for the National Resources Research Institute, Coleraine laboratory facility; authorizing the sale of state bonds.

Referred to the Committee on Environment and Natural Resources.

Mr. Lessard introduced—

S.F. No. 2213: A bill for an act relating to retirement; providing for coverage of employees of lessee of Itasca Medical Center facilities by the public employees retirement association.

Referred to the Committee on Governmental Operations and Reform.

Mr. Metzen and Ms. Wiener introduced—

S.F. No. 2214: A bill for an act relating to traffic regulations; increasing penalty for speeding violation in school zone; amending Minnesota Statutes 1992, sections 169.14, subdivision 5a; 169.89, subdivision 2; and 609.0331.

Referred to the Committee on Transportation and Public Transit.

Mr. Oliver, Ms. Johnston, Messrs. Metzen, Terwilliger and Larson introduced—

S.F. No. 2215: A bill for an act relating to commerce; residential building contractors and remodelers; clarifying legislative intent to require maintenance of bonds until license renewal.

Referred to the Committee on Commerce and Consumer Protection.

Ms. Ranum introduced—

S.F. No. 2216: A bill for an act relating to education; gathering data to determine the number of violent incidents in schools involving students with an IEP; appropriating money.

Referred to the Committee on Education.

Ms. Ranum, Mr. McGowan, Ms. Reichgott Junge and Mr. Merriam introduced—

S.F. No. 2217: 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 1992, sections 609.378, subdivision 1; and 626.556, subdivisions 2 and 10e.

Referred to the Committee on Crime Prevention.

Mr. Lessard introduced—

S.F. No. 2218: A bill for an act relating to local government; changing the taxing authority of certain municipalities in Itasca county; authorizing additional levy authority to fund the Greenway joint recreation board and the Lakeview Cemetery Association; amending Laws 1981, chapter 281, section 1.

Referred to the Committee on Metropolitan and Local Government.

Mr. Lessard introduced—

S.F. No. 2219: A bill for an act relating to capital improvements; authorizing bonds and appropriating money to build an addition to the Grand Rapids civic center.

Referred to the Committee on Veterans and General Legislation.

Messrs. Price, Dille, Morse, Murphy and Ms. Krentz introduced—

S.F. No. 2220: A bill for an act relating to water; providing for duties of the legislative water commission; providing for a sustainable agriculture advisory committee; requiring plans relating to sustainable agriculture and integrated pest management; establishing groundwater policy and education; changing water well permit requirements; requiring reports to the legislature; creating an advisory committee; appropriating money; amending Minnesota Statutes 1992, sections 3.887, subdivisions 5, 6, and 8; 17.114, subdivisions 1, 3, 4, and by adding subdivisions; 18B.045, subdivision 1; 103A.43; 103B.151, subdivision 1; 103G.271, subdivision 5; 103H.175, by adding a subdivision; 103H.201, subdivisions 1 and 4; 103I.101, subdivision 5; and 103I.331, subdivision 6; Minnesota Statutes 1993 Supplement, sections 18E.06; and 115B.20, subdivision 6; proposing coding for new law in Minnesota Statutes, chapters 103A; and 103F; repealing Minnesota Statutes 1992, section 103F.460.

Referred to the Committee on Environment and Natural Resources.

Mr. Kelly introduced—

S.F. No. 2221: A bill for an act relating to economic development; appropriating money for the first phase development and infrastructure analysis of the Phalen corridor.

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

Mr. Finn, Ms. Piper, Mr. Sams, Ms. Berglin and Mr. Kelly introduced—

S.F. No. 2222: A bill for an act relating to health; including pesticide poisoning treatment as an emergency service for purposes of general assis-

tance medical care eligibility; requiring reporting of pesticide poisoning; requiring pesticide poisoning education; appropriating money; amending Minnesota Statutes 1992, section 144.34; Minnesota Statutes 1993 Supplement, section 256D.03, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 144.

Referred to the Committee on Health Care.

Mses. Pappas, Anderson and Mr. Kelly introduced—

S.F. No. 2223: A bill for an act relating to capital improvements; providing grants for the Minnesota Children's Museum; appropriating money; authorizing the issuance of state bonds.

Referred to the Committee on Veterans and General Legislation.

Messrs. Hottinger and Riveness introduced—

S.F. No. 2224: A bill for an act relating to government operations; transferring the authority and duties of the municipal board to the office of strategic and long-range planning; amending Minnesota Statutes 1992, sections 414.01, subdivision 1; and by adding a subdivision; repealing Minnesota Statutes 1992, section 414.01, subdivisions 2, 3, 3a, 4, 5, 6a, 7a, and 12.

Referred to the Committee on Governmental Operations and Reform.

Messrs. Lessard, Stumpf and Johnson, D.J. introduced—

S.F. No. 2225: A bill for an act relating to education; creating an exemption to the referendum revenue reduction for certain school districts eligible for sparsity revenue; amending Minnesota Statutes 1993 Supplement, section 124A.03, subdivision 3b.

Referred to the Committee on Education.

Mr. Spear, Ms. Wiener, Mr. Belanger, Ms. Reichgott Junge and Mr. Langseth introduced—

S.F. No. 2226: A bill for an act relating to crime prevention; requiring a license to sell firearms or ammunition in the metropolitan area; prohibiting assault weapons in the metropolitan area; requiring maintenance of records regarding firearms sales in the metropolitan area; allowing metropolitan city attorneys to obtain assistance from the attorney general in prosecuting firearms offenses; allowing law enforcement agencies to charge a fee to conduct firearms eligibility background checks; clarifying that weapons may be seized in connection with certain offenses; amending Minnesota Statutes 1992, sections 487.25, by adding a subdivision; 609.5315, subdivision 6; 609.5316, subdivision 3; 609.663; 624.7131, subdivision 3; and 624.714, subdivision 6; Minnesota Statutes 1993 Supplement, sections 609.531, subdivision 1; 624.713, by adding a subdivision; and 624.7132, subdivision 11; proposing coding for new law in Minnesota Statutes, chapter 299A; repealing Minnesota Statutes 1993 Supplement, section 624.7132, subdivision 10.

Referred to the Committee on Crime Prevention.

Mr. Finn, Mses. Robertson, Krentz and Mr. Knutson introduced—

S.F. No. 2227: A bill for an act relating to crime victims; raising attendance fees for victims and witnesses subpoenaed to testify; extending prohibition against employer retaliation for testifying in court to witnesses; providing that the court may not refuse to enforce an order of restitution on the basis that a civil judgment has been docketed; providing for an automatic docketing of unpaid restitution as a civil judgment at the end of an executed or stayed sentence; providing for notice to victim when offender is released to a less secure facility; extending required notice to police to 30 days for reparations claimants; extending application period for reparations claimants to two years; allowing reparations board to set a maximum for mental health benefits for reparations claimants at the beginning of each fiscal year; amending Minnesota Statutes 1992, sections 357.22; 357.241; 357.242; 611A.036; and 611A.53, subdivision 2; Minnesota Statutes 1993 Supplement, sections 357.24; 611A.04, subdivisions 1 and 3; 611A.06, subdivision 1; and 611A.52, subdivision 8.

Referred to the Committee on Crime Prevention.

Mr. Finn, Ms. Krentz, Mr. Knutson and Ms. Ranum introduced—

S.F. No. 2228: A bill for an act relating to crime victims; strengthening the autonomy of the ombudsman; expanding the powers of the ombudsman to inspect records and premises; providing the ombudsman with subpoena powers; amending Minnesota Statutes 1992, sections 611A.73, subdivision 3; and 611A.74.

Referred to the Committee on Crime Prevention.

Messrs. Hottinger and Beckman introduced—

S.F. No. 2229: A bill for an act relating to education; providing funding for the Mankato area Model School for Truants; appropriating money.

Referred to the Committee on Education.

Mrs. Benson, J.E. and Mr. Stevens introduced—

S.F. No. 2230: A bill for an act relating to capital improvements; authorizing bonds and appropriating money for a new library building and related chiller construction at St. Cloud State University.

Referred to the Committee on Education.

Ms. Pappas, Messrs. Kelly and Metzger introduced—

S.F. No. 2231: A bill for an act relating to charitable organizations; changing definitions; modifying registration and waiver requirements; amending Minnesota Statutes 1993 Supplement, section 309.501, subdivisions 1, 3, and 4.

Referred to the Committee on Governmental Operations and Reform.

Mses. Pappas, Flynn, Messrs. Mondale and Janezich introduced—

S.F. No. 2232: A bill for an act relating to counties; providing for the filling by appointment of certain offices previously elective; providing for conform-

ing changes; amending Minnesota Statutes 1992, section 382.01; repealing Minnesota Statutes 1992, section 382.02.

Referred to the Committee on Metropolitan and Local Government.

Messrs. Finn, Morse, Mes. Berglin and Johnson, J.B. introduced—

S.F. No. 2233: A bill for an act relating to environmental justice; establishing a task force on environmental justice.

Referred to the Committee on Environment and Natural Resources.

Mr. Bertram introduced—

S.F. No. 2234: A bill for an act relating to Benton county; providing a sales tax exemption for construction materials and supplies purchased for use in constructing a correctional facility.

Referred to the Committee on Taxes and Tax Laws.

Mr. Lessard introduced—

S.F. No. 2235: A bill for an act relating to the Mississippi headwaters area; authorizing changes in the comprehensive land use plan relating to standard lots, contiguous lots in common ownership, and limited clearing in restricted zones; amending Minnesota Statutes 1992, sections 103F.365, subdivision 4; and 103F.369, by adding a subdivision.

Referred to the Committee on Environment and Natural Resources.

Messrs. Lessard and Chandler introduced—

S.F. No. 2236: A bill for an act relating to natural resources; sale of native tree seed and tree planting stock; terms and conditions governing the leasing of state timber lands; amending Minnesota Statutes 1992, sections 89.36, subdivision 3; 89.37, by adding a subdivision; 90.101, subdivision 2; 90.151, subdivision 1; 90.161, subdivisions 1 and 2; 90.191, subdivision 2; and 90.193; Minnesota Statutes 1993 Supplement, sections 90.101, subdivision 1; and 90.121; repealing Minnesota Statutes 1992, section 90.151, subdivisions 13 and 14.

Referred to the Committee on Environment and Natural Resources.

Messrs. Samuelson, Lessard and Finn introduced—

S.F. No. 2237: A bill for an act relating to game and fish; changing the end date for the season for spearing through the ice; amending Minnesota Statutes 1992, section 97C.371, subdivision 4.

Referred to the Committee on Environment and Natural Resources.

MEMBERS EXCUSED

Mrs. Adkins, Ms. Berglin, Messrs. Mondale, Johnson, D.J. and Kelly were excused from the Session of today.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 11:45 a.m., Wednesday, March 9, 1994. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

SIXTY-EIGHTH DAY

St. Paul, Minnesota, Wednesday, March 9, 1994

The Senate met at 11:45 a.m. and was called to order by the President.

CALL OF THE SENATE

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

Prayer was offered by the Chaplain, Rev. George H. Gerberding.

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

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

The President declared a quorum present.

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

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following House File, herewith transmitted: H.F. No. 2213.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 7, 1994

FIRST READING OF HOUSE BILLS

The following bill was read the first time and referred to the committee indicated.

H.F. No. 2213: A bill for an act relating to the city of St. Cloud; exempting a tax increment financing district from certain restrictions; providing expanded eminent domain authority.

Referred to the Committee on Taxes and Tax Laws.

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted, with the exception of the reports pertaining to appointments. The motion prevailed.

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

S.F. No. 1750: A bill for an act relating to commerce; expanding the scope of department enforcement authority to include additional areas over which they have responsibility; eliminating provisions governing the access to and disclosure of certain data; amending Minnesota Statutes 1992, section 45.027, subdivision 7; and Minnesota Statutes 1993 Supplement, section 45.011, subdivisions 1 and 4.

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

Page 2, lines 14 to 36, reinstate the stricken language

Amend the title as follows:

Page 1, line 4, delete "they have" and insert "it has"

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

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

S.F. No. 1788: A bill for an act relating to waste management; applying government waste reduction requirements to compilations of game and fish laws; clarifying the state's waste management goals; adding heat pumps to the definition of major appliances; authorizing larger capital assistance grants to resource recovery projects under certain circumstances; establishing enforcement of the authority of certain counties to inspect records of certain facilities; clarifying management of waste motor oil filters; establishing a process for resolution of disputes related to toxics in packaging and requiring a report; requiring and authorizing training and certification of appliance recyclers and services respectively; removing the federal government from the definition of commercial transporter of medical waste; requiring medical waste management plans to contain information regarding mailing of sharps; banning sale of apparel containing mercury switches; expanding the restriction on disposal of unprocessed waste from the metropolitan area; requiring a report on management of waste electronic appliances; requiring a report on products that contain mercury; requiring a report on recycling facilities; amending Minnesota Statutes 1992, sections 97A.051, subdivision 1; 115A.02; 115A.03, subdivision 17a; 115A.554; 115A.557, subdivisions 3 and 4; 115A.87; 115A.882, by adding a subdivision; 115A.918, subdivision 1, and by adding a subdivision; 115A.95; 115A.9561, subdivision 2; 115A.965, subdivision 6,

and by adding a subdivision; 116.07, subdivision 4h; 116.76, subdivision 4; 116.92, subdivision 8; 473.843, subdivision 1; 473.844, subdivision 1a; 473.845, subdivision 3; and 473.848, subdivision 1; Minnesota Statutes 1993 Supplement, sections 115A.54, subdivision 2a; 115A.916; 115A.929; 115A.981, subdivision 3; 116.79, subdivision 1; 473.149, subdivision 6; and 473.846; proposing coding for new law in Minnesota Statutes, chapter 116; repealing Minnesota Statutes 1993 Supplement, section 115A.542.

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

Page 7, line 20, delete everything after the period

Page 7, delete lines 21 to 23 and insert:

"Sec. 10. Minnesota Statutes 1992, section 115A.9157, subdivision 4, is amended to read:

Subd. 4. [PILOT PROJECTS.] By April 15, 1992, manufacturers whose rechargeable batteries or products powered by rechargeable batteries are sold in this state shall implement pilot projects for the collection and proper management of all rechargeable batteries and the participating manufacturers' products powered by nonremovable rechargeable batteries. Manufacturers may act as a group or through a representative organization. The pilot projects must run for a minimum of 18 months and be designed to collect sufficient statewide data for the design and implementation of permanent collection and management programs that may be reasonably expected to collect at least 90 percent of waste rechargeable batteries and the participating manufacturers' products powered by rechargeable batteries that are generated in the state.

By December 1, 1991, the manufacturers or their representative organization shall submit plans for the projects to the legislative commission. ~~At least every six months during the pilot projects the manufacturers shall submit progress reports to the commission. The commission shall review the plans and progress reports.~~

By November 1, 1993, the manufacturers or their representative organization shall report to the legislative commission the final results of the projects and plans for implementation of permanent programs. The commission shall review the final results and plans.

By October 1, 1994, and by October 1, 1995, each manufacturer or a representative organization shall submit to the commission additional reports that detail progress made toward implementing permanent management programs. The October 1, 1995, report must include a description of the programs implemented under subdivision 5. The progress reports must include the estimated number of rechargeable batteries sold by each manufacturer and the number of batteries each manufacturer collected during the previous year. A representative organization may report numbers in aggregate for all the members of the organization.

Sec. 11. Minnesota Statutes 1992, section 115A.9157, subdivision 5, is amended to read:

Subd. 5. [COLLECTION AND MANAGEMENT PROGRAMS.] By ~~April 15, 1994~~ *September 20, 1995*, the manufacturers or their representative organization shall implement permanent programs, based on the results of the pilot projects required in subdivision 4, that may be reasonably expected to

collect 90 percent of the waste rechargeable batteries and the participating manufacturers' products powered by rechargeable batteries that are generated in the state. The batteries and products collected must be recycled or otherwise managed or disposed of properly.

In every odd-numbered year after 1995, each manufacturer or a representative organization shall provide information to the commission that specifies at least the estimated number of rechargeable batteries sold in the state by each manufacturer and the number of batteries each collected during the previous two years. A representative organization may report the numbers in aggregate for all the members of the organization.

Page 7, line 31, after "facility" insert "other than a recycling facility or a household hazardous waste collection facility"

Page 8, lines 6 and 7, strike "July 1, 1995" and insert "December 31, 1996"

Page 9, line 30, delete "source separated" and insert "source-separated"

Page 9, line 31, after "for" insert "recycling or"

Page 10, line 11, delete "In"

Page 10, line 12, delete the new language

Page 10, after line 36, insert:

"Sec. 20. Minnesota Statutes 1993 Supplement, section 115A.9651, is amended to read:

115A.9651 [TOXICS IN PRODUCTS; ENFORCEMENT.]

Subdivision 1. [PROHIBITION.] (a) After July 1, 1994, no person may deliberately introduce lead, cadmium, mercury, or hexavalent chromium into any ink, dye, pigment, paint, or fungicide that is intended for use or for sale in this state.

Until July 1, 1997, this section does not apply to electrodeposition primer coating or primer coating used on aircraft, porcelain enamel coatings, medical devices, hexavalent chromium in the form of chromine acid when processed at a temperature of at least 750 degrees Fahrenheit, or ink used for computer identification markings.

(b) For the purposes of this subdivision, "deliberately introduce" means to deliberately use a listed metal in the formulation of an ink, dye, pigment, paint, or fungicide, with a resulting total concentration greater than 100 parts per million.

Subd. 2. [TEMPORARY EXEMPTION.] (a) A product is exempt from this section until July 1, 1997, if the manufacturer of the product requests the exemption in writing by July 1, 1994, and the request includes:

(1) an explanation of why compliance is not technically possible;

(2) a description of the steps the manufacturer will take to ensure compliance by July 1, 1997; and

(3) the name, address, and telephone number of a person the commissioner can contact for further information.

(b) By October 1, 1994, the commissioner shall report to the legislative commission on waste management with a list of companies that have requested an exemption under this subdivision and the products for which exemptions were sought. The report must include copies of the requests submitted to the commissioner.

(c) By July 1, 1996, the companies on the list shall submit to the commissioner a report describing the progress made towards compliance with subdivision 1 and the probability that compliance will be achieved by July 1, 1997. The commissioner shall submit to the legislative commission a report that summarizes the progress reports, indicating for each product whether compliance is likely to be achieved by July 1, 1997, and for products for which compliance is not likely to be achieved, reasons why this is the case. The report must also include any recommendations of the commissioner for legislative or other actions.

(d) This section does not apply to art supplies.

(e) This section may be enforced under sections 115.071 and 116.072. The attorney general or the commissioner of the agency shall coordinate enforcement of this section with the director of the office."

Page 14, line 2, delete "SERVICES" and insert "SERVICERS"

Page 14, delete lines 14 to 19

Page 17, after line 6, insert:

"Sec. 28. Minnesota Statutes 1992, section 473.803, subdivision 1, is amended to read:

Subdivision 1. [COUNTY MASTER PLANS; GENERAL REQUIREMENTS.] Each metropolitan county, following adoption or revision of the council's solid waste policy plan and in accordance with the dates specified therein, and after consultation with all affected local government units, shall prepare and submit to the council for its approval, a county solid waste master plan to implement the policy plan. The master plan shall be revised and resubmitted at such times as the council's policy plan may require. The master plan shall describe county solid waste activities, functions, and facilities; the existing system of solid waste generation, collection, and processing, and disposal within the county; proposed mechanisms for complying with the recycling requirements of section 115A.551, and the household hazardous waste management requirements of section 115A.96, subdivision 6; existing and proposed county and municipal ordinances and license and permit requirements relating to solid waste facilities and solid waste generation, collection, and processing, and disposal; existing or proposed municipal, county, or private solid waste facilities and collection services within the county together with schedules of existing rates and charges to users and statements as to the extent to which such facilities and services will or may be used to implement the policy plan; and any solid waste facility which the county owns or plans to acquire, construct, or improve together with statements as to the planned method, estimated cost and time of acquisition, proposed procedures for operation and maintenance of each facility; an estimate of the annual cost of operation and maintenance of each facility; an estimate of the annual gross revenues which will be received from the operation of each facility; and a proposal for the use of each facility after it is no longer needed or usable as a waste facility. The master plan shall, to the

extent practicable and consistent with the achievement of other public policies and purposes, encourage ownership and operation of solid waste facilities by private industry, *and may rely upon private ownership, operation, and financing of solid waste facilities to achieve the waste management objectives identified in the plan.* For solid waste facilities owned or operated by public agencies or supported primarily by public funds or obligations issued by a public agency, the master plan shall contain criteria and standards to protect comparable private and public facilities already existing in the area from displacement unless the displacement is required in order to achieve the waste management objectives identified in the plan.

Sec. 29. Minnesota Statutes 1992, section 473.803, subdivision 1c, is amended to read:

Subd. 1c. [COUNTY ABATEMENT PLAN.] Each county shall revise its master plan to include a land disposal abatement element to implement the council's land disposal abatement plan adopted under section 473.149, subdivision 2d, and shall submit the revised plan to the council for review under subdivision 2 within nine months after the adoption of the council's metropolitan abatement plan. The county plan must implement the local abatement objectives for the county and cities within the county as stated in the council's plan *and may rely upon private ownership, operation, and financing of solid waste facilities to achieve the objectives of the council's land disposal abatement plan.* The county abatement plan must include specific and quantifiable county objectives, based on the council's objectives, for abating to the greatest feasible and prudent extent the need for and practice of land disposal of mixed municipal solid waste and of specific components of the solid waste stream generated in the county, stated in annual increments through the date specified in section 473.848 and in two five-year increments thereafter. The plan must include measurable performance standards for local abatement of solid waste through resource recovery and waste reduction and separation programs and activities for the county as a whole and for statutory or home rule charter cities of the first, second, and third class, respectively, in the county, stated in annual increments through the date specified in section 473.848 and in two five-year increments thereafter. The performance standards must implement the metropolitan and county abatement objectives. The plan must include standards and procedures to be used by the county in determining annually under subdivision 3 whether a city within the county has implemented the plan and has satisfied the performance standards for local abatement. The master plan revision required by this subdivision must be prepared in consultation with the advisory committee established pursuant to subdivision 4.

Sec. 30. Minnesota Statutes 1992, section 473.811, subdivision 5, is amended to read:

Subd. 5. [ORDINANCES; SOLID WASTE COLLECTION AND TRANSPORTATION.] Each metropolitan county may adopt ordinances governing the collection of solid waste. A county may adopt, but may not be required to adopt, an ordinance that requires the separation from mixed municipal waste, by generators before collection, of materials that can readily be separated for use or reuse as substitutes for raw materials or for transformation into a usable soil amendment. Each local unit of government within the metropolitan area shall adopt an ordinance governing the collection of solid waste within its boundaries. If the county within which it is located has adopted a collection ordinance, the local unit shall adopt either the county ordinance by reference

or a more strict ordinance. If the county within which it is located has adopted a separation ordinance, the ordinance applies in all local units within the county that have failed to meet the local abatement performance standards, as stated in the most recent annual county report. Ordinances of counties and local government units may establish reasonable conditions respecting but shall not prevent the transportation of solid waste by a licensed collector through and between counties and local units, except as required for the enforcement of any designation of a facility by a county under chapter 115A, *or to enforce the prohibition against the disposal of unprocessed mixed municipal solid waste under sections 473.848 and 473.849.* A licensed collector or a metropolitan county or local government unit may request review by the council of an ordinance adopted under this subdivision. The council shall approve or disapprove the ordinance within 60 days of the submission of a request for review. The ordinance shall remain in effect unless it is disapproved. Ordinances of counties and local units of government shall provide for the enforcement of any designation of facilities by the counties under chapter 115A. *Ordinances of counties and local governments may require that haulers deliver unprocessed mixed municipal solid waste to processing facilities and may prohibit haulers from delivering unprocessed mixed municipal solid waste to land disposal facilities for final disposal.* Nothing in this subdivision shall be construed to limit the authority of the local government unit to regulate and license collectors of solid waste or to require review or approval by the council for ordinances regulating collection.

Sec. 31. Minnesota Statutes 1992, section 473.811, subdivision 5a, is amended to read:

Subd. 5a. [ORDINANCES; SOLID WASTE FACILITIES.] Each metropolitan county shall by ordinance establish and from time to time revise rules, regulations, and standards for solid waste facilities within the county, relating to location, sanitary operation, periodic inspection and monitoring, maintenance, termination and abandonment, and other pertinent matters. The county ordinance may require facilities accepting mixed municipal solid waste for disposal to install scales. *The county ordinance may prohibit land disposal facilities from accepting unprocessed mixed municipal solid waste for final disposal.* The county ordinance shall require permits or licenses for solid waste facilities and shall require that such facilities be registered with a county office.

Sec. 32. [473.812] [RECORDS; INSPECTION.]

For the enforcement of section 473.811, a metropolitan county that does not have a designation ordinance in effect has the authority and responsibilities for records inspection provided in section 115A.882."

Page 18, after line 17, insert:

"Sec. 35. [473.8445] [ADDITIONAL FEE AUTHORITY.]

(a) In addition to the county fee authority in section 115A.919, a county in the metropolitan area may impose a fee, by cubic yard of waste or its equivalent, on operators of facilities for the:

(1) disposal of industrial waste;

(2) disposal of ash from combustion of solid waste, or solid waste mixed with other combustible material; and

(3) transfer of solid waste to a disposal facility as defined in section 115A.03.

The fee may not exceed \$7.50 per cubic yard or \$25 per ton. The revenue from the fees shall be used only for those purposes allowed under section 115A.919.

(b) A county that imposes a fee on operators of facilities for the transfer of solid waste to a disposal facility may not impose a fee under section 115A.919 on the operator of a disposal facility for the disposal of the same waste."

Page 19, line 27, after "unless" insert "the waste disposal facility has liners and a leachate collection system that meet current federal and state minimum requirements for the design, construction, and operation of a new disposal facility for the type of solid waste being disposed and"

Page 20, after line 4, insert:

"Sec. 39. Minnesota Statutes 1993 Supplement, section 473.848, subdivision 2, is amended to read:

Subd. 2. [COUNTY CERTIFICATION; COUNCIL APPROVAL.] (a) By April 1 of each year, each county shall submit an annual certification report to the council detailing:

(1) the quantity of waste generated in the county that was not processed prior to transfer to a disposal facility during the year preceding the report;

(2) the reasons the waste was not processed;

(3) a strategy for development of techniques to ensure processing of waste including a specific timeline for implementation of those techniques; and

(4) any progress made by the county in reducing the amount of unprocessed waste.

The report shall be included in the county report required by section 473.803, subdivision 3.

(b) The council shall approve a county's certification report if it determines that the county is reducing and will continue to reduce the amount of unprocessed waste, based on the report and the county's progress in development and implementation of techniques to reduce the amount of unprocessed waste transferred to disposal facilities. *When reviewing a county's report, the council shall take into consideration the county's efforts to encourage the private ownership, operation, and financing of solid waste facilities.* If the council does not approve a county's report, it shall negotiate with the county to develop and implement specific techniques to reduce unprocessed waste. If the council does not approve two or more consecutive reports from any one county, the council shall develop specific reduction techniques that are designed for the particular needs of the county. The county shall implement those techniques by specific dates to be determined by the council.

Sec. 40. Minnesota Statutes 1992, section 473.848, subdivision 5, is amended to read:

Subd. 5. [DEFINITION.] For the purpose of this section, waste is "unprocessed" if it has not, after collection and before disposal, undergone at least one process, as defined in section 115A.03, subdivision 25, excluding

~~storage, exchange, and transfer of the waste separation of materials for recycling or resource recovery through composting or converting waste to energy or refuse-derived fuel so that the weight of the waste remaining that must be disposed of in a mixed municipal solid waste disposal facility is not more than 35 percent of the weight before processing, on an annual average.~~"

Page 21, after line 32, insert:

"Sec. 44. [ANTIFREEZE RECYCLING; REPORT.]

By October 1, 1995, the director of the office of waste management, in consultation with the commissioner of the pollution control agency and other interested parties, shall submit to the legislative commission on waste management a report that:

(1) describes the current market for recycled antifreeze, how the market has developed, and emerging trends;

(2) identifies barriers to and opportunities for expanding the market for recycled antifreeze; and

(3) contains recommendations for legislative and other actions to improve the management of used antifreeze."

Page 22, line 2, after "7" insert ", 20," and delete "23" and insert "26"

Page 22, line 4, delete "28" and insert "37"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 10, after "waste" insert "antifreeze and"

Page 1, line 13, after the semicolon, insert "clarifying the prohibition on toxics in products and providing for exemptions;"

Page 1, line 15, delete "services" and insert "servicers"

Page 1, line 20, after the semicolon, insert "authorizing private ownership of solid waste facilities; permitting counties and local governments to impose certain conditions on disposal of unprocessed solid waste; authorizing counties to require record keeping; adding requirements for liners and leachate systems;"

Page 1, line 25, after the semicolon, insert "requiring a report on recycled antifreeze;"

Page 1, line 28, after the second semicolon, insert "115A.9157, subdivisions 4 and 5;"

Page 1, line 32, after the second semicolon, insert "473.803, subdivisions 1 and 1c; 473.811, subdivisions 5 and 5a;"

Page 1, line 34, delete "subdivision 1" and insert "subdivisions 1 and 5"

Page 1, line 36, after the third semicolon, insert "115A.9651;"

Page 1, line 38, delete "and" and after the second semicolon, insert "and 473.848, subdivision 2;"

Page 1, line 39, delete "chapter 116" and insert "chapters 116; and 473"

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

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

S.F. No. 1898: A bill for an act relating to insurance; health; requiring coverage for equipment and supplies for the management and treatment of diabetes; proposing coding for new law in Minnesota Statutes, chapter 62A.

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

Page 1, line 14, delete "and" and insert "or" and delete everything after "provisions"

Page 1, line 15, delete everything before "A" and insert "*applicable to the plan's hospital, medical expense, or prescription drug benefits.*"

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Mr. Solon from the Committee on Commerce and Consumer Protection, to which was referred the following appointment as reported in the Journal for February 22, 1994:

DEPARTMENT OF COMMERCE COMMISSIONER

James E. Ulland

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

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

Mr. Mondale, for Mrs. Adkins, from the Committee on Metropolitan and Local Government, to which was referred the following appointment as reported in the Journal for May 12, 1993:

METROPOLITAN TRANSIT COMMISSION

Allyson Hartle

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

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

Mr. Mondale, for Mrs. Adkins, from the Committee on Metropolitan and

Local Government, to which were referred the following appointments as reported in the Journal for February 22, 1994:

METROPOLITAN COUNCIL

Roger Scherer
 Bill Schreiber
 Mary Smith
 Julius Smith
 Martha Head
 Carol A. Kummer
 David Hartley
 Patrick Leung
 Esther Newcome
 E. Craig Morris
 Diane "Dede" Wolfson
 Stephen Wellington, Jr.
 Kevin Howe
 Terrence Flower

METROPOLITAN TRANSIT COMMISSION

Frank Snowden

REGIONAL TRANSIT BOARD

Sharon Feess
 N. Harry Mares
 Gary Humphrey
 Michael Beard
 Ruby Hunt
 Morgan Grant

**REGIONAL TRANSIT BOARD
 CHAIR**

Sally Evert

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

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

Mr. Mondale, for Mrs. Adkins, from the Committee on Metropolitan and Local Government, to which was referred the following appointment as reported in the Journal for March 2, 1994:

METROPOLITAN TRANSIT COMMISSION

Todd Paulson

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

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

Mr. Mondale, for Mrs. Adkins, from the Committee on Metropolitan and Local Government, to which was referred the following appointment as reported in the Journal for March 2, 1994:

METROPOLITAN TRANSIT COMMISSION

Robert Mairs

Reports the same back with the recommendation that the appointment not be confirmed.

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

Mr. Marty from the Committee on Ethics and Campaign Reform, to which was referred

H.F. No. 1863: A bill for an act relating to ethics in government; providing for the house and senate ethics committees to perform specified duties in ethics leadership; changing various lobbyist and principal reporting requirements; prescribing penalties; amending Minnesota Statutes 1992, section 10A.04, subdivisions 4, 5, and 6; proposing coding for new law in Minnesota Statutes, chapters 3; and 10A.

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

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1992, section 10A.02, subdivision 12, is amended to read:

Subd. 12. [ADVISORY OPINIONS.] (a) The board may issue and publish advisory opinions on the requirements of this chapter based upon real or hypothetical situations. An application for an advisory opinion may be made only by an individual or association who wishes to use the opinion to guide the individual's or the association's own conduct. The board shall issue written opinions on all such questions submitted to it within 30 days after receipt of written application, unless a majority of the board agrees to extend the time limit. ~~Am~~

(b) ~~A written advisory opinion shall lapse the day the regular session of the legislature adjourns in the second year following the date of the opinion.~~ issued by the board is binding on the board in any subsequent board proceeding concerning the person making or covered by the request and is a defense in a judicial proceeding that involves the subject matter of the opinion and is brought against the person making or covered by the request unless:

(1) the board has amended or revoked the opinion before the initiation of the board or judicial proceeding, has notified the person making or covered by the request of its action, and has allowed at least 30 days for the person to do anything that might be necessary to comply with the amended or revoked opinion;

(2) *the request has omitted or misstated material facts; or*

(3) *the person making or covered by the request has not acted in good faith in reliance on the opinion.*

(c) *A request for an opinion and the opinion itself are nonpublic data. The board, however, may publish an opinion or a summary of an opinion, but may not include in the publication the name of the requester, the name of a person covered by a request from an agency or political subdivision, or any other information that might identify the requester unless the person consents to the inclusion.*

Sec. 2. Minnesota Statutes 1992, section 10A.04, subdivision 4, is amended to read:

Subd. 4. (a) The report shall include such information as the board may require from the registration form and the information required by this subdivision for the reporting period.

(b) Each lobbyist shall report the lobbyist's total disbursements on lobbying, separately listing lobbying to influence legislative action, lobbying to influence administrative action, and lobbying to influence the official actions of a metropolitan governmental unit, and a breakdown of disbursements for each of those kinds of lobbying into categories specified by the board, including but not limited to the cost of publication and distribution of each publication used in lobbying; other printing; media, including the cost of production; postage; travel; fees, including allowances; entertainment; telephone and telegraph; and other expenses.

(c) Each lobbyist shall report the amount and nature of each honorarium, gift, loan, item or benefit, excluding contributions to a candidate, equal in value to \$50 \$5 or more, given or paid to any public or local official by the lobbyist or any employer or any employee of the lobbyist. The list shall include the name and address of each public or local official to whom the honorarium, gift, loan, item or benefit was given or paid and the date it was given or paid. *A lobbyist need report only the aggregate amount and nature of food or beverages given or made available to all members of the legislature or a house of the legislature or to all members of a local legislative body, along with the name of the legislative body and the date it was given or made available.*

(d) Each lobbyist shall report each original source of funds in excess of \$500 in any year used for the purpose of lobbying to influence legislative action, each such source of funds used to influence administrative action, and each such source of funds used to influence the official action of metropolitan governmental units. The list shall include the name, address and employer, or, if self-employed, the occupation and principal place of business, of each payer of funds in excess of \$500.

Sec. 3. [10A.071] [CERTAIN GIFTS BY LOBBYISTS AND PRINCIPALS PROHIBITED.]

Subdivision 1. [DEFINITIONS.] (a) The definitions in this subdivision apply to this section.

(b) *"Gift" means money, real or personal property, a service, a loan, a forbearance or forgiveness of indebtedness, or a promise of future employ-*

ment, that is given and received without the giver receiving consideration of equal or greater value in return.

(c) "Official" means a public official, an employee of the legislature, or a local official of a metropolitan governmental unit.

Subd. 2. [PROHIBITION.] A lobbyist or principal may not give a gift or request another to give a gift to an official. An official may not accept a gift from a lobbyist or principal.

Subd. 3. [EXCEPTIONS.] (a) The prohibitions in this section do not apply if the gift is:

(1) a contribution as defined in section 10A.01, subdivision 7;

(2) services to assist an official in the performance of official duties, including but not limited to providing advice, consultation, information, and communication in connection with legislation, and services to constituents;

(3) services of insignificant monetary value;

(4) a plaque or similar memento recognizing individual services in a field of specialty or to a charitable cause;

(5) a trinket or memento of insignificant value;

(6) informational material of unexceptional value; or

(7) food or a beverage given at a reception, meal, or meeting away from the recipient's place of work.

(b) The prohibitions in this section do not apply if the gift is given:

(1) because of the recipient's membership in a group, a majority of whose members are not officials, and an equivalent gift is given to the other members of the group; or

(2) by a lobbyist or principal who is a member of the family of the recipient, unless the gift is given on behalf of someone who is not a member of that family.

Sec. 4. [471.895] [CERTAIN GIFTS BY INTERESTED PERSONS PROHIBITED.]

Subdivision 1. [DEFINITIONS.] (a) The definitions in this subdivision apply to this section.

(b) "Gift" has the meaning given it in section 10A.071, subdivision 1.

(c) "Interested person" means a person or a representative of a person or association that has a direct financial interest in a decision that a local official is authorized to make.

(d) "Local official" means an elected or appointed official of a county or city or of an agency, authority, or instrumentality of a county or city.

Subd. 2. [PROHIBITION.] An interested person may not give a gift or request another to give a gift to a local official. A local official may not accept a gift from an interested person.

Subd. 3. [EXCEPTIONS.] (a) The prohibitions in this section do not apply if the gift is:

(1) a contribution as defined in section 211A.01, subdivision 5;

(2) services to assist an official in the performance of official duties, including but not limited to providing advice, consultation, information, and communication in connection with legislation, and services to constituents;

(3) services of insignificant monetary value;

(4) a plaque or similar memento recognizing individual services in a field of specialty or to a charitable cause;

(5) a trinket or memento of insignificant value;

(6) informational material of unexceptional value; or

(7) food or a beverage given at a reception, meal, or meeting away from the recipient's place of work.

(b) The prohibitions in this section do not apply if the gift is given:

(1) because of the recipient's membership in a group, a majority of whose members are not local officials, and an equivalent gift is given to the other members of the group; or

(2) by an interested person who is a member of the family of the recipient, unless the gift is given on behalf of someone who is not a member of that family."

Delete the title and insert:

"A bill for an act relating to ethics in government; requiring lobbyists to report gifts of \$5 or more; prohibiting gifts by lobbyists and interested persons to certain officials under certain conditions; revising procedure for advisory opinions; amending Minnesota Statutes 1992, sections 10A.02, subdivision 12; and 10A.04, subdivision 4; proposing coding for new law in Minnesota Statutes, chapters 10A; and 471."

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

SECOND READING OF SENATE BILLS

S.F. Nos. 1750, 1788 and 1898 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. No. 1863 was read the second time.

MOTIONS AND RESOLUTIONS

Mr. Benson, D.D. moved that the name of Ms. Runbeck be added as a co-author to S.F. No. 1720. The motion prevailed.

Mr. Solon moved that the name of Mr. Oliver be added as a co-author to S.F. No. 1847. The motion prevailed.

Mr. Sams moved that the name of Mr. Dille be added as a co-author to S.F. No. 1857. The motion prevailed.

Ms. Pappas moved that her name be stricken as chief author, shown as a

co-author, and the name of Ms. Kiscaden be shown as chief author to S.F. No. 1863. The motion prevailed.

Mr. Metzen moved that the name of Mr. Price be added as a co-author to S.F. No. 1866. The motion prevailed.

Mr. Beckman moved that the name of Mr. Hottinger be added as a co-author to S.F. No. 1954. The motion prevailed.

Mr. Terwilliger moved that the name of Ms. Runbeck be added as a co-author to S.F. No. 2127. The motion prevailed.

Mr. Stevens moved that the names of Mr. Mondale and Ms. Johnson, J.B. be added as co-authors to S.F. No. 2149. The motion prevailed.

Mr. Moe, R.D. moved that the name of Ms. Berglin be added as a co-author to S.F. No. 2171. The motion prevailed.

Mr. Bertram moved that the name of Mr. Stevens be added as a co-author to S.F. No. 2234. The motion prevailed.

Mr. Lessard moved that the names of Messrs. Finn and Samuelson be added as co-authors to S.F. No. 2235. The motion prevailed.

Mr. Johnson, D.E. moved that S.F. No. 1633 be withdrawn from the Committee on Jobs, Energy and Community Development and returned to its author. The motion prevailed.

Mr. Price moved that S.F. No. 1686 be withdrawn from the Committee on Transportation and Public Transit and returned to its author. The motion prevailed.

Mr. Chandler moved that S.F. No. 1882 be withdrawn from the Committee on Governmental Operations and Reform and returned to its author. The motion prevailed.

Mr. Knutson introduced—

Senate Resolution No. 62: A Senate resolution congratulating the Dakota United adapted soccer team on winning the first Minnesota State High School League sponsored state physical or health impaired soccer tournament.

Referred to the Committee on Rules and Administration.

Mr. Chandler introduced—

Senate Resolution No. 63: A Senate resolution congratulating Mindy Myhre, Mahtomedi High School, on winning her fourth consecutive Class A all-around championship.

Referred to the Committee on Rules and Administration.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Mr. Kelly, Mses. Johnston and Ranum introduced—

S.F. No. 2238: A bill for an act relating to claims against the state; requiring verification of certain safety training and standards before payment by the state for injuries suffered by certain claimants supervised by local government agencies; amending Minnesota Statutes 1992, section 3.739, subdivision 2.

Referred to the Committee on Crime Prevention.

Messrs. Merriam, Morse, Ms. Hanson, Mr. Lessard and Mrs. Benson, J.E. introduced—

S.F. No. 2239: A bill for an act relating to the environment; establishing an alternative cleanup program for mixed municipal solid waste landfills; authorizing issuance of state bonds; providing penalties; appropriating money; amending Minnesota Statutes 1993 Supplement, sections 115B.42, subdivision 2; and 116.07, subdivision 10; proposing coding for new law in Minnesota Statutes, chapter 115B.

Referred to the Committee on Environment and Natural Resources.

Messrs. Pogemiller and Terwilliger introduced—

S.F. No. 2240: A bill for an act relating to retirement; providing for level benefits for the Minneapolis police relief association; changing the definition of surviving spouses eligible for benefits; amending Minnesota Statutes 1992, section 423B.09, subdivision 1; Minnesota Statutes 1993 Supplement, section 423B.10, subdivision 1.

Referred to the Committee on Governmental Operations and Reform.

Mr. Pogemiller and Ms. Flynn introduced—

S.F. No. 2241: A bill for an act relating to the city of Minneapolis; clarifying the procedures that may be used in assessing special assessments.

Referred to the Committee on Metropolitan and Local Government.

Ms. Ranum, Messrs. McGowan and Kelly introduced—

S.F. No. 2242: A bill for an act relating to crimes; defining escaping while held in lawful custody to include absconding from electronic monitoring devices; amending Minnesota Statutes 1992, section 609.485, subdivision 2.

Referred to the Committee on Crime Prevention.

Mr. Samuelson introduced—

S.F. No. 2243: A bill for an act relating to motor vehicles; requiring the registrar of motor vehicles to appoint a deputy registrar in the city of Crosby.

Referred to the Committee on Transportation and Public Transit.

Mr. Samuelson introduced—

S.F. No. 2244: A bill for an act relating to wetlands; providing an exemption to replacement plans for wetlands within certain cities; amending Minnesota Statutes 1993 Supplement, section 103G.2241.

Referred to the Committee on Environment and Natural Resources.

Messrs. Janezich; Johnson, D.J.; Solon and Samuelson introduced—

S.F. No. 2245: A bill for an act relating to capital improvements; appropriating money to the higher education board to plan for the colocation of the Range technical college and the Hibbing community college at the Hibbing community college site; authorizing the sale of state bonds.

Referred to the Committee on Education.

Messrs. Murphy and Morse introduced—

S.F. No. 2246: A bill for an act relating to natural resources; authorizing the exchange of certain state lands in Wabasha and Fillmore counties under certain conditions.

Referred to the Committee on Environment and Natural Resources.

Messrs. Sams; Bertram; Johnson, D.E.; Dille and Berg introduced—

S.F. No. 2247: A bill for an act relating to agriculture; changing the law on nuisance liability of agricultural operations; amending Minnesota Statutes 1992, section 561.19, subdivisions 1, 2, and by adding a subdivision.

Referred to the Committee on Agriculture and Rural Development.

Mr. Frederickson, Meses. Wiener; Johnson, J.B.; Lesewski and Mr. Johnson, D.E. introduced—

S.F. No. 2248: A bill for an act relating to employment; appropriating money for the displaced homemaker program.

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

Messrs. Benson, D.D.; Moe, R.D.; Ms. Kiscaden, Mrs. Benson, J.E. and Ms. Robertson introduced—

S.F. No. 2249: A bill for an act relating to human services; directing the commissioner to seek waivers of federal restrictions on lump sum payments for medical services.

Referred to the Committee on Health Care.

Mr. Metzen introduced—

S.F. No. 2250: A bill for an act relating to retirement; enabling certain retired members of the public employees retirement association to rescind a selection of a joint and survivor annuity and to receive a normal retirement annuity.

Referred to the Committee on Governmental Operations and Reform.

Messrs. Solon; Johnson, D.J.; Ms. Pappas and Mr. Kroening introduced—

S.F. No. 2251: A bill for an act relating to retirement; first class city teachers; defining salary; authorizing purchase of service credit for parental or maternity leave; resumption of teaching by basic program retirees; amending Minnesota Statutes 1992, sections 354A.011, subdivision 24; 354A.095; and 354A.31, subdivision 3.

Referred to the Committee on Governmental Operations and Reform.

Messrs. Samuelson; Kroening; Janezich; Johnson, D.E. and McGowan introduced—

S.F. No. 2252: A bill for an act relating to the lottery; authorizing and regulating the use of video lottery machines for the play of pull-tabs; regulating video lottery manufacturers, distributors, operators, and licensed establishments; abolishing the use of paper pull-tabs as of January 1, 1996; setting fees; authorizing rules, including exempt rules; prescribing penalties; proposing coding for new law in Minnesota Statutes, chapter 349A.

Referred to the Committee on Gaming Regulation.

Messrs. Finn, Riveness, Frederickson, Novak and Laidig introduced—

S.F. No. 2253: A bill for an act relating to natural resources; authorizing departmental sponsored competition in natural resources conservation related activities; proposing coding for new law in Minnesota Statutes, chapter 84.

Referred to the Committee on Environment and Natural Resources.

Messrs. Luther, Price, Laidig, Ms. Krentz and Mr. Chandler introduced—

S.F. No. 2254: A bill for an act relating to capital improvements; appropriating money for the state's commitment to scenic easement acquisition under the federal Lower St. Croix River Act of 1972; authorizing the issuance of state bonds.

Referred to the Committee on Environment and Natural Resources.

Messrs. Luther, Solon and Larson introduced—

S.F. No. 2255: A bill for an act relating to insurance; requiring the commissioner of commerce to conduct a study of pollution coverage in Minnesota farm liability policies and report to the legislature.

Referred to the Committee on Commerce and Consumer Protection.

Messrs. Luther and Moe, R.D. introduced—

S.F. No. 2256: A bill for an act relating to the metropolitan waste control commission; reducing the salary range of the chair; providing for a part-time chair; amending Minnesota Statutes 1992, sections 15A.081, subdivision 7; and 473.503.

Referred to the Committee on Metropolitan and Local Government.

Messrs. McGowan, Belanger, Mses. Kiscaden, Robertson and Runbeck introduced—

S.F. No. 2257: A bill for an act relating to human services; appropriating money for the child care fund.

Referred to the Committee on Family Services.

Messrs. Metzen; Luther; Moe, R.D.; Riveness and Stumpf introduced—

S.F. No. 2258: A bill for an act relating to state government; public employment; establishing a pilot project in certain agencies; permitting the waiver of rules governing the classified and unclassified service of the state by joint committees.

Referred to the Committee on Governmental Operations and Reform.

Messrs. Metzen; Luther; Moe, R.D. and Riveness introduced—

S.F. No. 2259: A bill for an act relating to state government; establishing positions of secretaries to lead executive offices; assigning duties; requiring appointments; proposing coding for new law as Minnesota Statutes, chapter 4B.

Referred to the Committee on Governmental Operations and Reform.

Mses. Johnston, Lesewski, Mr. Dille, Ms. Olson and Mr. Vickerman introduced—

S.F. No. 2260: A bill for an act relating to public safety; making technical corrections; allowing special, coded license plates to be issued, following impoundment of former plates, to licensed driver identified by vehicle's registered owner; requiring department of public safety to keep records for five years of cancellations and disqualifications of drivers' licenses, unless rescinded; classifying offenses of following too closely and erratic lane change as serious traffic offenses for purposes of disqualifying driver from operating commercial motor vehicle; requiring same waiting period for Minnesota limited driver's license whether offense was committed in Minnesota or in another state; amending Minnesota Statutes 1992, sections 168.042, subdivision 12; 171.12, subdivisions 1, 3, and 3a; 171.165, subdivision 4; and 260.151, subdivision 1; Minnesota Statutes 1993 Supplement, sections 171.22, subdivision 1; 171.29, subdivision 2; and 171.30, subdivision 2a.

Referred to the Committee on Transportation and Public Transit.

Ms. Pappas and Mr. Pogemiller introduced—

S.F. No. 2261: A bill for an act relating to taxation; income; allowing a lead abatement credit; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 290.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Sams, Stevens, Day, Langseth and Samuelson introduced—

S.F. No. 2262: A bill for an act relating to local government; removing notice requirements for emergency on-site inspections by town boards; amending Minnesota Statutes 1992, section 366.01, subdivision 11.

Referred to the Committee on Metropolitan and Local Government.

Messrs. Sams, Samuelson and Pogemiller introduced—

S.F. No. 2263: A bill for an act relating to education; setting transportation aid for independent school district No. 793, Staples, for residents of independent school district No. 483, Motley.

Referred to the Committee on Education.

Ms. Runbeck, Mr. Laidig and Ms. Hanson introduced—

S.F. No. 2264: A bill for an act relating to education; increasing the general education formula allowance; repealing supplemental revenue; removing the expiration of referendum levies; modifying the class size reduction program; eliminating the referendum revenue reduction; amending Minnesota Statutes 1992, section 124A.22, subdivision 1; Minnesota Statutes 1993 Supplement, sections 124A.03, subdivision 1c; 124A.22, subdivision 2; 124A.225, subdivisions 1 and 4; repealing Minnesota Statutes 1992, section 124A.22, subdivisions 8, 8a, and 8b; Minnesota Statutes 1993 Supplement, sections 124A.03, subdivision 3b; and 124A.22, subdivision 9; Laws 1993, chapter 224, article 1, section 37.

Referred to the Committee on Education.

Ms. Runbeck introduced—

S.F. No. 2265: A bill for an act relating to alcoholic beverages; imposing restrictions on certain sales practices during certain hours; proposing coding for new law in Minnesota Statutes, chapter 340A.

Referred to the Committee on Commerce and Consumer Protection.

Mr. Hottinger, Ms. Kiscaden, Messrs. Solon and Spear introduced—

S.F. No. 2266: A bill for an act relating to insurance; utilization review; making utilization review for workers' compensation health care subject to state regulation; amending Minnesota Statutes, sections 62M.01, subdivision 2; 62M.02, subdivisions 6, 12, and 21; and 62M.15.

Referred to the Committee on Commerce and Consumer Protection.

Messrs. Samuelson, Solon, Metzen and Day introduced—

S.F. No. 2267: A bill for an act relating to real estate; authorizing title insurance companies governed by chapter 68A, or their appointed agents to discharge, release, or satisfy mortgages; amending Minnesota Statutes 1992, section 507.40.

Referred to the Committee on Commerce and Consumer Protection.

Messrs. Bertram; Johnson, D.J.; Ms. Flynn, Messrs. Sams and Langseth introduced—

S.F. No. 2268: A bill for an act relating to tax increment financing; authorizing the establishment of manufacturing districts; proposing coding for new law in Minnesota Statutes, chapter 469.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Solon, Larson, Price, Janezich and Luther introduced—

S.F. No. 2269: A bill for an act relating to occupations and professions; heating, ventilating, cooling, fuel burning, or refrigeration systems, incinerators or other heat producing piping or equipment, and air cooling or air filtering equipment; providing for the licensing and regulating of contractors and installers; creating a board and prescribing its powers and duties; providing appointments; providing rulemaking; prescribing penalties; appro-

priating money; proposing coding for new law as Minnesota Statutes, chapter 326A.

Referred to the Committee on Commerce and Consumer Protection.

Ms. Ranum, Mr. Laidig, Ms. Anderson, Messrs. Marty and Spear introduced—

S.F. No. 2270: A bill for an act relating to crime prevention; child abuse; providing a separate definition of "mentally incapacitated" for certain victims under 18; expanding first-degree criminal sexual conduct to cover sexual contact with a child under 13; increasing the penalty for fifth-degree assault and malicious punishment of a child under three; amending Minnesota Statutes 1992, sections 609.224, by adding a subdivision; 609.341, subdivisions 7, 11, and 12; 609.342, subdivision 1; and 609.377; Minnesota Statutes 1993 Supplement, section 609.345, subdivision 1.

Referred to the Committee on Crime Prevention.

Messrs. Stevens, Chandler, Knutson, Mses. Robertson and Piper introduced—

S.F. No. 2271: A bill for an act relating to family law; requiring publication of names of certain delinquent child support obligors; proposing coding for new law in Minnesota Statutes, chapter 518.

Referred to the Committee on Family Services.

Mr. Janezich introduced—

S.F. No. 2272: A bill for an act relating to horse racing; regulating licenses, purses, proceeds, and the breeders' fund; amending Minnesota Statutes 1992, sections 240.091, subdivision 1; 240.13, subdivision 5; 240.15, subdivision 6; and 240.18, subdivision 1.

Referred to the Committee on Gaming Regulation.

Ms. Krentz, Messrs. Dille, Sams; Mses. Wiener and Kiscaden introduced—

S.F. No. 2273: A bill for an act relating to health; developing a program for teens with a goal of reducing teen pregnancy; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 145.

Referred to the Committee on Health Care.

Ms. Piper and Mr. Beckman introduced—

S.F. No. 2274: A bill for an act relating to Freeborn county; permitting the appointment of the recorder and auditor/treasurer; authorizing the reorganization of county offices.

Referred to the Committee on Metropolitan and Local Government.

Mr. Solon, Ms. Piper, Messrs. Samuelson, Riveness and Benson, D.D. introduced—

S.F. No. 2275: A bill for an act relating to human services; adjusting

reimbursement rates for special transportation services; amending Minnesota Statutes 1993 Supplement, section 256B.0625, subdivision 17.

Referred to the Committee on Health Care.

Mr. Pogemiller and Ms. Olson introduced—

S.F. No. 2276: A bill for an act relating to retirement; adding Hennepin county paramedics and emergency medical technicians to membership in the public employees police and fire fund; amending Minnesota Statutes 1992, section 353.64, by adding a subdivision.

Referred to the Committee on Governmental Operations and Reform.

Messrs. Merriam and Riveness introduced—

S.F. No. 2277: A bill for an act relating to metropolitan waste control commission; authorizing the commission to enter into agreements to implement total watershed management; proposing coding for new law in Minnesota Statutes, chapter 473.

Referred to the Committee on Environment and Natural Resources.

Messrs. Chmielewski, Murphy and Johnson, D.E. introduced—

S.F. No. 2278: A bill for an act relating to public safety; increasing fee for motor vehicle transfers and dedicating proceeds to pay for state patrol vehicles; establishing state patrol motor vehicle account and appropriating money in the account; amending Minnesota Statutes 1992, section 168A.29, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 299D.

Referred to the Committee on Transportation and Public Transit.

Messrs. Samuelson and Sams introduced—

S.F. No. 2279: A bill for an act relating to human services; allowing regional treatment centers to provide services to outpatients and day care patients; amending Minnesota Statutes 1992, section 246.50, subdivision 5.

Referred to the Committee on Health Care.

Mr. Beckman introduced—

S.F. No. 2280: A bill for an act relating to human services; appropriating money for the child care fund.

Referred to the Committee on Family Services.

Mr. Finn introduced—

S.F. No. 2281: A bill for an act relating to education; authorizing school district No. 118, Remer-Longville, to transfer funds from bus purchase fund to capital expenditure fund.

Referred to the Committee on Education.

Mr. Finn introduced—

S.F. No. 2282: A bill for an act relating to taxation; allowing accelerated depreciation for certain property on Indian reservations; allowing a subtraction from federal taxable income for wages claimed under the Indian employment credit; amending Minnesota Statutes 1992, section 290.01, subdivisions 19b and 19d; Minnesota Statutes 1993 Supplement, section 290.01, subdivision 19.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Moe, R.D. and Stumpf introduced—

S.F. No. 2283: A bill for an act relating to agriculture; expanding the restricted seed potato growing area; amending Minnesota Statutes 1992, section 21.1196, subdivision 1.

Referred to the Committee on Agriculture and Rural Development.

Messrs. Novak, Riveness, Mondale, Ms. Robertson and Mr. Price introduced—

S.F. No. 2284: A bill for an act relating to education; repealing the expiration of existing referendum authority; repealing Laws 1993, chapter 224, article 1, section 37.

Referred to the Committee on Education.

Ms. Krentz and Mr. Novak introduced—

S.F. No. 2285: A bill for an act relating to employment; making clear that employee includes "at will" and "at pleasure" employees under the whistleblower law; amending Minnesota Statutes 1992, section 181.931, subdivision 2.

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

Mr. Murphy introduced—

S.F. No. 2286: A bill for an act relating to health care; providing an additional payment to certain persons with mental retardation or related conditions; appropriating money; amending Minnesota Statutes 1992, section 256B.501, by adding a subdivision.

Referred to the Committee on Health Care.

Mr. Bertram introduced—

S.F. No. 2287: A bill for an act relating to civil proceedings; expanding parties eligible for fees and expenses in certain proceedings involving the state; amending Minnesota Statutes 1992, section 3.761, subdivision 6.

Referred to the Committee on Judiciary.

Mr. Stumpf introduced—

S.F. No. 2288: A bill for an act relating to retirement; making various administrative and minor substantive changes in the laws governing the Minnesota state retirement system, the public employees retirement association, and the teachers retirement association; amending Minnesota Statutes

1992, sections 176.021, subdivision 7; 352.01, subdivisions 11 and 13; 352.04, subdivisions 2 and 3; 352.119, by adding a subdivision; 352D.04, subdivision 2; 353.03, subdivisions 1 and 3a; 353.33, subdivisions 5 and 7; 353.656, subdivisions 2 and 4; 354.05, subdivisions 2, 21, 22, 35, and by adding subdivisions; 354.06, subdivisions 2a and 4; 354.071, subdivision 5; 354.091; 354.10, subdivisions 1 and 2; 354.42, subdivisions 3 and 5; 354.44, subdivisions 1a, 4, 5, and 5a; 354.47; 354.48, subdivision 2; 354.49, subdivision 1; 354.50, subdivision 1; 354.52, subdivisions 2, 2a, 4, and by adding subdivisions; 354.66, subdivisions 2, 3, and by adding a subdivision; and 356.30, subdivision 1; Minnesota Statutes 1993 Supplement, sections 3A.02, subdivision 5; 352.22, subdivision 2; 352.93, subdivision 2a; 352.96, subdivision 4; 352B.08, subdivision 2a; 352D.02, subdivision 1a; 353.01, subdivisions 10, 12a, 16, and 28; 353.017, by adding a subdivision; 353.27, subdivision 7; 353.33, subdivisions 11 and 12; 353.37, subdivisions 1, 2, and 4; 353.65, subdivision 3a; 353.656, subdivision 6a; 353A.08, subdivision 3; 354.05, subdivision 8; and 354.46, subdivisions 1 and 5; proposing coding for new law in Minnesota Statutes, chapter 354; repealing Minnesota Statutes 1992, sections 352.15, subdivision 2; 352D.09, subdivision 6; 354.05, subdivisions 15 and 29; 354.43, subdivision 3; 354.57; 354.65; and 356.18.

Referred to the Committee on Governmental Operations and Reform.

Mr. Merriam introduced—

S.F. No. 2289: A bill for an act relating to the environment; authorizing a person who wishes to construct or expand an air emission facility to reimburse certain costs of the pollution control agency; amending Minnesota Statutes 1992, section 116.07, subdivision 4d.

Referred to the Committee on Environment and Natural Resources.

Mr. Merriam introduced—

S.F. No. 2290: A bill for an act relating to finance; requiring executive budget officers to more closely monitor state agency receipts and expenditures and compliance with budget guidelines; making executive budget officers more independent from the agencies they oversee; amending Minnesota Statutes 1992, sections 16A.055, subdivision 4; and 16A.06, subdivision 6; Minnesota Statutes 1993 Supplement, section 16A.055, subdivision 1.

Referred to the Committee on Governmental Operations and Reform.

Mr. Merriam introduced—

S.F. No. 2291: A bill for an act relating to attorneys-at-law; prohibiting fees for public bond counsel from being based primarily on the amount of bonds sold; proposing coding for new law in Minnesota Statutes, chapter 481.

Referred to the Committee on Judiciary.

Mr. Merriam introduced—

S.F. No. 2292: A bill for an act relating to military affairs; expediting payment to forces ordered to active duty; amending Minnesota Statutes 1992, section 192.52.

Referred to the Committee on Veterans and General Legislation.

Mr. Kelly introduced—

S.F. No. 2293: A bill for an act relating to economic development; establishing a micro business loan pilot program; appropriating money.

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

Mr. Johnson, D.E. introduced—

S.F. No. 2294: A bill for an act relating to capital improvements; appropriating money for the Prairie Woods environmental learning center in Kandiyohi county; authorizing the sale of state bonds.

Referred to the Committee on Environment and Natural Resources.

Mrs. Pariseau, Messrs. Johnson, D.E. and Laidig introduced—

S.F. No. 2295: A bill for an act relating to the legislature; providing for its size in 2003 and thereafter; amending Minnesota Statutes 1992, sections 2.021; and 2.031, subdivision 1.

Referred to the Committee on Ethics and Campaign Reform.

Messrs. Bertram and Morse introduced—

S.F. No. 2296: A bill for an act relating to taxation; requiring casualty insurers to pay two percent of fire insurance premiums to the state for payments to firefighter relief associations; amending Minnesota Statutes 1992, section 60A.15, subdivision 1.

Referred to the Committee on Commerce and Consumer Protection.

Mr. Pogemiller introduced—

S.F. No. 2297: A bill for an act relating to elections; eliminating combined precincts but authorizing a combined polling place under the same conditions; adding three years to the time precinct boundaries may be changed; requiring separate precincts for each congressional district; limiting precinct boundary changes close to an election; amending Minnesota Statutes 1992, sections 204B.14, subdivisions 2 and 3; 204B.22, subdivision 1; and 205A.11; Minnesota Statutes 1993 Supplement, section 204B.14, subdivisions 4 and 5; repealing Minnesota Statutes 1992, sections 204B.14, subdivision 8; and 204B.16, subdivision 2.

Referred to the Committee on Ethics and Campaign Reform.

Messrs. Pogemiller; Moe, R.D.; Stumpf; Benson, D.D. and Johnson, D.J. introduced—

S.F. No. 2298: A bill for an act relating to state government; establishing a technical advisory council for the pollution control agency; establishing a task force to recommend a governmental structure for environmental and natural resource functions and services; requiring establishment of an employee participation committee before agency restructuring; abolishing the department of natural resources, the board of water and soil resources, the office of waste management, the pollution control agency, the environmental quality board, the harmful substances compensation board, the petroleum tank release compensation board, and the agricultural chemical response board; providing

for appointments; amending Minnesota Statutes 1992, section 116.02, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 116; repealing Minnesota Statutes 1992, section 116.02, subdivisions 2, 3, and 4.

Referred to the Committee on Environment and Natural Resources.

Mr. Langseth introduced—

S.F. No. 2299: A bill for an act relating to taxation; allowing certain border cities to exempt certain agricultural processing property; proposing coding for new law in Minnesota Statutes, chapter 469.

Referred to the Committee on Taxes and Tax Laws.

Mr. Langseth introduced—

S.F. No. 2300: A bill for an act relating to retirement; the teachers retirement association; permitting a retired individual the benefits of previous early retirement legislation.

Referred to the Committee on Governmental Operations and Reform.

Mr. Johnson, D.E. introduced—

S.F. No. 2301: A bill for an act relating to traffic regulations; prohibiting evidence of use or nonuse of headgear by motorcyclist involved in accident resulting in death; amending Minnesota Statutes 1992, section 169.974, subdivision 6.

Referred to the Committee on Judiciary.

Messrs. Stevens, Sams, Murphy, Ms. Hanson and Mr. Chmielewski introduced—

S.F. No. 2302: A bill for an act relating to agriculture; changing the minimum percentage of milk solids-not-fat in milk prepared for market; amending Minnesota Statutes 1992, section 32.391, subdivisions 1a, 1b, and 1c.

Referred to the Committee on Agriculture and Rural Development.

Ms. Pappas introduced—

S.F. No. 2303: A bill for an act relating to highway safety; requiring persons age 55 or over to complete a refresher course in accident prevention in order to remain eligible for a reduction in private passenger vehicle insurance rates; amending Minnesota Statutes 1992, section 65B.28.

Referred to the Committee on Transportation and Public Transit.

Messrs. Merriam, Morse, Lessard and Frederickson introduced—

S.F. No. 2304: A bill for an act relating to the environment; establishing a cleanup program for closed landfills; establishing an advisory committee; authorizing rulemaking; providing penalties; authorizing the sale of bonds; appropriating money; amending Minnesota Statutes 1992, section 115B.05, by adding a subdivision; Minnesota Statutes 1993 Supplement, sections 115B.42,

subdivision 2; and 116.07, subdivision 10; proposing coding for new law in Minnesota Statutes, chapter 115B.

Referred to the Committee on Environment and Natural Resources.

Messrs. Lessard and Chmielewski introduced—

S.F. No. 2305: A bill for an act relating to state lands; authorizing the sale of certain tax-forfeited lands that border public water in Aitkin county.

Referred to the Committee on Environment and Natural Resources.

Messrs. Lessard and Chmielewski introduced—

S.F. No. 2306: A bill for an act relating to taxation; providing a reduced class rate for commercial-industrial property owned by certain nonprofit community development organizations; amending Minnesota Statutes 1993 Supplement, section 273.13, subdivision 24.

Referred to the Committee on Taxes and Tax Laws.

Ms. Runbeck, Messrs. Kelly and Chandler introduced—

S.F. No. 2307: A bill for an act relating to public administration; capital improvements; authorizing sale of state bonds and appropriating money to finance expansion of two juvenile detention facilities in Ramsey county.

Referred to the Committee on Crime Prevention.

Messrs. Riveness, Morse, Metzen and Merriam introduced—

S.F. No. 2308: A bill for an act relating to retirement; establishing minimum qualifications for audits of police and fire relief associations; changing employer contribution rates for police and fire relief associations; establishing reporting requirements for certain public pension funds; requiring notice of meetings of relief associations and requiring meetings to be open to the public; amending Minnesota Statutes 1992, sections 69.051, subdivision 1; 69.77, subdivision 2b; and 424A.04, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 356.

Referred to the Committee on Governmental Operations and Reform.

Ms. Reichgott Junge introduced—

S.F. No. 2309: A bill for an act relating to civil actions; consolidating and recodifying statutes providing limitations on private personal injury liability; amending Minnesota Statutes 1992, section 144.761, subdivision 5; proposing coding for new law as Minnesota Statutes, chapter 604A; repealing Minnesota Statutes 1992, sections 31.50; 87.021; 87.0221; 87.023; 87.024; 87.025; 87.026; 87.03; 604.05; 604.08; 604.09; and 609.662, subdivision 5.

Referred to the Committee on Judiciary.

Mr. Kelly, Ms. Ranum, Mr. Metzen, Ms. Runbeck and Mr. Merriam introduced—

S.F. No. 2310: A bill for an act relating to appropriations; appropriating money and authorizing the sale of bonds for contamination cleanup grants.

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

Mr. Kelly introduced—

S.F. No. 2311: A bill for an act relating to commerce; regulating currency exchanges; expanding the definition of a currency exchange; providing for a national criminal history check on license applicants; requiring employees to register and undergo a background check; requiring a new owner to file an initial license application; increasing the required surety bond principal amount; prohibiting the issuance of money orders; prescribing penalties; amending Minnesota Statutes 1992, sections 53A.01, subdivision 1; 53A.05, subdivision 2; 53A.08; 53A.09; and 53A.10; Minnesota Statutes 1993 Supplement, section 53A.03; proposing coding for new law in Minnesota Statutes, chapter 53A.

Referred to the Committee on Commerce and Consumer Protection.

Mses. Berglin; Johnson, J.B. and Mr. Samuelson introduced—

S.F. No. 2312: A bill for an act relating to human services; increasing medical assistance payments to certain community health clinics; appropriating money.

Referred to the Committee on Health Care.

Mr. Mondale introduced—

S.F. No. 2313: A bill for an act relating to the environment; allowing use of passive bioremediation for certain voluntary response actions; expanding the authority of the commissioner of the pollution control agency to issue determinations regarding liability for releases of hazardous substances and petroleum; amending Minnesota Statutes 1992, section 115B.175, by adding a subdivision; Minnesota Statutes 1993 Supplement, section 115B.178, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 115C.

Referred to the Committee on Environment and Natural Resources.

Mr. Chandler introduced—

S.F. No. 2314: A bill for an act relating to probate; modifying provisions governing guardianships and conservatorships; amending Minnesota Statutes 1992, sections 525.539, subdivision 7; 525.55, subdivision 2; 525.551, subdivision 5; 525.56, subdivisions 3 and 4; 525.58, subdivision 1; and 525.64; Minnesota Statutes 1993 Supplement, section 525.703, subdivision 3.

Referred to the Committee on Judiciary.

Mr. Chandler introduced—

S.F. No. 2315: A bill for an act relating to capital improvements; appropriating money to the state board of technical colleges to construct the Northeast Metro technical college truck driving instructional support facility; authorizing the sale of state bonds.

Referred to the Committee on Education.

Messrs. Metzen, Morse, Riveness and Terwilliger introduced—

S.F. No. 2316: A bill for an act relating to the state board of investment; management of funds under the board's control; amending Minnesota Statutes 1992, sections 11A.17, subdivisions 1, 4, 9, 10a, and 14; 11A.18, subdivision 9; 11A.24, subdivisions 3, 5, and 6; 353D.05, subdivision 2; and 354B.07, subdivision 2; Minnesota Statutes 1993 Supplement, sections 11A.24, subdivisions 1 and 4; 352D.04, subdivision 1; and 354B.05, subdivision 3.

Referred to the Committee on Governmental Operations and Reform.

Messrs. Morse, Cohen and Benson, D.D. introduced—

S.F. No. 2317: A bill for an act relating to state and local government; authorizing governmental agencies and subdivisions to obtain copyright, trademark, trade secret, or patent protection for intellectual property; appropriating money; amending Minnesota Statutes 1992, section 13.03, subdivision 5; proposing coding for new law in Minnesota Statutes, chapter 16B; repealing Minnesota Statutes 1992, section 16B.405.

Referred to the Committee on Governmental Operations and Reform.

Without objection, the Senate reverted to the Order of Business of Motions and Resolutions.

MOTIONS AND RESOLUTIONS

Ms. Berglin moved that S.F. No. 2107 be withdrawn from the Committee on Metropolitan and Local Government and re-referred to the Committee on Jobs, Energy and Community Development. The motion prevailed.

MEMBERS EXCUSED

Mrs. Adkins, Messrs. Pogemiller and Johnson, D.J. were excused from the Session of today.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 8:00 a.m., Thursday, March 10, 1994. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

SIXTY-NINTH DAY

St. Paul, Minnesota, Thursday, March 10, 1994

The Senate met at 8:00 a.m. and was called to order by the President.

CALL OF THE SENATE

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

Prayer was offered by the Chaplain, Rev. Hugh Stephenson.

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

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

The President declared a quorum present.

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

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted, with the exception of the reports pertaining to appointments. The motion prevailed.

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

S.F. No. 1749: A bill for an act relating to insurance; solvency; regulating reinsurance, loss reserve certifications and annual audits, and annual statements; regulating certain guaranty association coverages; modifying the incorporation requirements of domestic mutuals; amending Minnesota Statutes 1992, sections 60A.092, subdivision 7; 60A.206, subdivision 6; 60C.02, subdivision 1; and 66A.03; Minnesota Statutes 1993 Supplement, sections

60A.129, subdivisions 3, 5, and 7; 60A.13, subdivision 1; and 61B.19, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 60A; repealing Minnesota Statutes 1992, sections 60A.80; 60A.801; and 60A.802.

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

Page 1, line 28, delete "are" and insert "must be"

Page 2, line 17, delete "indicate" and insert "state"

Page 3, line 27, delete "pursuant to" and insert "under" and delete "60A.091" and insert "60A.093"

Page 4, line 2, after "for" insert "no less than"

Page 4, line 24, after "agreement" insert a comma

Page 4, line 25, delete everything before "but" and insert "including" and delete "is"

Page 4, line 27, delete "reserves)" and insert "reserves"

Page 4, line 30, delete "on"

Page 4, line 31, delete "the part"

Page 4, line 32, delete "contained" and delete "paragraph" and insert "subdivision"

Page 4, line 35, delete "pursuant to" and insert "under"

Page 5, after line 22, insert:

"Subd. 12. [EXISTING DOCUMENTS.] Notwithstanding the effective date of this section, any letter of credit or underlying reinsurance agreement in existence prior to the effective date of this section will continue to be acceptable until December 31, 1995, at which time the agreements will have to be in full compliance with this section for the letter of credit to be acceptable; provided however that the letter of credit or underlying reinsurance agreement has been in compliance with laws or regulations in existence immediately preceding the effective date of this section."

Page 6, line 15, delete "united" and insert "United"

Page 6, line 27, delete "d" and insert "(d)"

Page 8, line 35, delete "an"

Page 9, line 2, delete "(a)" and insert "(1)" and delete "(b) as may" and insert "(2) that"

Page 10, line 24, delete the first "of" and insert "or"

Page 12, line 4, after the comma, insert "and provide that the ceding insurer shall not unreasonably or arbitrarily withhold its approval,"

Page 12, line 9, after the semicolon, insert "or"

Page 12, line 12, delete "or"

Page 12, delete lines 13 and 14

Page 13, line 12, before the period, insert “; provided however that the trust agreement or underlying reinsurance agreement has been in compliance with laws or regulations in existence immediately preceding the effective date of this section”

Page 18, line 28, strike “notify in writing” and insert “provide written notice”

Page 19, line 14, after “directors” insert “or its audit committee”

Page 19, line 15, after “independent” insert “certified”

Page 19, line 17, delete “such” and insert “the”

Page 19, line 31, delete “Professional” and insert “The accountant shall follow the professional”

Page 19, line 32, after “Accountants” insert “, which”

Page 19, line 35, delete “should” and insert “shall”

Page 20, line 9, delete “is required to” and insert “shall”

Page 20, line 11, delete “such” and insert “those”

Page 20, line 24, after “understands” insert “that”

Page 20, line 36, delete everything after “accountant”

Page 21, line 1, delete “requirements of” and insert “complies with” and delete “within” and insert “in”

Page 21, line 28, strike “for a period of not” and insert “no”

Page 25, line 34, delete “are” and insert “must be”

Page 26, line 3, delete “Section 60A.80” and insert “This section”

Page 27, line 28, after “identifies” insert a comma

Page 27, line 29, delete “which” and insert “that”

Page 29, line 10, delete “(other” and insert “, other”

Page 29, line 11, delete “(2))” and insert “(2),”

Page 29, line 14, delete “which” and insert “that”

Page 29, line 18, delete “which” and insert “that”

Page 29, line 30, delete “use a formula which reflects” and insert “reflect”

Page 29, line 31, delete “incorporates” and insert “incorporate”

Page 29, line 34, after “2(I+CG)” insert “/ (X+Y - I - CG)”

Page 29, delete line 35

Page 30, line 25, delete “may deem” and insert “deems”

Page 30, line 28, delete “which” and insert “that”

Page 30, line 31, delete “its” and insert “their”

Page 30, line 35, delete “regulation” and insert “section”

Page 31, line 2, delete “should” and insert “shall”

Page 31, line 5; delete "such" and insert "the"

Page 31, line 22, delete the second comma

Page 31, line 26, delete "contain"

Page 31, line 27, delete "provisions which"

Page 31, line 30, delete "thereunder" and insert "under it"

Page 32, line 3, delete "which" and insert "that"

Page 34, before line 1, insert:

"Sec. 12. Minnesota Statutes 1992, section 62E.10, subdivision 2, is amended to read:

Subd. 2. [BOARD OF DIRECTORS; ORGANIZATION.] The board of directors of the association shall be made up of nine members as follows: five ~~insurer~~ directors selected by ~~participating~~ contributing members, subject to approval by the commissioner; four public directors selected by the commissioner, at least two of whom must be plan enrollees. Public members may include licensed insurance agents. In determining voting rights at members' meetings, each member shall be entitled to vote in person or proxy. The vote shall be a weighted vote based upon the member's cost of self-insurance, accident and health insurance premium, subscriber contract charges, or health maintenance contract payment derived from or on behalf of Minnesota residents in the previous calendar year, as determined by the commissioner. In approving directors of the board, the commissioner shall consider, among other things, whether all types of members are fairly represented. ~~Insurer~~ Directors selected by contributing members may be reimbursed from the money of the association for expenses incurred by them as directors, but shall not otherwise be compensated by the association for their services. The costs of conducting meetings of the association and its board of directors shall be borne by members of the association."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 9, after the first semicolon, insert "62E.10, subdivision 2;"

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

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

S.F. No. 1762: A bill for an act relating to school bus drivers; designating third Monday of January as Minnesota School Bus Driver Day; proposing coding for new law in Minnesota Statutes, chapter 126.

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

Page 1, line 8, delete "third" and insert "second"

Amend the title as follows:

Page 1, line 2, delete "third" and insert "second"

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

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

S.F. No. 2022: A bill for an act relating to highways; designating bridge as Missing Children's Bridge of Hope; amending Minnesota Statutes 1992, section 161.14, by adding a subdivision.

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

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

S.F. No. 1842: A bill for an act relating to human services; protection of vulnerable adults; requiring a report to the legislature; appropriating money; amending Minnesota Statutes 1992, section 626.557, subdivisions 2, 10a, and 12.

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

Page 1, line 14, delete "*and with law enforcement agencies*" and insert "*, law enforcement agencies, and representatives of labor organizations and professional associations representing employees affected by the vulnerable adults act*"

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

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

S.F. No. 1691: A bill for an act relating to real property; clarifying and making technical corrections to statutory provisions relating to real property; amending Minnesota Statutes 1992, sections 14.03, subdivision 3; 83.26, subdivision 2; 500.19, subdivision 4; 507.09; 507.332; 508.12, subdivision 1; 508.13; 508.23, subdivision 1; 508.35; 508.37, subdivision 1a; 508.38; 508.45; 508.47, subdivision 5; 508.51; 508.52; 508.55; 508.68; 508.70; 508.71, subdivision 4; 508A.22, subdivision 1; 508A.35; 508A.38; 508A.45; 508A.47, subdivision 5; 508A.51; 508A.52; 508A.55; 508A.68; 508A.71, subdivision 4; 559.21, subdivisions 3, 4, and 8; and 580.12; Minnesota Statutes 1993 Supplement, section 256B.0595, by adding a subdivision; 508.71, subdivision 7; 515B.1-102; 515B.1-103; 515B.1-105; 515B.1-116; 515B.2-104; 515B.2-105; 515B.2-110; 515B.2-118; 515B.2-119; 515B.3-113; 515B.3-116; and 515B.3-117; proposing coding for new law in Minnesota Statutes, chapters 508; and 508A.

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

Page 10, line 29, strike "county and" and insert a comma and strike the second "county" and insert "*, and Olmsted counties*"

Page 44, line 33, delete "*unit is*" and insert "*common elements are*"

Amend the title as follows:

Page 1, line 4, after the semicolon, insert "allowing the examiner of titles in Olmsted county to be compensated as are examiners in counties of fewer than 75,000 population;"

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

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

S.F. No. 1820: A bill for an act relating to counties; Olmsted; allowing the examiner of titles to be compensated as are examiners in counties of fewer than 75,000 population; amending Minnesota Statutes 1992, section 508.12, subdivision 1.

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

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

S.F. No. 1874: A bill for an act relating to mental health; requesting the supreme court to conduct a study and make recommendations on commitment laws and procedures; establishing a task force and requiring appointments; appropriating money.

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

Page 2, delete line 21

Page 2, line 22, delete "(10)" and insert "(9)"

Page 2, line 24, delete "(11)" and insert "(10)"

Page 2, delete lines 26 and 27 and insert:

"(11) rights of patients;"

Page 2, line 28, delete "(14)" and insert "(12)"

Page 2, line 30, delete "(15)" and insert "(13)"

Page 2, line 32, delete "(16)" and insert "(14)"

Page 3, line 6, delete "\$....." and insert "\$75,000"

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

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

S.F. No. 1867: A bill for an act relating to health; requiring the legislative auditor to study the administrative costs of providing health care services.

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

Page 1, line 17, delete "commissioner" and insert "legislative auditor"

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

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

S.F. No. 1950: A bill for an act relating to public safety; establishing four-year terms for certain positions in department of public safety; allowing appointment of advisory committees to submit for consideration candidates for those positions; amending Minnesota Statutes 1992, sections 12.04, subdivision 1; 299C.01, subdivision 2; 299D.01, subdivision 1; and 299F.01, subdivision 2.

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

Page 2, line 34, after the period, insert "*Before taking office as superintendent, the appointee must be a peace officer as defined in section 626.84, subdivision 1, paragraph (c).*"

Page 4, line 2, after the period, insert "*Before taking office as chief supervisor, the appointee must be a peace officer as defined in section 626.84, subdivision 1, paragraph (c).*"

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

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

S.F. No. 2095: A bill for an act relating to employment; modifying provisions relating to the public employee vacation donation program; amending Minnesota Statutes 1992, section 43A.181, subdivision 3.

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

Ms. Piper from the Committee on Family Services, to which was referred

S.F. No. 1828: A bill for an act relating to human services; modifying provisions relating to paternity determination and the administration and enforcement of child support; providing penalties; amending Minnesota Statutes 1992, sections 62A.046; 62A.048; 62A.27; 257.62, subdivisions 1, 5, and 6; 257.64, subdivision 3; 257.69, subdivisions 1 and 2; 518.171, subdivision 5; and 518.613, subdivision 7; Minnesota Statutes 1993 Supplement, sections 62A.045; 257.55, subdivision 1; 257.57, subdivision 2; 518.171, subdivisions 1, 3, 4, 7, and 8; 518.611, subdivisions 2 and 4; 518.613, subdivision 2; and 518.615, subdivision 3; repealing Minnesota Statutes 1992, sections 62C.141; 62C.143; 62D.106; and 62E.04 subdivisions 9 and 10.

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

Page 6, after line 10, insert:

"Sec. 5. Minnesota Statutes 1992, section 256.74, is amended by adding a subdivision to read:

Subd. 6. [GOOD CAUSE CLAIMS.] All applications for good cause to not cooperate with child support enforcement are to be reviewed by designees of

the county human services board to ensure the validity of good cause determinations."

Page 10, line 26, strike everything after the period

Page 10, line 27, strike "a child is a party,"

Page 10, lines 32 and 33, strike "If the child does not receive public assistance, the county attorney may represent the"

Page 10, lines 34 to 36, delete the new language

Page 11, delete line 1

Page 11, line 2, delete the new language and strike the period

Page 13, line 32, after "union" insert "*and to the insurer*"

Page 22, delete lines 25 to 28 and insert:

"Sections 1 to 4 and 14 to 19 are effective retroactively to August 10, 1993."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 6, after "62A.27;" insert "256.74, by adding a subdivision;"

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

Ms. Piper from the Committee on Family Services, to which was referred

S.F. No. 1662: A bill for an act relating to family; adopting the uniform interstate family support act; repealing the revised uniform reciprocal enforcement of support act; proposing coding for new law in Minnesota Statutes, chapter 518C; repealing Minnesota Statutes 1992, sections 518C.01 to 518C.36.

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

Page 3, after line 6, insert:

"(n) "Petition" means a petition or comparable pleading used pursuant to section 518.551, subdivision 10."

Reletter the paragraphs in sequence

Page 4, delete line 8 and insert:

"A court, administrative agency, or quasi-judicial entity authorized to establish, enforce, or modify support orders or to determine parentage are tribunals of this state."

Page 4, line 21, after "summons" insert "*or comparable document*"

Page 4, line 36, delete "257.74" and insert "257.75"

Page 26, after line 25, insert:

"Sec. 51. [518C.9011] [EXISTING REVISED UNIFORM RECIPROCAL ENFORCEMENT OF SUPPORT ACT ACTIONS.]

Any action or proceeding under the Revised Uniform Reciprocal Enforcement of Support Act (RURESA) pending on the effective date of this section shall continue under the provisions of RURESA until the court makes a decision on the action or proceeding."

Page 26, after line 36, insert:

"Sec. 54. [EFFECTIVE DATE.]

This act is effective January 1, 1995."

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

Mr. Vickerman from the Committee on Veterans and General Legislation, to which were referred the following appointments as reported in the Journal for March 18, 1993:

MINNESOTA VETERANS HOMES BOARD OF DIRECTORS

Susan Kiley
Stephen J. O'Connor
Michas Ohnstad

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

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

Mr. Vickerman from the Committee on Veterans and General Legislation, to which were referred the following appointments as reported in the Journal for February 22, 1994:

BOARD OF THE ARTS

Caroline Baillon
Robert E. Powless
Stephen George Shank

MINNESOTA VETERANS HOMES BOARD OF DIRECTORS

Harvey C. Aaron, M.D.
Robert Hansen

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

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

Mr. Mondale, for Mrs. Adkins, from the Committee on Metropolitan and Local Government, to which was referred

S.F. No. 2015: A bill for an act relating to metropolitan government; establishing an elected metropolitan council; providing for a regional admin-

istrator and a management team; imposing organizational requirements; imposing duties; clarifying existing provisions and making conforming changes; amending Minnesota Statutes 1992, sections 6.76; 15.0597, subdivision 1; 15A.081, subdivision 7; 16B.58, subdivision 7; 116.16, subdivision 2; 116.182, subdivision 1; 161.173; 161.174; 169.781, subdivision 1; 169.791, subdivision 5; 169.792, subdivision 11; 204B.32, subdivision 2; 221.022; 221.041, subdivision 4; 221.071, subdivision 1; 221.295; 297B.09, subdivision 1; 352.03, subdivision 1; 352.75, subdivision 1; 353D.01, subdivision 2; 422A.01, subdivision 9; 422A.101, subdivision 2a; 462.357, subdivision 2; 471A.02, subdivision 8; 473.121, subdivisions 5a and 24; 473.123, subdivisions 1, 2a, 4, and by adding subdivisions; 473.129; 473.13, subdivision 4; 473.146, subdivisions 1 and 4; 473.149, subdivision 3; 473.1623, subdivision 2; 473.164; 473.168, subdivision 2; 473.173, subdivisions 3 and 4; 473.223; 473.303, subdivisions 2, 3a, 4, 4a, 5, and 6; 473.371, subdivision 1; 473.375, subdivisions 11, 12, 13, 14, and 15; 473.382; 473.384, subdivisions 1, 3, 4, 5, 6, 7, and 8; 473.385; 473.386, subdivisions 1, 2, 3, 4, 5, and 6; 473.387, subdivisions 2, 3, and 4; 473.388, subdivisions 2, 3, 4, and 5; 473.39, subdivisions 1, 1a, 1b, and by adding a subdivision; 473.391; 473.392; 473.394; 473.399, as amended; 473.405, subdivisions 1, 3, 4, 5, 9, 10, 12, and 15; 473.408, subdivisions 1, 2, 2a, 4, 6, and 7; 473.409; 473.411, subdivisions 3 and 4; 473.415, subdivisions 1, 2, and 3; 473.416; 473.418; 473.42; 473.436, subdivisions 2, 3, and 6; 473.446, subdivisions 1, 1a, 2, 3, and 7; 473.448; 473.449; 473.504, subdivisions 4, 5, 6, 9, 10, 11, and 12; 473.511, subdivisions 1, 2, 3, and 4; 473.512, subdivision 1; 473.513; 473.515, subdivisions 1, 2, and 3; 473.5155, subdivisions 1 and 3; 473.516, subdivisions 2, 3, 4, and 5; 473.517, subdivisions 1, 2, 3, 6, and 9; 473.519; 473.521, subdivisions 1, 2, 3, and 4; 473.523, subdivisions 1 and 2; 473.535; 473.541, subdivision 2; 473.542; 473.543, subdivisions 1, 2, 3, and 4; 473.545; 473.547; 473.549; 473.553, subdivisions 1, 2, 4, 5, and by adding subdivisions; 473.561; 473.595, subdivision 3; 473.605, subdivision 2; 473.823, subdivision 3; 473.852, subdivisions 8 and 10; and 473.858, subdivision 1; Minnesota Statutes 1993 Supplement, sections 10A.01, subdivision 18; 15A.081, subdivision 1; 115.54; 174.32, subdivision 2; 216C.15, subdivision 1; 221.025; 221.031, subdivision 3a; 275.065, subdivisions 3 and 5a; 352.01, subdivisions 2a and 2b; 352D.02, subdivision 1; 353.64, subdivision 7a; 400.08, subdivision 3; 473.123, subdivision 3a; 473.13, subdivision 1; 473.1623, subdivision 3; 473.167, subdivision 1; 473.386, subdivision 2a; 473.3994, subdivision 10; 473.3997; 473.4051; 473.407, subdivisions 1, 2, 3, 4, 5, and 6; 473.411, subdivision 5; 473.446, subdivision 8; and 473.516, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 473; repealing Minnesota Statutes 1992, sections 115A.03, subdivision 20; 115A.33; 174.22, subdivision 4; 473.121, subdivisions 14a, 15, and 21; 473.122; 473.123, subdivisions 3, 5, and 6; 473.141, as amended; 473.146, subdivisions 2, 2a, 2b, and 2c; 473.153; 473.161; 473.163; 473.181, subdivision 3; 473.325, subdivision 5; 473.373, as amended; 473.375, subdivisions 1, 2, 3, 4, 5, 6, 7, 10, 16, 17, and 18; 473.377; 473.38, subdivision 3; 473.384; 473.388, subdivision 6; 473.404, as amended; 473.405, subdivisions 2, 6, 7, 8, 11, 13, and 14; 473.417; 473.435; 473.436, subdivision 7; 473.445, subdivisions 1 and 3; 473.501, subdivision 2; 473.503; 473.504, subdivisions 1, 2, 3, 7, and 8; 473.511, subdivision 5; 473.517, subdivision 8; 473.535; 473.543, subdivision 5; and 473.553, subdivision 4a; Minnesota Statutes 1993 Supplement, sections 473.3996, subdivisions 1 and 2.

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

Page 6, line 10, strike "and the"

Page 9, line 8, delete from "*special*" through page 9, line 12, to "A"

Page 13, line 27, delete from "*as*" through page 13, line 28, to "473.164" and insert "*to reimburse the council for costs incurred by the council in the discharge of its responsibilities relating to the office of wastewater services or the office of transit operations*"

Page 13, lines 30 and 31, delete "11" and insert "3"

Page 17, line 10, after "*director,*" insert "*general counsel,*"

Page 19, line 15, reinstate the stricken language

Pages 48 and 49, delete section 29

Page 49, lines 31 and 36, before "*metropolitan*" insert "*former*"

Page 50, lines 8, 12, 27, and 30, before "*metropolitan*" insert "*former*"

Page 51, lines 13, 18, 20, 21, 25, 32, and 36, before "*metropolitan*" insert "*former*"

Page 52, lines 20, 25, and 32, before "*metropolitan*" insert "*former*"

Page 54, line 24, after "*administrator,*" insert "*or executive director of the metropolitan council, general counsel,*"

Page 54, line 26, before "and" insert "*all of which may not exceed 27 positions at the council,*" and after "chair" strike the comma

Page 54, line 28, reinstate the stricken "of the metropolitan council"

Page 54, line 29, delete the new language

Pages 57 and 58, delete section 36

Page 94, line 18, before "*The*" insert "*The council may not issue obligations pursuant to this section until the council adopts a three-year transit capital improvement program.*" and delete "*plan*" and insert "*program*"

Page 94, line 23, delete "*plan*" and insert "*program*"

Page 94, line 32, delete from "*The*" through page 94, line 34, to "*program.*"

Page 102, lines 28 and 31, before "*property*" insert "*transit*"

Page 129, line 14, after "*vested*" insert "*by action of law*"

Page 129, line 16, strike "; and" and insert a period

Page 129, line 22, before the period, insert "; *provided that vesting of the title shall occur by operation of law and failure to execute and deliver the documents shall not affect the vesting of title in the former metropolitan waste control commission or the council on the dates indicated in this subdivision*"

Page 139, line 2, delete "*waste*" and insert "*wastewater*"

Page 141, line 10, delete "2" and insert "3"

Page 141, lines 11 and 33, delete "2" and insert "3"

Page 142, line 6, delete "2" and insert "3"

Page 142, lines 26 and 28, delete "waste" and insert "wastewater"

Page 143, line 23, delete "waste" and insert "wastewater"

Page 151, line 13, delete "commissions" and insert "commission"

Pages 155 and 156, delete section 205

Page 157, line 15, before "This" insert "Section 41 is effective January 1, 1995. The remainder of"

Renumber the sections of article 3 in sequence

Amend the title as follows:

Page 1, lines 14 and 15, delete "352.75, subdivision 1" and insert "352.75"

Page 1, lines 16 and 17, delete "462.357, subdivision 2;"

Page 2, line 2, after "3;" insert "and" and after "10;" delete "and"

Page 2, line 3, delete "473.858, subdivision 1;"

Page 2, line 24, delete ", subdivision 3"

Page 2, line 25, after "473.384" insert ", subdivision 9"

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

SECOND READING OF SENATE BILLS

S.F. Nos. 1749, 1762, 2022, 1691, 1820, 1867, 1950 and 2095 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Riveness moved that the name of Ms. Pappas be added as a co-author to S.F. No. 1709. The motion prevailed.

Mr. Moe, R.D. moved that his name be stricken as chief author, shown as a co-author, and the name of Mr. Marty be added as chief author to S.F. No. 1737. The motion prevailed.

Mr. Marty moved that the names of Messrs. Luther and Morse be added as co-authors to S.F. No. 1737. The motion prevailed.

Mr. Kelly moved that the name of Ms. Hanson be added as a co-author to S.F. No. 1884. The motion prevailed.

Mr. Neville moved that the name of Mr. Hottinger be added as a co-author to S.F. No. 2187. The motion prevailed.

Ms. Pappas moved that the names of Messrs. Spear and Cohen be added as co-authors to S.F. No. 2223. The motion prevailed.

Mrs. Benson, J.E. moved that the name of Mr. Bertram be added as a co-author to S.F. No. 2230. The motion prevailed.

Mr. Samuelson moved that the name of Mr. Oliver be added as a co-author to S.F. No. 2267. The motion prevailed.

Ms. Reichgott Junge moved that S.F. No. 2176 be withdrawn from the Committee on Transportation and Public Transit and re-referred to the Committee on Taxes and Tax Laws. The motion prevailed.

Mr. Benson, D.D. moved that his name be stricken as a co-author to S.F. No. 2192. The motion prevailed.

Mrs. Benson, J.E. moved that her name be stricken as a co-author to S.F. No. 2192. The motion prevailed.

CALENDAR

S.F. No. 1894: A bill for an act relating to administrative rules; repealing obsolete rules of the departments of agriculture, commerce, health, human services, public safety, public service, and revenue and the pollution control agency; removing internal references to repealed rules; amending Minnesota Rules, parts 1540.2140; 4400.4500, subpart 3; 7001.0140, subpart 2; 7001.0180; 7005.0100, subpart 8a; 7007.0100, subpart 7; 7009.0010, subpart 1; 7009.0030; 7009.0080; 7023.9050; 7035.2835, subpart 3; 7035.2835, subpart 6; 7035.2875, subpart 3; 7040.2800, subpart 1; 7045.0460, subpart 2; 8130.3500, subpart 3; and 8130.6500, subpart 5; repealing Minnesota Rules, parts 1540.0010, subparts 12, 18, 21, 22, and 24; 1540.0060; 1540.0070; 1540.0080; 1540.0100; 1540.0110; 1540.0120; 1540.0130; 1540.0140; 1540.0150; 1540.0160; 1540.0170; 1540.0180; 1540.0190; 1540.0200; 1540.0210; 1540.0220; 1540.0230; 1540.0240; 1540.0260; 1540.0320; 1540.0330; 1540.0340; 1540.0350; 1540.0370; 1540.0380; 1540.0390; 1540.0400; 1540.0410; 1540.0420; 1540.0440; 1540.0450; 1540.0460; 1540.0490; 1540.0500; 1540.0510; 1540.0520; 1540.0770; 1540.0780; 1540.0800; 1540.0810; 1540.0830; 1540.0880; 1540.0890; 1540.0900; 1540.0910; 1540.0920; 1540.0930; 1540.0940; 1540.0950; 1540.0960; 1540.0970; 1540.0980; 1540.0990; 1540.1000; 1540.1005; 1540.1010; 1540.1020; 1540.1030; 1540.1040; 1540.1050; 1540.1060; 1540.1070; 1540.1080; 1540.1090; 1540.1100; 1540.1110; 1540.1120; 1540.1130; 1540.1140; 1540.1150; 1540.1160; 1540.1170; 1540.1180; 1540.1190; 1540.1200; 1540.1210; 1540.1220; 1540.1230; 1540.1240; 1540.1250; 1540.1255; 1540.1260; 1540.1280; 1540.1290; 1540.1300; 1540.1310; 1540.1320; 1540.1330; 1540.1340; 1540.1350; 1540.1360; 1540.1380; 1540.1400; 1540.1410; 1540.1420; 1540.1430; 1540.1440; 1540.1450; 1540.1460; 1540.1470; 1540.1490; 1540.1500; 1540.1510; 1540.1520; 1540.1530; 1540.1540; 1540.1550; 1540.1560; 1540.1570; 1540.1580; 1540.1590; 1540.1600; 1540.1610; 1540.1620; 1540.1630; 1540.1640; 1540.1650; 1540.1660; 1540.1670; 1540.1680; 1540.1690; 1540.1700; 1540.1710; 1540.1720; 1540.1730; 1540.1740; 1540.1750; 1540.1760; 1540.1770; 1540.1780; 1540.1790; 1540.1800; 1540.1810; 1540.1820; 1540.1830; 1540.1840; 1540.1850; 1540.1860; 1540.1870; 1540.1880; 1540.1890; 1540.1900; 1540.1905; 1540.1910; 1540.1920; 1540.1930; 1540.1940; 1540.1950; 1540.1960; 1540.1970; 1540.1980; 1540.1990; 1540.2000; 1540.2010; 1540.2015; 1540.2020; 1540.2090; 1540.2100; 1540.2110; 1540.2120; 1540.2180; 1540.2190; 1540.2200; 1540.2210; 1540.2220; 1540.2230; 1540.2240; 1540.2250; 1540.2260; 1540.2270; 1540.2280; 1540.2290; 1540.2300; 1540.2310; 1540.2320; 1540.2325; 1540.2330; 1540.2340; 1540.2350; 1540.2360; 1540.2370; 1540.2380; 1540.2390; 1540.2400; 1540.2410; 1540.2420; 1540.2430; 1540.2440; 1540.2450; 1540.2490; 1540.2500; 1540.2510; 1540.2530; 1540.2540; 1540.2550; 1540.2560; 1540.2570; 1540.2580;

1540.2590; 1540.2610; 1540.2630; 1540.2640; 1540.2650; 1540.2660;
 1540.2720; 1540.2730; 1540.2740; 1540.2760; 1540.2770; 1540.2780;
 1540.2790; 1540.2800; 1540.2810; 1540.2820; 1540.2830; 1540.2840;
 1540.3420; 1540.3430; 1540.3440; 1540.3450; 1540.3460; 1540.3470;
 1540.3560; 1540.3600; 1540.3610; 1540.3620; 1540.3630; 1540.3700;
 1540.3780; 1540.3960; 1540.3970; 1540.3980; 1540.3990; 1540.4000;
 1540.4010; 1540.4020; 1540.4030; 1540.4040; 1540.4080; 1540.4190;
 1540.4200; 1540.4210; 1540.4220; 1540.4320; 1540.4330; 1540.4340;
 2642.0120, subpart 1; 2650.0100; 2650.0200; 2650.0300; 2650.0400;
 2650.0500; 2650.0600; 2650.1100; 2650.1200; 2650.1300; 2650.1400;
 2650.1500; 2650.1600; 2650.1700; 2650.1800; 2650.1900; 2650.2000;
 2650.2100; 2650.3100; 2650.3200; 2650.3300; 2650.3400; 2650.3500;
 2650.3600; 2650.3700; 2650.3800; 2650.3900; 2650.4000; 2650.4100;
 2655.1000; 2660.0070; 2770.7400; 4610.2210; 7002.0410; 7002.0420;
 7002.0430; 7002.0440; 7002.0450; 7002.0460; 7002.0470; 7002.0480;
 7002.0490; 7011.0300; 7011.0305; 7011.0310; 7011.0315; 7011.0320;
 7011.0325; 7011.0330; 7011.0400; 7011.0405; 7011.0410; 7011.2220, sub-
 part 4; 7047.0010; 7047.0020; 7047.0030; 7047.0040; 7047.0050; 7047.0060;
 7047.0070; 7100.0300; 7100.0310; 7100.0320; 7100.0330; 7100.0335;
 7100.0340; 7100.0350; 7100.0360; 7510.6100; 7510.6200; 7510.6300;
 7510.6350; 7510.6400; 7510.6500; 7510.6600; 7510.6700; 7510.6800;
 7510.6900; 7510.6910; 7600.0100; 7600.0200; 7600.0300; 7600.0400;
 7600.0500; 7600.0600; 7600.0700; 7600.0800; 7600.0900; 7600.1000;
 7600.1100; 7600.1200; 7600.1300; 7600.1400; 7600.1500; 7600.1600;
 7600.1700; 7600.1800; 7600.1900; 7600.2000; 7600.2100; 7600.2200;
 7600.2300; 7600.2400; 7600.2500; 7600.2600; 7600.2700; 7600.2800;
 7600.2900; 7600.3000; 7600.3100; 7600.3200; 7600.3300; 7600.3400;
 7600.3500; 7600.3600; 7600.3700; 7600.3800; 7600.3900; 7600.4000;
 7600.4100; 7600.4200; 7600.4300; 7600.4400; 7600.4500; 7600.4600;
 7600.4700; 7600.4800; 7600.4900; 7600.5000; 7600.5100; 7600.5200;
 7600.5300; 7600.5400; 7600.5500; 7600.5600; 7600.5700; 7600.5800;
 7600.5900; 7600.6000; 7600.6100; 7600.6200; 7600.6300; 7600.6400;
 7600.6500; 7600.6600; 7600.6700; 7600.6800; 7600.6900; 7600.7000;
 7600.7100; 7600.7200; 7600.7210; 7600.7300; 7600.7400; 7600.7500;
 7600.7600; 7600.7700; 7600.7750; 7600.7800; 7600.7900; 7600.8100;
 7600.8200; 7600.8300; 7600.8400; 7600.8500; 7600.8600; 7600.8700;
 7600.8800; 7600.8900; 7600.9000; 7600.9100; 7600.9200; 7600.9300;
 7600.9400; 7600.9500; 7600.9600; 7600.9700; 7600.9800; 7600.9900;
 7605.0100; 7605.0110; 7605.0120; 7605.0130; 7605.0140; 7605.0150;
 7605.0160; 7625.0100; 7625.0110; 7625.0120; 7625.0200; 7625.0210;
 7625.0220; 7625.0230; 8120.1100, subpart 3; 8121.0500, subpart 2;
 8130.9500, subpart 6; 8130.9912; 8130.9913; 8130.9916; 8130.9920;
 8130.9930; 8130.9956; 8130.9958; 8130.9968; 8130.9972; 8130.9980;
 8130.9992; 8130.9996; 9540.0100; 9540.0200; 9540.0300; 9540.0400;
 9540.0500; 9540.1000; 9540.1100; 9540.1200; 9540.1300; 9540.1400;
 9540.1500; 9540.2000; 9540.2100; 9540.2200; 9540.2300; 9540.2400;
 9540.2500; 9540.2600; and 9540.2700.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 53 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Finn	Laidig	Neuville	Runbeck
Beckman	Flynn	Langseth	Novak	Sams
Belanger	Frederickson	Larson	Oliver	Samuelson
Benson, D.D.	Hanson	Lesewski	Olson	Spear
Benson, J.E.	Hottinger	Lessard	Pappas	Stevens
Berg	Johnson, D.E.	Luther	Pariseau	Stumpf
Bertram	Johnson, J.B.	Marty	Piper	Terwilliger
Betzold	Johnston	McGowan	Pogemiller	Vickerman
Chandler	Kelly	Moe, R.D.	Ranum	Wiener
Chmielewski	Kiscaden	Morse	Reichgott Junge	
Day	Krentz	Murphy	Robertson	

So the bill passed and its title was agreed to.

CONSENT CALENDAR

S.F. No. 1660: A bill for an act relating to statutes of limitations; enacting the uniform conflict of laws-limitations act; proposing coding for new law in Minnesota Statutes, chapter 541.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

Anderson	Flynn	Langseth	Novak	Sams
Beckman	Frederickson	Larson	Oliver	Samuelson
Belanger	Hanson	Lesewski	Olson	Spear
Benson, D.D.	Hottinger	Lessard	Pappas	Stevens
Benson, J.E.	Johnson, D.E.	Luther	Pariseau	Stumpf
Berg	Johnson, J.B.	Marty	Piper	Terwilliger
Bertram	Johnston	McGowan	Pogemiller	Vickerman
Betzold	Kelly	Metzen	Ranum	Wiener
Chandler	Kiscaden	Moe, R.D.	Reichgott Junge	
Chmielewski	Knutson	Morse	Riveness	
Day	Krentz	Murphy	Robertson	
Finn	Laidig	Neuville	Runbeck	

So the bill passed and its title was agreed to.

S.F. No. 1752: A bill for an act relating to highways; designating the Laura Ingalls Wilder historic highway; amending Minnesota Statutes 1992, section 161.14, by adding a subdivision.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 59 and nays 1, as follows:

Those who voted in the affirmative were:

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

Ms. Flynn voted in the negative.

So the bill passed and its title was agreed to.

S.F. No. 1699: A bill for an act relating to state government; adopting the square dance as the American folk dance of Minnesota; proposing coding for new law in Minnesota Statutes, chapter 1.

Pursuant to Rule 9, there being three objectors, S.F. No. 1699 was stricken from the Consent Calendar and placed on General Orders.

S.F. No. 2081: A bill for an act relating to state agencies; providing that the open appointments act applies to certain appointments made by the governor and by legislators; authorizing the secretary of state to collect data regarding appointments to multimember agencies by electronic means; requiring multimember agencies to register with the secretary of state; requiring the secretary of state to publish information collected through registration; requiring the secretary of state to furnish copies of registration data to the legislative reference library; extending the expiration date of certain advisory councils; eliminating the family and group family day care task force; amending Minnesota Statutes 1992, sections 15.0597, subdivisions 1 and 5; 115A.072, subdivision 1; and 115A.12; Minnesota Statutes 1993 Supplement, sections 15.0597, subdivisions 2 and 4; and 16B.61, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 15; repealing Minnesota Statutes 1992, section 256.9751, subdivision 2.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

SUSPENSION OF RULES

Mr. Moe, R.D. moved that the rules of the Senate be so far suspended as to waive the lie-over requirement on S.F. No. 1898. The motion prevailed.

S.F. No. 1898: A bill for an act relating to insurance; health; requiring coverage for equipment and supplies for the management and treatment of diabetes; proposing coding for new law in Minnesota Statutes, chapter 62A.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 53 and nays 8, as follows:

Those who voted in the affirmative were:

Anderson	Finn	Laidig	Murphy	Sams
Beckman	Flynn	Langseth	Novak	Samuelson
Benson, J.E.	Frederickson	Larson	Oliver	Solon
Berg	Hanson	Lesewski	Olson	Spear
Berglin	Hottinger	Lessard	Pappas	Stevens
Bertram	Johnson, D.E.	Luther	Piper	Stumpf
Betzold	Johnson, J.B.	Marty	Pogemiller	Terwilliger
Chandler	Johnson	McGowan	Price	Vickerman
Chmielewski	Kelly	Metzen	Ranum	Wiener
Day	Knutson	Moe, R.D.	Reichgott Junge	
Dille	Krentz	Morse	Riveness	

Those who voted in the negative were:

Belanger	Kiscaden	Neuville	Robertson	Runbeck
Benson, D.D.	Merriam	Pariseau		

So the bill passed and its title was agreed to.

GENERAL ORDERS

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

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

S.F. Nos. 1846, 844, 1421 and 1709, which the committee recommends to pass.

S.F. No. 1712, which the committee recommends to pass with the following amendment offered by Mr. Riveness:

Page 1, line 18, after the period, insert "*If the offices of clerk and treasurer are combined and the town's annual revenue is \$100,000 or less, the town board shall provide for an audit of the town's financial affairs by the state auditor or a public accountant in accordance with minimum audit procedures prescribed by the state auditor at least once every four years.*"

The motion prevailed. So the amendment was adopted.

S.F. No. 819, which the committee recommends to pass, subject to the following motion:

Ms. Johnson, J.B. moved to amend S.F. No. 819 as follows:

Page 1, after line 6, insert:

"Section 1. Minnesota Statutes 1992, section 237.66, is amended by adding a subdivision to read:

Subd. 2a. [CALL BLOCKING.] A telephone company, when a residential customer initially requests service, shall advise each residential customer of the availability of all blocking options including 900 number blocking and international long-distance blocking."

Page 2, line 22, after "to" insert "*knowingly*"

Page 3, after line 1, insert:

"The notice required by this paragraph can be provided in conjunction with other required notices."

Page 3, after line 32, insert:

“Subd. 8. [EXCEPTION.] This section does not apply to information services provided via the international telephone network if the charge for the information service call is based on tariff rates and does not apply to traditional long-distance telephone calls.

Subd. 9. [CALLER RESPONSIBILITY.] This section does not affect the legal responsibility of the person who places an information service call for the charges for the call.

Subd. 10. [CALLER CODES REGULATED.] Information service providers or their agents and telephone companies shall not issue calling card identification codes or personal identification numbers (PIN codes) to consumers over the telephone.”

Page 4, lines 1 and 3, delete “1” and insert “2”

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, after the semicolon, insert “providing for notice of certain call blocking options; amending Minnesota Statutes 1992, section 237.66, by adding a subdivision;”

The motion prevailed. So the amendment was adopted.

The question was taken on the recommendation to pass S.F. No. 819.

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

Those who voted in the affirmative were:

Anderson	Finn	Langseth	Murphy	Sams
Beckman	Flynn	Lesewski	Novak	Samuelson
Berg	Hanson	Luther	Pappas	Solon
Berglin	Hottinger	Marty	Piper	Spear
Bertram	Johnson, J.B.	Merriam	Pogemiller	Stumpf
Bertzold	Kiscaden	Metzen	Price	Vickerman
Chandler	Krentz	Moe, R.D.	Ranum	Wiener
Cohen	Kroening	Mondale	Reichgott Junge	
Dille	Laidig	Morse	Riveness	

Those who voted in the negative were:

Belanger	Frederickson	Larson	Olson	Stevens
Benson, D.D.	Johnson, D.E.	McGowan	Pariseau	Terwilliger
Benson, J.E.	Johnston	Neuville	Robertson	
Day	Knutson	Oliver	Runbeck	

The motion prevailed. So S.F. No. 819 was recommended to pass.

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

Without objection, the Senate reverted to the Orders of Business of Reports of Committees and Second Reading of House Bills.

REPORTS OF COMMITTEES

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

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was referred

H.F. No. 2213: A bill for an act relating to the city of St. Cloud; exempting a tax increment financing district from certain restrictions; providing expanded eminent domain authority.

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

Mr. Moe, R.D. from the Committee on Rules and Administration, to which were referred for proper reference under Rule 35:

S.F. Nos. 1773, 1805, 1866 and 1962 reports the same back with the recommendation that the bills be re-referred as follows:

S.F. No. 1773 to the Committee on Environment and Natural Resources.

S.F. Nos. 1805 and 1866 to the Committee on Transportation and Public Transit.

S.F. No. 1962 to the Committee on Veterans and General Legislation.

Report adopted.

SECOND READING OF HOUSE BILLS

H.F. No. 2213 was read the second time.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Messrs. Johnson, D.J.; Lessard; Novak and Laidig introduced—

S.F. No. 2318: A bill for an act relating to state lands; authorizing the private sale of certain tax-forfeited lands bordering public waters in Cook county.

Referred to the Committee on Environment and Natural Resources.

Mr. Bertram introduced—

S.F. No. 2319: A bill for an act relating to taxation; providing that sales of farm machinery are exempt from taxation; amending Minnesota Statutes 1992, sections 297A.02, subdivision 2; and 297A.25, by adding a subdivision.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Beckman, Terwilliger, Janezich, Ms. Pappas and Mr. Mondale introduced—

S.F. No. 2320: A bill for an act relating to education; increasing the formula allowance for the capital expenditure equipment revenue program; appropriating money; amending Minnesota Statutes 1993 Supplement, section 124.244, subdivision 1; Laws 1993, chapter 224, article 5, section 46, subdivision 3.

Referred to the Committee on Education.

Mr. Kelly introduced—

S.F. No. 2321: A bill for an act relating to taxation; providing an exemption from the rental motor vehicle excise tax; amending Minnesota Statutes 1992, section 297A.135, subdivision 4.

Referred to the Committee on Taxes and Tax Laws.

Mr. Chandler introduced—

S.F. No. 2322: A bill for an act relating to employment; modifying experience requirements for the labor and industry boiler inspection division chief; amending Minnesota Statutes 1992, section 183.375, subdivision 2.

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

Mr. Langseth introduced—

S.F. No. 2323: A bill for an act relating to taxation; eliminating the requirement of accelerated payment of June sales tax liabilities; amending Minnesota Statutes 1993 Supplement, sections 289A.18, subdivision 4; and 289A.20, subdivision 4.

Referred to the Committee on Taxes and Tax Laws.

Ms. Johnston, Messrs. Neuville and Stevens introduced—

S.F. No. 2324: A bill for an act relating to crimes; prohibiting possession of tobacco by minors; prescribing penalties; amending Minnesota Statutes 1993 Supplement, section 609.685, subdivision 3.

Referred to the Committee on Crime Prevention.

Messrs. Moe, R.D.; Langseth; Bertram and Sams introduced—

S.F. No. 2325: A bill for an act relating to agriculture; providing for an agricultural processing facility loan program administered by the rural finance authority; providing for funding; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 41B.

Referred to the Committee on Agriculture and Rural Development.

Messrs. Langseth; Moe, R.D.; Bertram and Sams introduced—

S.F. No. 2326: A bill for an act relating to agriculture; appropriating money for a capital access program to facilitate construction of an agricultural product processing facility.

Referred to the Committee on Agriculture and Rural Development.

Mr. Price introduced—

S.F. No. 2327: A bill for an act relating to transportation; providing that cities with a combined population of at least 5,000 may qualify for municipal state aid if certain conditions are met; amending Minnesota Statutes 1992, section 162.09, subdivision 4.

Referred to the Committee on Transportation and Public Transit.

Mr. Price introduced—

S.F. No. 2328: A bill for an act relating to child support guidelines; providing for including the income of the obligor's spouse in cases of joint physical custody; amending Minnesota Statutes 1993 Supplement, section 518.551, subdivision 5.

Referred to the Committee on Family Services.

Messrs. Price and Johnson, D.J. introduced—

S.F. No. 2329: A bill for an act relating to taxation; property; providing an exemption for power facilities containing cogeneration systems; amending Minnesota Statutes 1993 Supplement, section 272.02, subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Mr. Price introduced—

S.F. No. 2330: A bill for an act relating to consumer protection; providing that certain application fees must be refunded; proposing coding for new law in Minnesota Statutes, chapter 504.

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

Mr. Beckman introduced—

S.F. No. 2331: A bill for an act relating to education; making modifications to the Minnesota youth works act; providing for appointments; amending Minnesota Statutes 1993 Supplement, sections 121.702, subdivisions 2 and 9; 121.703; 121.705; 121.706; 121.707, subdivisions 1, 2, 3, 4, 5, 6, and 7; 121.708; 121.710; and 121.885, subdivisions 1, 2, and 4.

Referred to the Committee on Education.

Ms. Piper introduced—

S.F. No. 2332: A bill for an act relating to retirement; public employees retirement association; permitting purchase of service credit by certain soil and water conservation district employees.

Referred to the Committee on Governmental Operations and Reform.

Messrs. Finn, Luther, Ms. Johnson, J.B.; Messrs. Chandler and Frederickson introduced—

S.F. No. 2333: A bill for an act relating to capital improvements; appropriating money for the Battle Point historic site; authorizing the sale of state bonds.

Referred to the Committee on Veterans and General Legislation.

Messrs. Kelly and Merriam introduced—

S.F. No. 2334: A bill for an act relating to public administration; higher education; authorizing the higher education board and the University of Minnesota to receive allocations from the capital asset preservation and replacement account, and applying the provisions of that account to alloca-

tions for higher education institutions; amending Minnesota Statutes 1992, section 16A.632.

Referred to the Committee on Education.

Ms. Berglin introduced—

S.F. No. 2335: A bill for an act relating to insurance; requiring health plans and other forms of health coverage to cover sign and other language translations; requiring coverage of sign and other language translations under workers' compensation; requiring reimbursement for sign and other language translation services provided to enrollees of state health care programs; appropriating money; amending Minnesota Statutes 1992, sections 65B.44, subdivision 2; 176.011, subdivision 24; and 176.135, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 62A; 65A; and 256.

Referred to the Committee on Commerce and Consumer Protection.

Mr. Kelly, Mses. Pappas, Berglin, Messrs. Marty and Novak introduced—

S.F. No. 2336: A bill for an act relating to taxation; providing an income tax credit for certain home mortgage interest paid by individuals; amending Minnesota Statutes 1992, section 290.06, by adding a subdivision.

Referred to the Committee on Taxes and Tax Laws.

Mr. Solon, Ms. Berglin, Messrs. Sams, Betzold and Kelly introduced—

S.F. No. 2337: A bill for an act relating to human services; providing medical assistance coverage for inpatient psychiatric services for children; amending Minnesota Statutes 1992, section 256B.0625, by adding a subdivision.

Referred to the Committee on Health Care.

Messrs. Chmielewski, Solon, Metzen, Belanger and Terwilliger introduced—

S.F. No. 2338: A bill for an act relating to alcoholic beverages; agreements between brewers and wholesalers; regulating refusals by brewers to supply beer to wholesalers; regulating assignments of brand extensions; specifying circumstances in which agreements between brewers and wholesalers may be terminated or not renewed; prohibiting certain practices by brewers; amending Minnesota Statutes 1992, sections 325B.02; 325B.04; 325B.05; 325B.12; proposing coding for new law in Minnesota Statutes, chapter 325B.

Referred to the Committee on Commerce and Consumer Protection.

Mr. Chmielewski introduced—

S.F. No. 2339: A bill for an act relating to education; establishing a Time and Technology Enhanced Curriculum school pilot project; appropriating money.

Referred to the Committee on Education.

Mses. Ranum, Piper, Reichgott Junge, Messrs. Neuville and Knutson introduced—

S.F. No. 2340: A bill for an act relating to criminal procedure; requiring local correctional departments to perform pretrial bail evaluation for certain felonies; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 629.

Referred to the Committee on Crime Prevention.

Messrs. Samuelson, Metzen, Kelly and Kroening introduced—

S.F. No. 2341: A bill for an act relating to employment; providing for the payment of the minimum wage to an on-call employee; amending Minnesota Statutes 1992, section 177.24, subdivision 1.

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

Mr. Vickerman introduced—

S.F. No. 2342: A bill for an act relating to economic development; establishing a regional technology pilot project in southwest Minnesota through Minnesota Technology, Inc.; providing for the sale of bonds for improvements to state parks; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 116O.

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

Mr. Vickerman introduced—

S.F. No. 2343: A bill for an act relating to state government; administrative procedures; requiring agencies to notify the legislature before proposing administrative rules; providing for review by legislative committees; permitting legislative committees to object to proposed rules and providing the effect of an objection; amending Minnesota Statutes 1992, section 14.365; proposing coding for new law in Minnesota Statutes, chapter 14.

Referred to the Committee on Governmental Operations and Reform.

Mr. Vickerman introduced—

S.F. No. 2344: A bill for an act relating to education; providing for a cooperation planning grant to independent school district Nos. 325, Lakefield; 328, Sioux Valley; 330, Heron Lake-Okabena; 513, Brewster; and 516, Round Lake; appropriating money.

Referred to the Committee on Education.

Mr. Vickerman introduced—

S.F. No. 2345: A bill for an act relating to health; classifying data relating to a physician license; modifying provisions relating to foreign medical school graduates; amending Minnesota Statutes 1993 Supplement, sections 147.02, subdivision 1; and 147.037, subdivision 1.

Referred to the Committee on Health Care.

Messrs. Metzen, Solon, Chandler, Luther and Larson introduced—

S.F. No. 2346: A bill for an act relating to securities; face-amount certificate companies, open-end management companies, and unit investment trusts; providing for the calculation of registration fees and uniform expiration, renewal, and reporting provisions; amending Minnesota Statutes 1992, sections 80A.12, subdivisions 2, 9, 10, and by adding a subdivision; 80A.13, subdivision 1; and 80A.28, subdivision 1, and by adding a subdivision; repealing Minnesota Statutes 1992, section 80A.12, subdivision 9.

Referred to the Committee on Commerce and Consumer Protection.

Mr. Johnson, D.E. and Ms. Lesewski introduced—

S.F. No. 2347: A bill for an act relating to education; modifying the referendum revenue reduction for combining districts; amending Minnesota Statutes 1993 Supplement, section 124A.03, subdivision 3b.

Referred to the Committee on Education.

Mr. Spear introduced—

S.F. No. 2348: A bill for an act relating to the legislature; clarifying the appropriate committees to which certain reports are to be directed; amending Minnesota Statutes 1992, sections 244.09, subdivision 11; 244.13, subdivisions 1 and 3; 244.173; and 484.74, subdivision 4.

Referred to the Committee on Crime Prevention.

Mr. Vickerman, Ms. Johnson, J.B.; Mr. Morse and Ms. Lesewski introduced—

S.F. No. 2349: A bill for an act relating to capital improvements; appropriating money for educational demonstration grants for wind energy conversion facilities; authorizing the sale and issuance of state bonds.

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

Messrs. Vickerman; Murphy; Johnson, D.E.; Mses. Lesewski and Hanson introduced—

S.F. No. 2350: A bill for an act relating to the military; extending the date for the closure of national guard armories; amending Laws 1992, chapter 511, article 2, sections 49 and 50.

Referred to the Committee on Veterans and General Legislation.

Mr. Vickerman introduced—

S.F. No. 2351: A bill for an act relating to education; appropriating money for building connectors at Worthington community college; authorizing the issuance of state bonds.

Referred to the Committee on Education.

Mr. Vickerman introduced—

S.F. No. 2352: A bill for an act relating to the history of the state; authorizing the southwest regional development commission to establish a historical display facility known as Prairieland Expo; providing a grant to the

southwest regional development commission; appropriating money; authorizing the sale of bonds.

Referred to the Committee on Veterans and General Legislation.

Mr. Vickerman introduced—

S.F. No. 2353: A bill for an act relating to education; authorizing state bonding for construction of new residential facilities for the Lakeview school; authorizing issuance of bonds; appropriating money.

Referred to the Committee on Education.

Mr. Vickerman, Ms. Hanson, Messrs. Morse, Belanger and Langseth introduced—

S.F. No. 2354: A bill for an act relating to transportation; regulating the transportation of hazardous material and hazardous waste; making technical changes; specifying that certain federal regulations do not apply to cargo tanks under 3,000 gallons used in the intrastate transportation of gasoline; establishing a uniform registration and permitting program for transporters of hazardous material and hazardous waste; defining terms; establishing requirements for applications; describing methods for calculating fees; specifying treatment of application data; establishing enforcement authority and administrative penalties; providing for suspension or revocation of registration and permits; providing for base state agreements; preempting and suspending conflicting programs; providing for the deposit and use of fees and grants; establishing exemptions; amending Minnesota Statutes 1992, sections 13.99, by adding a subdivision; and 221.033, subdivisions 1 and 2b; proposing coding for new law in Minnesota Statutes, chapter 221; repealing Minnesota Statutes 1992, section 221.033, subdivision 4.

Referred to the Committee on Transportation and Public Transit.

Ms. Kiscaden, Mr. Spear, Ms. Robertson, Messrs. Hottinger and Betzold introduced—

S.F. No. 2355: A bill for an act relating to adoptions; stating a policy on adoptions; changing adoption law and procedures; requiring an adoption task force to make a report; amending Minnesota Statutes 1992, sections 257.03; 259.21, by adding subdivisions; 259.24, by adding a subdivision; and 317A.907, subdivision 6; proposing coding for new law in Minnesota Statutes, chapter 259.

Referred to the Committee on Family Services.

Mr. Benson, D.D.; Ms. Robertson and Mrs. Benson, J.E. introduced—

S.F. No. 2356: A bill for an act proposing an amendment to the Minnesota Constitution; adding a section to article IV; requiring a special vote on new taxes, tax increases, and tax extensions.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Morse, Terwilliger, Stumpf and Riveness introduced—

S.F. No. 2357: A bill for an act relating to retirement; waiving the annuity reduction for certain faculty in the state university system who return to teaching part-time after retirement; mandating employer-paid health insurance for these faculty; proposing coding for new law in Minnesota Statutes, chapters 136 and 354.

Referred to the Committee on Governmental Operations and Reform.

Ms. Flynn, Messrs. Merriam, Beckman, Metzen and Terwilliger introduced—

S.F. No. 2358: A bill for an act relating to employee relations; ratifying labor agreements.

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

Mses. Ranum, Anderson, Mr. Hottinger, Ms. Johnston and Mr. Knutson introduced—

S.F. No. 2359: A bill for an act relating to information practices; providing for release of certain information on juvenile offenders to schools and victims; limiting release of records; requiring schools to designate juvenile liaison officers; providing for the preparation of an information policy training plan; appropriating money; amending Minnesota Statutes 1992, sections 13.84, subdivision 5a; and 260.161, subdivision 2, and by adding subdivisions; Minnesota Statutes 1993 Supplement, section 260.161, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 123.

Referred to the Committee on Crime Prevention.

Mr. Kroening introduced—

S.F. No. 2360: A bill for an act relating to housing; providing for deposit and use of certain revenues in the housing development fund; providing an addition to federal taxable income for certain taxpayers for certain residence interest; appropriating money; amending Minnesota Statutes 1992, sections 290.62; and 462A.20, subdivision 2, and by adding a subdivision; Minnesota Statutes 1993 Supplement, section 290.01, subdivision 19a.

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

Mr. Kroening, Ms. Ranum, Messrs. Solon, Kelly and Ms. Anderson introduced—

S.F. No. 2361: A bill for an act relating to public administration; authorizing spending to make public improvements of a capital nature; authorizing issuance of bonds; authorizing assessment of debt service; appropriating money.

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

Messrs. Chandler, Luther, Marty and Morse introduced—

S.F. No. 2362: A bill for an act relating to statewide comprehensive land use planning coordination; appropriating money; amending Minnesota Statutes 1992, sections 116C.04, by adding a subdivision; 462.357, subdivision 2; and 473.858, subdivision 1; proposing coding for new law in Minnesota Statutes,

chapter 4A; proposing coding for new law as Minnesota Statutes, chapter 462D.

Referred to the Committee on Metropolitan and Local Government.

Mr. Hottinger, Ms. Runbeck, Messrs. Betzold, Metzen and Berg introduced—

S.F. No. 2363: A bill for an act relating to state government; administrative procedure; regulating rulemaking; amending Minnesota Statutes 1992, sections 3.842, by adding a subdivision; 14.03, subdivision 3; 14.131; 14.15, subdivision 4; 14.16, by adding a subdivision; 14.18, subdivision 1; 14.19; 14.23; 14.365; 17.84; 43A.04, by adding a subdivision; and 84.027, by adding a subdivision; Minnesota Statutes 1993 Supplement, sections 3.984, subdivision 2; and 16A.1285, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 4; and 14; repealing Minnesota Statutes 1992, sections 3.846; 14.11; 14.115; 14.1311; 14.235; 14.29; 14.30; 14.305; 14.31; 14.32; 14.33; 14.34; 14.35; 14.36; and 17.83.

Referred to the Committee on Governmental Operations and Reform.

Ms. Anderson, Messrs. Morse, Chandler and Ms. Johnson, J.B. introduced—

S.F. No. 2364: A bill for an act relating to public utilities; rejecting dry cask storage at Prairie Island nuclear power plant; creating the sustainable energy and jobs superfund account; providing for extended unemployment benefits; providing for electric generating capacity; appropriating money; amending Minnesota Statutes 1992, section 216B.241, by adding a subdivision; Minnesota Statutes 1993 Supplement, section 216B.2422, subdivision 5; proposing coding for new law in Minnesota Statutes, chapters 216B; and 273; proposing coding for new law as Minnesota Statutes, chapter 216E.

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

Messrs. Sams, Hottinger, Solon, Ms. Pappas and Mr. Dille introduced—

S.F. No. 2365: A bill for an act relating to education; requiring the higher education board to make certain payments for technical college facilities transferred to the board; proposing coding for new law in Minnesota Statutes, chapter 136E.

Referred to the Committee on Education.

Mrs. Benson, J.E. introduced—

S.F. No. 2366: A bill for an act relating to transportation; appropriating money on a matching basis for a pilot project to study electric vehicle transportation technology.

Referred to the Committee on Transportation and Public Transit.

Messrs. Stumpf, Solon, Ms. Wiener and Mr. Price introduced—

S.F. No. 2367: A bill for an act relating to education; defining higher education board authority for bargaining with certain employees; designating certain higher education board employees as unclassified; clarifying transfer

provisions for the merger of community colleges, state universities, and technical colleges; transferring bonding authority for the state universities to the higher education board; clarifying the calculation of instructional appropriations; establishing the higher education board as the sole state agency for federal funding for vocational education; providing for appointments of additional student members on the higher education board; authorizing the higher education board to supervise and control construction, improvement, and repair of its facilities; amending Minnesota Statutes 1992, sections 43A.06, subdivision 1; 43A.08, subdivision 1; 43A.18, by adding a subdivision; 135A.03, subdivision 1; 136.31; 136.32; 136.33; 136.34; 136.35; 136.36; 136.37; 136.38; 136.41, by adding a subdivision; 136C.06; 136E.01, subdivisions 1 and 2; and 179A.10, subdivision 1; Minnesota Statutes 1993 Supplement, sections 43A.18, subdivision 4; and 136.41, subdivision 8; Laws 1991, chapter 356, article 9, sections 8, subdivision 1; 9; 12; and 13; proposing coding for new law in Minnesota Statutes, chapter 136E; repealing Minnesota Statutes 1992, sections 136.31, subdivision 6; 136.40; 136.41, subdivisions 1, 2, 3, 4, 5, 6, and 7; and 136.42.

Referred to the Committee on Education.

Ms. Hanson, Messrs. Langseth and Vickerman introduced—

S.F. No. 2368: A bill for an act relating to transportation; establishing a county state-aid dispute resolution board; modifying highway fund apportionment to counties; amending Minnesota Statutes 1992, sections 162.02, subdivisions 7, 8, and by adding a subdivision; and 162.07, subdivisions 1, 3, and 5.

Referred to the Committee on Transportation and Public Transit.

Mses. Pappas, Ranum, Krentz, Reichgott Junge and Hanson introduced—

S.F. No. 2369: A bill for an act relating to libraries; establishing a grant program for library services to children and their families; appropriating money.

Referred to the Committee on Education.

Ms. Pappas and Mr. Janezich introduced—

S.F. No. 2370: A bill for an act relating to education; requiring school districts to provide staff development training for food service employees; appropriating money; proposing coding for new law in chapter 126.

Referred to the Committee on Education.

Mses. Anderson, Piper, Ranum and Berglin introduced—

S.F. No. 2371: A bill for an act relating to crime; imposing penalties on any person who performs female genital mutilation on a minor; providing certain exceptions; requiring the commissioner of health to carry out appropriate education, prevention, and outreach activities in communities that traditionally engage in these practices; proposing coding for new law in Minnesota Statutes, chapters 144; and 609.

Referred to the Committee on Crime Prevention.

Mses. Anderson; Johnson, J.B. and Mr. Riveness introduced—

S.F. No. 2372: A bill for an act relating to the environment; requiring a minimum recycled content for newsprint, glass packaging, and plastic containers; providing penalties; proposing coding for new law in Minnesota Statutes, chapter 115A.

Referred to the Committee on Environment and Natural Resources.

Ms. Anderson, Messrs. Chandler, Finn, Novak and Metzen introduced—

S.F. No. 2373: A bill for an act relating to employment; protecting certain whistle-blowers from retaliation by their employers; imposing a penalty; proposing coding for new law as Minnesota Statutes, chapter 181C.

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

Mses. Johnson, J.B.; Piper; Berglin; Messrs. Beckman and Stevens introduced—

S.F. No. 2374: A bill for an act relating to human services; establishing, for persons with developmental disabilities, an integrated network of campus and community services in the catchment area served by the Cambridge regional human services center; authorizing a study; authorizing the issuance of bonds; appropriating money; amending Minnesota Statutes 1992, section 246.57, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 246 and 252.

Referred to the Committee on Health Care.

Mrs. Pariseau, Messrs. Terwilliger and Stevens introduced—

S.F. No. 2375: A bill for an act relating to ethics in government; providing a code of ethics for public servants; establishing an ethics and campaign practices board; imposing penalties; appropriating money; amending Minnesota Statutes 1992, sections 10A.01, subdivision 6; and 10A.02, subdivision 1, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 10A.

Referred to the Committee on Ethics and Campaign Reform.

Messrs. Finn, Stumpf and Frederickson introduced—

S.F. No. 2376: A bill for an act relating to capital improvements; appropriating money to the Minnesota historical society for a museum and center of American Indian history; authorizing the sale of state bonds.

Referred to the Committee on Veterans and General Legislation.

Mses. Johnson, J.B.; Berglin; Piper; Mr. Chandler and Ms. Kiscaden introduced—

S.F. No. 2377: A bill for an act relating to human services; authorizing start work grants and supplemental payments in relation to the AFDC program; requiring the commissioner of human services to reformulate the state standard of need for AFDC; requiring a study; amending Minnesota Statutes 1992, section 256.74, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 256.

Referred to the Committee on Family Services.

Messrs. Spear, McGowan, Kelly, Ms. Ranum and Mr. Beckman introduced—

S.F. No. 2378: A bill for an act relating to corrections; requiring inspection of correctional facilities and lockups at least once every biennium; removing requirement that commissioner of corrections must report inmate board and room waivers to the commissioner of finance; authorizing the commissioner of corrections to impose disciplinary confinement periods comparable to periods in place for inmates sentenced before August 1, 1993; modifying eligibility criteria for the challenge incarceration program; defining the length of phase III of the program; authorizing the commissioner of corrections to limit placement of convicted felons awaiting completion of presentence investigation reports in state correctional facilities; providing for good time reduction of sentences in local correctional facilities; appropriating money received from inmates for payment of correctional services to the use of the commissioner; amending Minnesota Statutes 1992, sections 241.021, subdivision 2; 241.26, subdivision 7; 243.23, subdivision 2; 243.24, subdivision 1; 244.17, subdivision 2; 244.172, subdivision 3; 609.115, subdivision 1; 631.425, subdivision 6; and 642.09; Minnesota Statutes 1993 Supplement, section 241.021, subdivision 1; and 243.18, subdivision 3;

Referred to the Committee on Crime Prevention.

Messrs. Solon and Johnson, D.J. introduced—

S.F. No. 2379: A bill for an act relating to retirement; authorizing postretirement adjustments based on excess investment earnings for annuitants and beneficiaries of the Duluth teachers retirement fund association; proposing coding for new law in Minnesota Statutes, chapter 354A.

Referred to the Committee on Governmental Operations and Reform.

Messrs. Johnson, D.J. and Solon introduced—

S.F. No. 2380: A bill for an act relating to capital improvements; authorizing bonds and appropriating money to build an addition to the St. Louis County Heritage and Arts Center.

Referred to the Committee on Veterans and General Legislation.

Messrs. Finn, Vickerman, Hottinger and Riveness introduced—

S.F. No. 2381: A bill for an act relating to health; giving the commissioner of administration authority to negotiate contracts for all prescription drugs sold in Minnesota; allowing correction orders to be issued; establishing a cause of action; establishing a formulary and a drug technology assessment committee; requiring price disclosure and cost savings; requiring a study of a statewide list of covered drugs; proposing coding for new law in Minnesota Statutes, chapters 16B; and 144.

Referred to the Committee on Health Care.

Mr. Lessard introduced—

S.F. No. 2382: A bill for an act relating to education; increasing the maximum isolation index for school districts that receive sparsity revenue; appropriating money; amending Minnesota Statutes 1993, section 124A.22, subdivision 6.

Referred to the Committee on Education.

Mr. Lessard introduced—

S.F. No. 2383: A bill for an act relating to Koochiching county; permitting the appointment of the recorder; authorizing the reorganization of the office.

Referred to the Committee on Metropolitan and Local Government.

Mr. Lessard introduced—

S.F. No. 2384: A bill for an act relating to state government; directing the governor, attorney general, and other public officers to perform certain duties in regard to certain waters and public lands; proposing coding for new law in Minnesota Statutes, chapters 1 and 84B.

Referred to the Committee on Environment and Natural Resources.

Mr. Lessard introduced—

S.F. No. 2385: A bill for an act relating to the citizen's council on Voyageurs National Park; appropriating money.

Referred to the Committee on Environment and Natural Resources.

Messrs. Stumpf, Pogemiller, Terwilliger and Morse introduced—

S.F. No. 2386: A bill for an act relating to retirement; teacher retirement plans; adjusting benefit coverage to account for certain extracurricular activity management compensation amounts; requiring rulemaking by the state board of education; amending Minnesota Statutes 1992, sections 354.05, by adding subdivisions; 354.07, by adding a subdivision; 354.44, subdivision 6; 354A.011, by adding subdivisions; 354A.021, by adding a subdivision; 354A.31, subdivision 4; Minnesota Statutes 1993 Supplement, section 354.46, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 121; 125; 354; and 354A.

Referred to the Committee on Governmental Operations and Reform.

Ms. Piper, Messrs. Janezich and Merriam introduced—

S.F. No. 2387: A bill for an act relating to information practices; providing for release of certain information on juvenile offenders to schools and victims; limiting release of records; requiring schools to designate juvenile liaison officers; providing for the preparation of an information policy training plan; appropriating money; amending Minnesota Statutes 1992, sections 13.84, subdivision 5a; and 260.161, subdivision 2, and by adding subdivisions; Minnesota Statutes 1993 Supplement, section 260.161, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 123.

Referred to the Committee on Crime Prevention.

Messrs. Chandler, Riveness, Meses. Anderson and Johnson, J.B. introduced—

S.F. No. 2388: A bill for an act relating to consumer protection; regulating deceptive trade practices related to environmental marketing claims; proposing coding for new law in Minnesota Statutes, chapter 325E.

Referred to the Committee on Commerce and Consumer Protection.

MEMBERS EXCUSED

Mrs. Adkins, Messrs. Janezich and Johnson, D.J. were excused from the Session of today. Ms. Berglin was excused from the Session of today from 8:00 to 8:15 a.m. Mr. Kroening was excused from the Session of today from 8:00 to 8:45 a.m.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 10:00 a.m., Monday, March 14, 1994. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

SEVENTIETH DAY

St. Paul, Minnesota, Monday, March 14, 1994

The Senate met at 10:00 a.m. and was called to order by the President.

CALL OF THE SENATE

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

Prayer was offered by the Chaplain, Rev. Patrick Handlson.

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

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

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

The President declared a quorum present.

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

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 936:

H.F. No. 936: A bill for an act relating to the department of jobs and training; changing its name to the department of economic security.

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

Vickerman, Beard and Bergson have been appointed as such committee on the part of the House.

House File No. 936 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 10, 1994

Mr. Frederickson moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 936, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

Pursuant to Joint Rule 3.02(a), the Conference Committee on House File No. 1094 was discharged after adjournment May 17, 1993, and the bill was laid on the table.

H.F. No. 1094: A bill for an act relating to insurance; regulating fees, data collection, coverages, notice provisions, enforcement provisions, the Minnesota joint underwriting association, and the liquor liability assigned risk plan; enacting the NAIC model regulation relating to reporting requirements for licensees seeking to do business with certain unauthorized multiple employer welfare arrangements; making various technical changes; appropriating money; amending Minnesota Statutes 1992, sections 13.71, by adding subdivisions; 45.024, subdivision 2; 59A.12, by adding a subdivision; 60A.02, by adding a subdivision; 60A.03, subdivisions 5 and 6; 60A.052, subdivision 2; 60A.082; 60A.085; 60A.14, subdivision 1; 60A.19, subdivision 4; 60A.206, subdivision 3; 60A.21, subdivision 2; 60A.36, by adding a subdivision; 60C.22; 60K.06; 60K.14, subdivision 4; 60K.19, subdivision 5; 61A.02, subdivision 2; 61A.031; 61A.04; 61A.07; 61A.071; 61A.073; 61A.074, subdivision 1; 61A.08; 61A.09, subdivision 1; 61A.092, by adding a subdivision; 61A.12, subdivision 1; 61A.282, subdivision 2; 62A.047; 62A.148; 62A.153; 62A.43, subdivision 4; 62E.19, subdivision 1; 62H.01; 62I.02; 62I.03; 62I.07; 62I.13, subdivisions 1 and 2; 62I.20; 65A.01, subdivision 1; 65A.29, subdivision 7; 65B.49, subdivision 3; 72A.20, subdivision 29, and by adding a subdivision; 72A.201, subdivision 9; 72A.41, subdivision 1; 72B.03, subdivision 1; 72B.04, subdivision 2; 176.181, subdivision 2; and 340A.409, subdivisions 2 and 3; proposing coding for new law in Minnesota Statutes, chapters 45; 61A; 62A; and 62H; repealing Minnesota Statutes 1992, sections 70A.06, subdivision 5; 72A.45; and 72B.07; Minnesota Rules, parts 2780.4800; 2783.0010; 2783.0020; 2783.0030; 2783.0040; 2783.0050; 2783.0060; 2783.0070; 2783.0080; 2783.0090; and 2783.0100.

I have the honor to announce that House File No. 1094 was taken from the table and new conferees were appointed.

Stanius, Reding, Bertram, Osthoff and Farrell have been appointed as such committee on the part of the House.

House File No. 1094 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 10, 1994

Mr. Luther moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 1094, and that a Conference Committee of 5 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 228, 1885, 1886, 1890, 1955 and 1956.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 10, 1994

FIRST READING OF HOUSE BILLS

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

H.F. No. 228: A bill for an act relating to local government; providing for annexation elections; changing conditions permitting annexation by ordinance; amending Minnesota Statutes 1992, sections 414.031, by adding a subdivision; and 414.033, subdivision 2; repealing Minnesota Statutes 1992, section 414.033, subdivision 2a.

Referred to the Committee on Metropolitan and Local Government.

H.F. No. 1885: A bill for an act relating to financial institutions; regulating administrative hearings on bank applications, certain bank mergers, certain emergency notices, certain credit union accounts, and motor vehicle sales finance contracts; making technical and clarifying changes; amending Minnesota Statutes 1992, sections 46.041, subdivision 4; 47.0153, subdivision 1; 47.0154; 48.47; 48.70; 52.191; 52.24, subdivision 2; 59A.03, subdivision 1; 168.69; Minnesota Statutes 1993 Supplement, sections 47.54, subdivision 4; and 56.155, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 48 and 52; repealing Minnesota Statutes 1992, sections 48.26; and 48.88, subdivision 2; Laws 1982, chapter 429, section 6.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1846, now on the Calendar.

H.F. No. 1886: A bill for an act relating to insurance; regulating insurers, investments, rehabilitations and liquidations, policy loans, and alternative coverage mechanisms; amending Minnesota Statutes 1992, sections 60A.052, subdivision 2; 60A.11, subdivision 13; 60A.111, subdivision 2; 60A.13, subdivision 8; 60B.60, subdivisions 2 and 3; 61A.28, subdivisions 11 and 12; 62F.02, subdivision 1; and 62F.03, by adding a subdivision; Minnesota Statutes 1993 Supplement, sections 60A.23, subdivision 4; 60D.20, subdivision 2; and 62B.12; repealing Minnesota Statutes 1992, section 60D.19, subdivision 5.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1751.

H.F. No. 1890: A bill for an act relating to Lake of the Woods county; allowing the county to forgive the amount owing on a contract for deed.

Referred to the Committee on Metropolitan and Local Government.

H.F. No. 1955: A bill for an act relating to Wright county; permitting the transfer of a sheltered workshop facility to its operator without bids or consideration.

Referred to the Committee on Metropolitan and Local Government.

H.F. No. 1956: A bill for an act relating to local government; authorizing the public library systems of the county of Anoka and the city of Anoka to merge and the county to provide library services for the city.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1926.

REPORTS OF COMMITTEES

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

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

S.F. No. 1794: A bill for an act relating to insurance; prohibiting insurers from obtaining or using HIV antibody test results arising out of exposure and testing for emergency medical service personnel; amending Minnesota Statutes 1992, section 72A.20, subdivision 29.

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

Page 2, line 24, after "(2)" insert "*, including any test to determine the presence of the human deficiency virus (HIV) antibody if such test was performed at the insurer's direction as part of the insurer's normal underwriting requirements*"

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

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

S.F. No. 1702: A bill for an act relating to commerce; regulating the interest rate charged by pawnbrokers; prescribing penalties; amending Minnesota Statutes 1992, section 609.81.

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

Delete everything after the enacting clause and insert:

"Section 1. [STUDY OF PAWNBROKER INDUSTRY.]

The commissioner of commerce, in consultation with the attorney general, shall conduct a study of the pawnbroker industry in Minnesota, and shall report his findings, conclusions, and recommendations to the legislature by December 1, 1994, on the following:

(1) the current licensing and regulation of pawnbrokers by political subdivisions, the effectiveness of that licensing and regulation, and whether there is a need for licensing and regulation by the state;

(2) the current practices used in the industry for valuing pawned objects as security for a loan and the fairness of the values attributed to those objects by pawnbrokers;

(3) the rate of interest charged on pawnbroker loans in the state and whether the state should establish a maximum rate of interest for pawnbroker loans; and

(4) the rate of interest on pawnbroker loans permitted in other states."

Delete the title and insert:

"A bill for an act relating to commerce; directing the commissioner of commerce to conduct a study of the Minnesota pawnbroker industry."

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

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

S.F. No. 1729: A bill for an act relating to financial institutions; reciprocal interstate banking; removing the geographical limitation contained in the definition of reciprocating state; amending Minnesota Statutes 1992, section 48.92, subdivision 7.

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

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

S.F. No. 1958: A bill for an act relating to private lands and waters; providing for recreational use, liability, and easements or other rights; amending Minnesota Statutes 1992, sections 87.025; 87.026; and 87.03; proposing coding for new law in Minnesota Statutes, chapter 87.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1992, section 87.021, is amended by adding a subdivision to read:

Subd. 1a. "Intentionally" means that the actor either has a purpose to do the thing or cause the result specified or believes that the act performed by the actor, if successful, will cause that result.

Sec. 2. Minnesota Statutes 1992, section 87.0221, is amended to read:

87.0221 [OWNER'S DUTY OF CARE OR DUTY TO GIVE WARNINGS.]

Except as specifically recognized by or provided in section 87.025, an owner (a) owes no duty of care to render or maintain the land safe for entry or use by other persons for recreational purposes, (b) owes no duty to warn those persons of any dangerous condition on the land, whether patent or latent, (c) owes no duty of care toward those persons except to refrain from ~~willfully taking action to cause~~ *intentionally causing injury*, and (d) owes no duty to curtail use of the land during its use for recreational purposes.

Sec. 3. Minnesota Statutes 1992, section 87.024, is amended to read:

87.024 [LIABILITY; LEASED LAND, WATER FILLED MINE PITS.]

Unless otherwise agreed in writing, the provisions of sections 87.0221 and 87.023 *also* shall be deemed applicable to the duties and liability of an owner of the following described land: (1) land leased to the state or any subdivision thereof for recreational purposes; or (2) idled or abandoned, water filled, mine pits whose pit walls may slump or cave, and to which water the public has access from a water access site operated by a public entity.

Sec. 4. Minnesota Statutes 1992, section 87.025, is amended to read:

87.025 [OWNER'S LIABILITY; NOT LIMITED.]

Except as provided in this chapter nothing herein limits in any way any liability which otherwise exists:

(a) For ~~conduct which, at law, entitles a trespasser to maintain an action and obtain relief for the conduct complained of~~ *intentionally causing injury to any person or to the property of another;*

(b) For injury suffered in any case where the owner charges the person or persons who enter or go on the land for the recreational use thereof, except that in the case of land leased to the state or a subdivision thereof, any consideration received from the state or subdivision thereof by the owner for such lease shall not be deemed a charge within the meaning of this section.

Sec. 5. Minnesota Statutes 1992, section 87.03, is amended to read:

87.03 [DEDICATION; EASEMENT.]

No dedication of any land in connection with any use by any person for a recreational purpose shall take effect in consequence of the exercise of such use for any length of time hereafter except as expressly permitted or provided *in writing* by the owner *nor shall the grant of permission for the use by the owner grant to any person an easement or other property right in the land except as expressly provided in writing by the owner.*

Sec. 6. [87.041] [PROTECTION FROM NUISANCE LAWSUITS.]

If any person brings a claim against an owner in state or federal court for injuries arising from the recreational use of land and the court determines that the owner is immune from liability under this chapter, the court in its discretion may award the owner its costs, disbursements, reasonable attorneys fees, and witness fees, incurred in defending against the claim."

Delete the title and insert:

“A bill for an act relating to the use of privately owned lands and waters by the public for beneficial recreational purposes; clarifying the nature and extent of liability of owners to persons using such lands; providing protection from nuisance lawsuits; amending Minnesota Statutes 1992, sections 87.021, by adding a subdivision; 87.0221; 87.024; 87.025; and 87.03; proposing coding for new law in Minnesota Statutes, chapter 87.”

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

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

S.F. No. 1910: A bill for an act relating to motor vehicles; emission control inspections; requiring contractors operating public inspection stations to make available the opportunity to renew motor vehicle registrations and obtain plates or tabs at inspection stations; amending Minnesota Statutes 1992, section 116.62, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 168.

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

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

S.F. No. 1912: A bill for an act relating to insurance; accident and health; permitting short term coverage; amending Minnesota Statutes 1993 Supplement, section 62A.65, by adding a subdivision.

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

Page 1, line 8, delete “SHORT TERM” and insert “SHORT-TERM”

Page 1, line 9, delete “*short term*” and insert “*short-term*”

Page 1, line 11, delete “120” and insert “185”

Page 1, line 19, delete “180” and insert “185”

Page 2, lines 6 and 20, delete “*Short term*” and insert “*Short-term*”

Page 2, line 7, after the period, insert “*Short-term coverage may exclude as a preexisting condition any injury, illness, or condition for which the covered person had medical treatment, symptoms, or any manifestations before the effective date of the coverage, but dependent children born or placed for adoption during the policy period must not be subject to the provision.*”

Page 2, lines 8, 10, 16, 18, 22, 23, 28, and 31, delete “*short term*” and insert “*short-term*”

Page 2, lines 12, 21, and 24, delete “180-day” and insert “185-day”

Page 2, lines 13 and 14, delete “*short term*” and insert “*short-term*”

Amend the title as follows:

Page 1, line 3, delete “short term” and insert “short-term”

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

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

S.F. No. 1755: A bill for an act relating to game and fish; agreements on taking and possession of fish taken from Ontario boundary waters; amending Minnesota Statutes 1993 Supplement, section 97A.531, by adding a subdivision.

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

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1993 Supplement, section 97A.531, is amended by adding a subdivision to read:

Subd. 6. [BORDER WATER ENTERPRISE AGREEMENTS.] (a) The commissioner of natural resources in consultation with the commissioner of trade and economic development, and in coordination with the federal government, may negotiate and, with the approval of the legislature, enter into agreements with authorized representatives of the province of Ontario and the “first nation” governments in Canada to provide for joint resource management, promotion of tourism, or economic development with respect to lakes through which the Ontario-Minnesota border runs. When negotiating with Ontario officials on game fish limits in Minnesota-Ontario border waters, the commissioner may not agree to more restrictive limits than are allowed in Ontario, unless the commissioner determines that more restrictive limits are necessary to protect Minnesota’s fishery resource.

(b) Possession of fish imported into the state from Ontario may not number more than the amount of the most restrictive Ontario possession limit by species placed on Minnesota-based anglers fishing in Ontario border waters, unless Ontario is equally restrictive on Ontario-based anglers on the same border waters.

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 game and fish; authorizing and setting conditions for agreements with Ontario and “first nation” governments in Canada regarding boundary waters; limiting possession of fish taken from Ontario boundary waters; amending Minnesota Statutes 1993 Supplement, section 97A.531, by adding a subdivision.”

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

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

S.F. No. 1732: A bill for an act relating to courts; expanding conciliation court jurisdiction over matters involving rental property; amending Minnesota Statutes 1993 Supplement, section 491A.01, subdivision 9.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1993 Supplement, 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;

(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 566.35 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;

(14) the delivery of legal services by a specialized legal assistant in accordance with a specialty license issued by the supreme court before July 1, 1995;

(15) the sole shareholder of a corporation from appearing on behalf of the corporation in court; or

(16) an officer, manager, partner, or employee or an agent of a condominium, cooperative, or townhouse association from appearing on behalf of a corporation, limited liability company, partnership, sole proprietorship, or association in conciliation court or in a district court action removed from conciliation court, in accordance with section 491A.02, subdivision 4.

Sec. 2. Minnesota Statutes 1993 Supplement, section 491A.01, subdivision 9, is amended to read:

Subd. 9. [JURISDICTION; RENTAL PROPERTY.] The conciliation court also has jurisdiction to determine an action commenced under section 504.20 for the recovery of a deposit on rental property, or under section 504.245, 504.255, or 504.26, for damages arising from the landlord and tenant

relationship under chapter 504 or under the rental agreement in the county in which the rental property is located.

Sec. 3. Minnesota Statutes 1993 Supplement, section 491A.02, subdivision 4, is amended to read:

Subd. 4. [REPRESENTATION.] A corporation, partnership, limited liability company, sole proprietorship, or association may be represented in conciliation court by an officer, manager, or partner *or an agent in the case of a condominium, cooperative, or townhouse association*, or may appoint a natural person who is an employee to appear on its behalf or settle a claim in conciliation court. This representation does not constitute the practice of law for purposes of section 481.02, subdivision 8. In the case of an officer ~~or~~, employee, *or agent of a condominium, cooperative, or townhouse association*, an authorized power of attorney, corporate authorization resolution, corporate bylaw, or other evidence of authority acceptable to the court must be filed with the claim or presented at the hearing. This subdivision also applies to appearances in district court by a corporation or limited liability company with five or fewer shareholders or members *and to any condominium, cooperative, or townhouse association*, if the action was removed from conciliation court."

Delete the title and insert:

"A bill for an act relating to conciliation courts; expanding conciliation court jurisdiction over matters involving rental property; allowing nonattorneys to represent condominium and cooperative associations; amending Minnesota Statutes 1993 Supplement, sections 481.02, subdivision 3; 491A.01, subdivision 9; and 491A.02, subdivision 4."

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

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

S.F. No. 1998: A bill for an act relating to change of name; altering procedural requirements for a change of name application; amending Minnesota Statutes 1992, section 259.10.

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

Page 2, after line 7, insert:

"Sec. 2. Minnesota Statutes 1993 Supplement, section 357.021, subdivision 1a, is amended to read:

Subd. 1a. (a) Every person, including the state of Minnesota and all bodies politic and corporate, who shall transact any business in the district court, shall pay to the court administrator of said court the sundry fees prescribed in subdivision 2. Except as provided in paragraph (d), the court administrator shall transmit the fees monthly to the state treasurer for deposit in the state treasury and credit to the general fund.

(b) In a county which has a screener-collector position, fees paid by a county pursuant to this subdivision shall be transmitted monthly to the county treasurer, who shall apply the fees first to reimburse the county for the amount of the salary paid for the screener-collector position. The balance of the fees

collected shall then be forwarded to the state treasurer for deposit in the state treasury and credited to the general fund. In a county in the eighth judicial district which has a screener-collector position, the fees paid by a county shall be transmitted monthly to the state treasurer for deposit in the state treasury and credited to the general fund. A screener-collector position for purposes of this paragraph is an employee whose function is to increase the collection of fines and to review the incomes of potential clients of the public defender, in order to verify eligibility for that service.

(c) No fee is required under this section from the public authority or the party the public authority represents in an action for:

(1) child support enforcement or modification, medical assistance enforcement, or establishment of parentage in the district court, or child or medical support enforcement conducted by an administrative law judge in an administrative hearing under section 518.551, subdivision 10;

(2) civil commitment under chapter 253B;

(3) the appointment of a public conservator or public guardian or any other action under chapters 252A and 525;

(4) wrongfully obtaining public assistance under section 256.98 or 256D.07, or recovery of overpayments of public assistance;

(5) court relief under chapter 260;

(6) forfeiture of property under sections 609.531 to 609.5317;

(7) recovery of amounts issued by political subdivisions or public institutions under sections 246.52, 252.27, 256.045, 256.25, 256.87, 256B.042, 256B.14, 256B.15, 256B.37, and 260.251, or other sections referring to other forms of public assistance; or

(8) restitution under section 611A.04.

(d) *No fee is required under this section from a person petitioning for a change of name under section 259.10, if:*

(1) the petition is filed within one year of the person's marriage or marriage dissolution; and

(2) the person is changing the name all or in part to include the name of the person's spouse or to include the person's prior name.

(e) The fees collected for child support modifications under subdivision 2, clause (13), must be transmitted to the county treasurer for deposit in the county general fund. The fees must be used by the county to pay for child support enforcement efforts by county attorneys."

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "waiving filing fees in certain cases;"

Page 1, line 4, before the period, insert "; Minnesota Statutes 1993 Supplement, section 357.021, subdivision 1a"

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

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

S.F. No. 1786: A bill for an act relating to partnerships; providing for the registration and operation of limited liability partnerships; amending Minnesota Statutes 1992, sections 319A.02, subdivision 5; 319A.05; 319A.06, subdivision 2; 319A.07; 319A.12, subdivisions 1, 1a, and 2; 323.02, subdivision 8, and by adding a subdivision; 323.06; 323.14; 323.17; 323.35; and 323.39; Minnesota Statutes 1993 Supplement, section 319A.02, subdivision 7; proposing coding for new law in Minnesota Statutes, chapter 323.

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

Page 13, line 13, before "A" insert "(a)"

Page 13, after line 27, insert:

"(b) When the dissolved limited liability partnership has wound up its affairs, it shall file with the secretary of state a termination notice that contains the following information:

(1) the name of the limited liability partnership;

(2) that the limited liability partnership has dissolved and wound up its affairs; and

(3) that the limited liability partnership is terminated.

The notice must be signed by one former general partner who has not wrongfully dissolved the partnership. There is no fee for the termination filing."

Page 15, lines 17, 23, and 26, after "business" insert "in this state"

Page 16, after line 8, insert:

"Sec. 20. [APPROPRIATION.]

\$..... is appropriated from the general fund to the secretary of state for implementation of this act."

Amend the title as follows:

Page 1, line 4, after the semicolon, insert "appropriating money;"

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

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

S.F. No. 1911: A bill for an act relating to the secretary of state; changing filing procedures for corporations and certain organizations; providing for service of process on limited partnerships; changing requirements for filings governed by the uniform commercial code; amending Minnesota Statutes 1992, sections 302A.821, subdivision 1; 303.07, subdivision 2; 303.17, subdivisions 2 and 4; 315.23, subdivision 3; 315.44; Minnesota Statutes 1993 Supplement, sections 336.9-403; 336.9-407; 336.9-413; 336A.04, subdivision 3; 336A.09, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 322A.

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

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

S.F. No. 1767: A bill for an act relating to corporations; modifying provisions for the organization and operation of business corporations; amending Minnesota Statutes 1992, sections 302A.135, subdivision 4; 302A.405, subdivision 1; 302A.471, subdivision 1; 302A.661, subdivision 1; 302A.725, subdivision 3; and 302A.751, subdivisions 1, 2, and 3a; Minnesota Statutes 1993 Supplement, sections 302A.401, subdivision 1; 302A.435, subdivision 1; and 302A.673, subdivision 3.

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

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

S.F. No. 1766: A bill for an act relating to attorneys; expanding remedies for the unauthorized practice of law; amending Minnesota Statutes 1992, section 481.02, subdivision 8.

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

Mr. Vickerman from the Committee on Veterans and General Legislation, to which was referred

S.F. No. 1968: A bill for an act relating to veterans; extending eligibility for special veterans' license plates to allied veterans; amending Minnesota Statutes 1992, section 168.123, subdivisions 1 and 2.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Transportation and Public Transit. Report adopted.

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

S.F. No. 1751: A bill for an act relating to insurance; regulating insurers, investments, rehabilitations and liquidations, policy loans, and alternative coverage mechanisms; amending Minnesota Statutes 1992, sections 60A.052, subdivision 2; 60A.11, subdivision 13; 60A.111, subdivision 2; 60A.13, subdivision 8; 60B.60, subdivisions 2 and 3; 61A.28, subdivisions 11 and 12; 62F.02, subdivision 1; and 62F.03, by adding a subdivision; Minnesota Statutes 1993 Supplement, sections 60A.23, subdivision 4; 60D.20, subdivision 2; and 62B.12; repealing Minnesota Statutes 1992, section 60D.19, subdivision 5.

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

Page 9, line 15, after "clause" insert "(1) or" and reinstate the stricken "(4)" and delete "(1)"

Page 9, after line 16, insert:

"Sec. 12. Minnesota Statutes 1993 Supplement, section 62C.10, is amended to read:

62C.10 [INVESTMENT.]

Funds of a corporation subject to this chapter shall be invested only in securities and property designated by law for investment by domestic life insurance companies. Notwithstanding any limitations set forth in chapter 61A, an organization which has received a certificate of authority from the commissioner to operate under this chapter ~~only for the provision of prepaid dental plans~~ may invest up to 20 percent of its admitted assets in ~~subsidiary corporations~~ whose business is the arrangement for, management of, or provision of *health care services, including dental and related managed care and administrative services*. Any amounts so invested in ~~subsidiary corporations~~ shall, for purposes of section 62C.09, be added to the minimum and maximum reserve requirements as calculated for a service plan corporation."

Page 9, lines 22 to 24, delete the new language and insert "*, who practices or provides professional services within the state of Minnesota and obtains at least 60 percent of gross revenues from patients who are residents of the state of Minnesota*"

Page 10, after line 2, insert:

"Sec. 15. Minnesota Statutes 1992, section 62I.08, is amended to read:

62I.08 [APPLICATION PROCEDURE.]

A person or entity that has been denied coverage or is unable to find an insurer willing to write coverage is eligible to make an application to the association. The application shall be on a form approved by the board of directors. To show eligibility to participate in the association the applicant shall certify that the applicant has been unable to find anyone to offer the coverage sought by the applicant. No further proof shall be required of the applicant, *except that the application form approved by the board of directors may require the date and the name of the insurance company denying coverage and may require a copy of a written offer if the rate qualifies the applicant to apply under section 62I.13, subdivision 2*. The application shall be filed simultaneously with the association and the market assistance plan of the association.

Sec. 16. Minnesota Statutes 1992, section 62I.13, subdivision 2, is amended to read:

Subd. 2. [MINIMUM OF QUALIFICATIONS.] Anyone who is unable to obtain insurance in the private market and who so certifies to the association in the application is eligible to make written application to the association for coverage. *The application may require information as provided in section 62I.08*. Payment of the applicable premium or required portion of it must be paid prior to coverage by the association. An offer of coverage at a rate in excess of the rate that would be charged by the association for similar coverage and risk shall be deemed to be a refusal of coverage for purposes of eligibility for participation in the association. It shall not be deemed to be a written notice of refusal if the rate for coverage offered is less than ~~five~~ *ten* percent in excess of the joint underwriting association rates for similar coverage and risk. However, the offered rate must also be the rate that the

insurer has filed with the department of commerce if the insurer is required to file its rates with the department. If the insurer is not required to file its rates with the department, the offered rate must be the rate generally charged by the insurer for similar coverage and risk.

Sec. 17. Minnesota Statutes 1992, section 62I.21, is amended to read:

62I.21 [ACTIVATION OF MARKET ASSISTANCE PLAN AND JOINT UNDERWRITING ASSOCIATION.]

~~At any time the commissioner of commerce deems it necessary to provide assistance with respect to the~~ Upon submission of an application for placement of general liability insurance coverage ~~on Minnesota risks for under section 62I.13 in a class of business for which the market assistance plan and the joint underwriting association are not then activated, where the applicant has been refused coverage within the meaning of section 62I.13, subdivision 2, the commissioner shall may~~ by notice in the State Register activate the market assistance plan and the joint underwriting association on Minnesota risks for the class of business. The plan and association are activated for a period of 180 days from publication of the notice. At the same time the notice is published, the commissioner shall prepare a written petition requesting that a hearing be held to determine whether activation of the market assistance plan and the joint underwriting association is necessary beyond the 180-day period. The hearing must be held in accordance with section 62I.22. The commissioner by order shall deactivate a market assistance program and the joint underwriting association at any time the commissioner finds that the market assistance program and the joint underwriting association are not necessary.”

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 9, delete “and” and after the semicolon, insert “62I.08; 62I.13, subdivision 2; and 62I.21;”

Page 1, line 11, delete “and” and after the third semicolon, insert “and 62C.10;”

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

Mr. Vickerman from the Committee on Veterans and General Legislation, to which was referred

S.F. No. 1696: A bill for an act relating to capital improvements; Minneapolis veterans home; authorizing the issuance of state bonds; appropriating money.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Finance. Report adopted.

Mr. Mondale, for Mrs. Adkins, from the Committee on Metropolitan and Local Government, to which was referred

S.F. No. 2118: A bill for an act relating to local government; clarifying that the Moose Lake Fire Protection District is a governmental subdivision for

certain purposes; making other clarifications; amending Laws 1987, chapter 402, section 2, subdivisions 2, 3, and by adding a subdivision.

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

Mr. Mondale, for Mrs. Adkins, from the Committee on Metropolitan and Local Government, to which was referred

S.F. No. 2070: A bill for an act relating to cities; allowing home rule charter cities to apply law applicable to statutory cities in instances in which the charter is silent, with certain restrictions; proposing coding for new law in Minnesota Statutes, chapter 410.

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

Mr. Mondale, for Mrs. Adkins, from the Committee on Metropolitan and Local Government, to which was referred

S.F. No. 1926: A bill for an act relating to local government; authorizing the public library systems of the county of Anoka and the city of Anoka to merge and the county to provide library services for the city.

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

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

S.F. No. 2210: A bill for an act relating to health; Ramsey Health Care, Inc.; authorizing the public corporation to incorporate as a nonprofit corporation; terminating its status as a public corporation; providing for the care of the indigent of Ramsey county and other counties; providing for certain of its powers and duties; repealing Minnesota Statutes 1992, sections 246A.01; 246A.02; 246A.03; 246A.04; 246A.05; 246A.06; 246A.07; 246A.08; 246A.09; 246A.10; 246A.11; 246A.12; 246A.13; 246A.14; 246A.15; 246A.16; 246A.17; 246A.18; 246A.19; 246A.20; 246A.21; 246A.22; 246A.23; 246A.24; 246A.25; 246A.26; and 246A.27.

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

Delete everything after the enacting clause and insert:

“Section 1. [DEFINITIONS.]

Subdivision 1. [SCOPE.] In sections 1 and 2, the definitions in this section apply.

Subd. 2. [PUBLIC CORPORATION.] The “public corporation” means Ramsey Health Care, Inc., established by Minnesota Statutes, section 246A.02.

Subd. 3. [NONPROFIT CORPORATION.] The “nonprofit corporation” means the entity formed in accordance with section 2, subdivision 1.

Sec. 2. [INCORPORATION AS NONPROFIT CORPORATION.]

Subdivision 1. [INCORPORATION.] The board of directors of the public corporation may incorporate as a nonprofit corporation under Minnesota Statutes, chapter 317A. Upon so incorporating, the nonprofit corporation that results ceases to be a public corporation.

Subd. 2. [EMPLOYEES.] (a) Employees of either the nonprofit corporation or its subsidiary corporations are not public employees. A person who is an employee of the public corporation or one of its subsidiary corporations, and is a member of the public employees retirement association at the time of the incorporation described in subdivision 1, may elect to remain a member of that association.

(b) For an employee who elects to remain a member of the public employees retirement association, the employing corporation shall pay the employer contributions required by Minnesota Statutes, section 353.27, and shall deduct from the employee's salary and transmit to the association, the employee contribution required by section 353.27.

(c) The total compensation package, including wage plus benefit rates, of all employees that are members of a construction or building trade for which there is a generally established and recognized scale of wages inside the county, must equal the total compensation package of private sector construction trade employees within the county as established by collective bargaining agreements.

Subd. 3. [TORT LIABILITY.] Notwithstanding other law to the contrary, the public corporation and its hospital subsidiary corporation each are a "municipality" for purposes of tort liability under Minnesota Statutes, chapter 466, with regard to any claim occurring before the date of incorporation pursuant to subdivision 1.

Subd. 4. [LEASE OR SALE OF PROPERTY.] (a) Any lease entered into under Minnesota Statutes, section 246A.11, before its repeal by this act, remains in effect according to its terms.

(b) Before July 1, 1994, any lease entered into under Minnesota Statutes, section 246A.11, must be amended to provide that:

(1) at least one seat on the board of directors of St. Paul-Ramsey Medical Center or its successor or assignee must be reserved for a member of the board of Ramsey county commissioners to be appointed by the county board;

(2) any name change to the St. Paul-Ramsey Medical Center facility must not be implemented without providing the Ramsey county board 60 days to comment and consult with St. Paul-Ramsey Medical Center or its successor or assignee;

(3) except as provided in subdivision 5, St. Paul-Ramsey Medical Center or its successor or assignee shall continue major or unique services currently provided, including but not limited to the trauma center, burn unit, and teaching and research services for a five-year period, and thereafter shall use its best efforts to continue those services and shall consult with the Ramsey county board of commissioners before discontinuing those services;

(4) in the event of health care reform that reduces or eliminates the need for St. Paul-Ramsey Medical Center or its successor or assignee to provide indigent care, the county shall receive replacement consideration for that

indigent care service, which may be paid in the form of rent or capital improvements to county-owned property;

(5) St. Paul-Ramsey Medical Center or its successor or assignee shall provide Ramsey county with a copy of its annual financial statement and management letter, and an annual report on the value of improvements made on county-owned property; and

(6) the lease may not be assigned to a for-profit corporation or a subsidiary of a for-profit corporation without the consent of the Ramsey county board of commissioners.

(c) The St. Paul-Ramsey Medical Center property owned by Ramsey county may be sold or transferred through negotiation, but in no event shall the county-owned property be sold or transferred without adequate compensation to the county.

Subd. 5. [CARE OF THE INDIGENT.] (a) St. Paul-Ramsey Medical Center or its successor or assignee must provide hospital and medical services for the indigent of Ramsey county. The services must equal those made available to nonindigent patients.

(b) Notwithstanding any law to the contrary, Ramsey county may provide funds to buy hospital and medical services for the indigent of Ramsey county from a provider selected by the county with or without public bid.

(c) Notwithstanding any law to the contrary, any county may provide funds to buy hospital and medical services for the indigent of that county from a provider selected by the county with or without public bid.

Sec. 3. [PURCHASING.]

The nonprofit corporation permitted to be incorporated by section 2, subdivision 1, its successors and affiliates, may purchase materials and services through state contracts.

Sec. 4. [REPEALER.]

Minnesota Statutes 1992, sections 246A.01; 246A.02; 246A.03; 246A.04; 246A.05; 246A.06; 246A.07; 246A.08; 246A.09; 246A.10; 246A.11; 246A.12; 246A.13; 246A.14; 246A.15; 246A.16; 246A.17; 246A.18; 246A.19; 246A.20; 246A.21; 246A.22; 246A.23; 246A.24; 246A.25; 246A.26; and 246A.27, are repealed.

Sec. 5. [EFFECTIVE DATE.]

This act is effective upon approval by the Ramsey county board of commissioners according to Minnesota Statutes, section 645.021, subdivision 3."

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

Mr. Mondale, for Mrs. Adkins, from the Committee on Metropolitan and Local Government, to which was referred

S.F. No. 1899: A bill for an act relating to the city of Eagan; providing for the establishment of a special service district.

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

Mr. Mondale, for Mrs. Adkins, from the Committee on Metropolitan and Local Government, to which was referred

S.F. No. 1921: A bill for an act relating to housing projects; providing for a housing bond credit enhancement program administered by the metropolitan council; authorizing the metropolitan council to provide additional security for bonds issued for qualifying housing projects; proposing coding for new law in Minnesota Statutes, chapter 473.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Taxes and Tax Laws. Report adopted.

Mr. Mondale, for Mrs. Adkins, from the Committee on Metropolitan and Local Government, to which was referred

S.F. No. 1826: A bill for an act relating to metropolitan government; extending reporting and effective dates for radio systems planning by the metropolitan council; extending the moratorium on applications for 800 megahertz channels.

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

Page 1, line 12, delete "1996" and insert "1995" and after the period, insert "*No construction, setup, or procurement of a radio system shall be undertaken by a local government or state agency during the moratorium using the 800 MHz National Public Safety Planning Advisory Committee (NPSPAC) channels assigned to the metropolitan region.*"

Page 1, line 13, delete "1996" and insert "1995"

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Mr. Mondale, for Mrs. Adkins, from the Committee on Metropolitan and Local Government, to which was referred

S.F. No. 1963: A bill for an act relating to local government; permitting the establishment of a special service district in the city of Hopkins; providing taxing and other authority for the city.

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

Page 2, line 22, after the comma, insert "and"

Page 2, line 24, delete everything after the first "area" and insert a period

Page 2, delete line 25

Page 2, line 27, after the period, insert "*The ordinance may be amended by the governing body of the city, provided the governing body complies with the public hearing notice provisions of subdivision 2.*"

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

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

S.F. No. 2192: A bill for an act relating to health; MinnesotaCare; establishing and regulating community integrated service networks; defining terms; creating a reinsurance and risk adjustment association; classifying data; requiring reports; mandating studies; modifying provisions relating to the regulated all-payer option; requiring administrative rulemaking; setting time-lines and requiring plans for implementation; designating essential community providers; establishing an expedited fact finding and dispute resolution process; requiring proposed legislation; establishing task forces; providing for demonstration models; mandating universal coverage; requiring insurance reforms; providing grant programs; establishing the Minnesota health care administrative simplification act; implementing electronic data interchange standards; creating the Minnesota center for health care electronic data interchange; providing standards for the Minnesota health care identification card; appropriating money; providing penalties; amending Minnesota Statutes 1992, sections 60A.15, subdivision 1; 62A.303; 62D.04, by adding a subdivision; 62E.02, subdivisions 10, 18, 20, and 23; 62E.10, subdivisions 1, 2, and 3; 62E.141; 62E.16; 62J.03, by adding a subdivision; 62L.02, subdivisions 9, 13, 16, 17, 24, and by adding subdivisions; 62L.03, subdivision 1; 62L.05, subdivisions 1, 5, and 8; 62L.08, subdivisions 2, 5, 6, and 7; 62L.12; 62L.21, subdivision 2; 62M.02, subdivisions 5 and 21; 62M.03, subdivisions 1, 2, and 3; 62M.05, subdivision 3; 62M.06, subdivision 3; 62M.09, subdivision 5; and 295.50, by adding subdivisions; Minnesota Statutes 1993 Supplement, sections 43A.317, by adding a subdivision; 60K.14, subdivision 7; 61B.20, subdivision 13; 62A.011, subdivision 3; 62A.65, subdivisions 2, 3, 4, 5, and by adding a subdivision; 62D.12, subdivision 17; 62J.03, subdivision 6; 62J.04, subdivisions 1 and 1a; 62J.09, subdivision 2; 62J.33, by adding subdivisions; 62J.35, subdivisions 2 and 3; 62J.38; 62J.41, subdivision 2; 62J.45, by adding subdivisions; 62L.02, subdivisions 8, 11, 15, 19, and 26; 62L.03, subdivisions 3, 4, and 5; 62L.04, subdivision 1; 62L.08, subdivisions 4 and 8; 62N.01; 62N.02, subdivisions 1, 8, and by adding a subdivision; 62N.06, subdivision 1; 62N.065, subdivision 1; 62N.10, subdivisions 1 and 2; 62N.22; 62N.23; 62P.01; 62P.03; 62P.04; 62P.05; 144.1486; 151.21, subdivisions 7 and 8; 256.9352, subdivision 3; 256.9657, subdivision 3; 295.50, subdivisions 3, 4, and 12b; 295.53, subdivisions 1, 2, and 5; 295.54; 295.58; and 295.582; proposing coding for new law in Minnesota Statutes, chapters 62A; 62J; 62N; and 62P; proposing coding for new law as Minnesota Statutes, chapter 62Q; repealing Minnesota Statutes 1992, sections 62A.02, subdivision 5; 62E.51; 62E.52; 62E.53; 62E.531; 62E.54; 62E.55; and 256.362, subdivision 5; Minnesota Statutes 1993 Supplement, sections 62J.04, subdivision 8; 62N.07; 62N.075; 62N.08; 62N.085; and 62N.16;

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

Page 3, line 18, after "*enrollees*" insert "*, including enrollees who are residents of other states*"

Page 4, line 13, after the period, insert "*A cooperative organized under chapter 308A may establish a community integrated service network.*"

Page 6, lines 3 and 9, delete "*allied*" and insert "*independent*"

Page 6, line 4, before the period, insert "*in addition to a preferred provider network*"

Page 6, line 5, delete "*this*" and insert "*the expanded*" and delete "*allied*" and insert "*independent*"

Page 6, line 6, after "*the*" insert "*community*"

Page 6, line 10, delete "*who*" and insert a period

Page 6, delete lines 11 and 12

Page 6, line 14, delete "*a health plan that provides*"

Page 6, line 15, delete "*access to*" and insert "*the option of receiving covered services through*" and delete "*allied*" and insert "*independent*"

Page 6, line 16, delete everything after the period

Page 6, delete lines 17 to 22 and insert "*A community integrated service network shall pay each independent health care provider in the expanded network the same rate as paid to the independent health care providers in the preferred provider network.*"

Page 6, line 23, delete "*4*" and insert "*3*"

Page 6, line 25, delete "*Allied health*" and insert "*Independent health care*"

Page 7, line 14, after the period, insert "*The cooperative must not be staffed, administered, or supervised by the commissioner of health. The cooperative shall make use of existing resources that are already available in the community, to the extent possible.*"

Page 14, line 12, delete "*in proportion to their statewide*"

Page 14, line 13, delete "*market share*" and insert "*based on gross premium revenues*"

Page 17, line 24, after "*in*" insert "*the*"

Page 18, line 12, delete "*may*" and insert "*shall*"

Page 18, line 15, after the period, insert "*Data to be collected shall include structural characteristics including staff-mix and nurse-patient ratios.*"

Page 18, line 35, delete "*HEDIS*" and insert "*quality*"

Page 19, line 5, after the period, insert "*Data shall be collected and reported by county and high-risk and special needs populations as well as by health plan.*"

Page 19, lines 14 and 15, delete "*provision*" and insert "*provisions*"

Page 27, line 34, after the period, insert "*The action plan must also describe how the health plan company intends to encourage the use of nonphysician providers, midlevel practitioners, and allied health professionals, through at least consumer education, physician education, and referral and advisement systems.*"

Page 28, line 2, after the period, insert "*Until July 1, 1995, a health plan company may use estimates if actual data is not available.*"

Page 28, line 15, delete "*are*" and insert "*is*"

Page 28, line 34, after the second "*communities*" insert "*that are within the health plan company's service area but are*"

Page 29, line 1, delete "(g)" and insert "(f)"

Page 29, delete section 19 and insert:

"Sec. 19. [62Q.09] [PROHIBITION ON EXCLUSIVE RELATIONSHIPS.]

Subdivision 1. [PROHIBITION ON EXCLUSIVE CONTRACTS.] No provider or health plan company shall restrict any person's right to provide services or procedures to another provider or health plan company unless the person is an employee.

Subd. 2. [PROHIBITION ON RESTRICTIVE CONTRACT TERMS.] No provider or person providing goods or services to a provider shall enter into any contract or subcontract with any health plan company on terms that require the provider or person not to contract with any other health plan company.

Subd. 3. [ENFORCEMENT.] Either the commissioner of health or commerce shall periodically review contracts among health care providing entities and health plan companies to determine compliance with this section. Any provider may submit a contract to the commissioner for review if the provider believes this section has been violated. Any provision of a contract found to violate this section is null and void, and the commissioner may seek civil penalties in an amount not to exceed \$25,000 for each such contract."

Page 29, after line 23, insert:

"Sec. 21. [62Q.12] [DENIAL OF ACCESS.]

No health plan company may deny access to a covered health care service unless the denial is made by, or under the direction of, or subject to the review of a health care professional licensed to provide the service in question."

Page 30, line 2, delete "*health plan*" and insert "*policy*"

Page 30, line 3, delete "*health plans*" and insert "*policies*"

Renumber the sections of article 2 in sequence

Page 40, line 29, after "*reimburse*" insert "*out-of-network health care providers located*"

Page 40, line 30, delete "*out-of-state health care providers*" and insert "*out of state*"

Page 42, line 5, delete "*by January 1, 1995*" and insert "*following the timetable set forth in article 9*"

Page 46, line 29, delete the first comma and insert "*and*" and delete everything after "*centers*"

Page 46, line 30, delete "*ambulatory clinics*"

Page 50, after line 15, insert:

"The membership cards shall also conform to the requirements set forth in section 62J.60."

Page 50, line 30, delete "an" and insert "a demonstrated"

Page 50, line 31, delete "low-income" and insert "uninsured persons and high-risk and special needs populations as defined in section 62Q.07, subdivision 2, paragraph (e)"

Page 51, line 6, after "a" insert "local government or"

Page 53, delete line 10

Page 53, line 11, delete "(2)" and insert "(1)"

Page 53, line 13, delete "(3)" and insert "(2)"

Page 53, line 14, delete "(4)" and insert "(3)"

Page 53, line 15, delete "(5)" and insert "(4)"

Page 53, line 16, delete "(6)" and insert "(5)"

Page 53, line 17, delete "(7)" and insert "(6)"

Page 53, line 19, delete "(8)" and insert "(7)"

Page 53, line 20, delete "(9)" and insert "(8)"

Page 53, after line 20, insert:

"Subd. 5. [ADVISORY COMMITTEE ON THE UNIVERSAL BENEFITS SET.] *The commissioner shall appoint an advisory committee to develop recommendations regarding services to be included in the universal benefits set. The committee must include representatives of health care providers, consumers, health plan companies, and counties.*"

Page 53, line 21, delete "5" and insert "6"

Page 53, line 25, after the period, insert "*The committee shall also develop recommendations on an appropriate system to deliver dental services.*"

Page 55, line 4, delete "prevention" and insert "preventive"

Page 55, after line 5, insert:

"(6) *the impact of enrollee cost-sharing requirements on appropriate utilization must be considered when cost-sharing requirements are developed,*"

Page 55, line 6, delete "(6)" and insert "(7)"

Page 55, line 13, delete "(7)" and insert "(8)"

Page 55, delete section 8

Renumber the sections of article 4 in sequence.

Page 56, line 36, before "The" insert "(a)"

Page 57, after line 9, insert:

"(b) *The commissioner shall include with the plan required under paragraph (a) recommendations, including proposed legislation, for a coordinated program for receiving bids from managed care plans to serve enrollees of the state health plan and recipients of MinnesotaCare, medical assistance, and general assistance medical care, to be phased in beginning July 1, 1997.*"

(c) *The recommendations shall include a requirement that managed care plans interested in contracting to serve enrollees or recipients of any program listed in paragraph (b) submit a bid to provide services to all enrollees and recipients of those programs residing within the plan's service area.*

(d) *The commissioner must convene an advisory task force to assist with the preparation of plans, recommendations, and legislation required by this section. The task force must include representatives of recipients of the publicly paid health care programs, providers with substantial experience in providing services to recipients of these programs, county human services representatives, and other affected persons."*

Page 57, line 28, before "employers" insert "counties."

Page 58, after line 15, insert:

"Sec. 6. [24-HOUR COVERAGE.]

As part of the implementation plan submitted on January 1, 1996, as required under Minnesota Statutes, section 62Q.41, the commissioner of health, in consultation with the commissioners of jobs and training and labor and industry, shall develop a 24-hour coverage plan incorporating the health component of workers' compensation with health care coverage to be offered by an integrated service network. The commissioner shall also make recommendations of any legislative changes that may be needed to implement this plan."

Page 58, line 17, after "health" insert "in consultation with the Minnesota ambulance association and the regional emergency medical services systems"

Renumber the sections of article 5 in sequence

Page 59, line 23, delete the first "health" and insert "healthy"

Page 64, line 9, before "7" insert "6,"

Page 66, line 6, after the comma, insert "and representatives of county government"

Page 67, line 36, delete "and" and insert "or"

Page 69, after line 3, insert:

"Sec. 2. [62Q.32] [LOCAL OMBUDSPERSON.]

Community health service agencies may establish an office of ombudsperson to provide a system of consumer advocacy for persons receiving health care services through an integrated service network system or through the regulated all-payer option. The ombudsperson's functions may include, but are not limited to:

(a) *mediation or advocacy on behalf of a person who is having difficulty accessing health care services through either an integrated service network or through the regulated all-payer option; and*

(b) *investigation of the quality of services provided to a person and determine the extent to which quality assurance mechanisms are needed or any other system change may be needed."*

Renumber the sections of article 7 in sequence

Page 82, line 11, strike the second "or"

Page 82, line 12, after "62J.42" insert "; or 62J.45"

Pages 95 and 96, delete section 33

Page 96, delete line 20 and insert:

"Sections 1, 2, 4 to 15, 17 to 26, 30, and 31 are effective the day following final enactment. Sections 16, 27 to 29, 32, and 33 are effective July 1, 1994."

Renumber the sections of article 8 in sequence

Page 97, line 1, delete "american" and insert "American"

Page 97, line 16, delete "all" and insert "the following:"

Page 99, line 22, after "manual" insert "specified by the commissioner. In promulgating these instructions, the commissioner may utilize the manual"

Page 99, line 23, delete "adapted" and insert "adopted"

Page 99, line 24, delete everything after "committee" and insert a period

Page 99, delete lines 25 and 26

Page 100, line 20, after "Minnesota" insert "except dental or pharmacy providers"

Page 100, line 25; after "committee" insert "entitled standards for the use of the HCFA 1500 form, dated February 1994"

Page 101, line 34, delete "1995" and insert "1996"

Page 103, line 29, delete "providers" and insert "patients"

Page 104, line 3, after "maintained" insert "in unencrypted form"

Page 107, lines 4 and 9, after "shall" insert "be able to"

Page 107, line 26, after "shall" insert "be able to" and delete "in full production"

Page 111, line 14, delete "public"

Page 111, line 21, delete "The" and insert:

"The"

Page 120, line 24, after "in" insert "a health plan, as defined in section 62A.011, offered by"

Page 125, line 32, delete "1992" and insert "1993 Supplement"

Page 142, line 17, delete "rule" and insert "rules"

Page 143, delete lines 4 and 5 and insert:

"Sections 1, 3 to 6, 8, 10, 14 to 25, 27 to 28, 30 to 39, and 41 to 44 are effective the day following final enactment. Sections 2 and 11 are effective July 1, 1994. Sections 7, 9, 12, 13, 26, 29, and 40 are effective January 1, 1995."

Page 144, after line 21, insert:

"Sec. 2. Minnesota Statutes 1993 Supplement, section 256.9356, subdivision 3, is amended to read:

Subd. 3. [ADMINISTRATION AND COMMISSIONER'S DUTIES.] Premiums are dedicated to the commissioner for MinnesotaCare. The commissioner shall make an annual redetermination of continued eligibility and identify people who may become eligible for medical assistance. The commissioner shall develop and implement procedures to: (1) require enrollees to report changes in income; (2) adjust sliding scale premium payments, based upon changes in enrollee income; and (3) disenroll enrollees from MinnesotaCare for failure to pay required premiums. Premiums are calculated on a calendar-month basis and may be paid on a monthly, quarterly, or annual basis, with the first payment due upon notice from the commissioner of the premium amount required. Premium payment is required before enrollment is complete and to maintain eligibility in MinnesotaCare. ~~Nonpayment~~ *Payment of the premium later than 30 days after the premium due date will result in disenrollment from the plan within one calendar month after the due date.* Persons disenrolled for nonpayment may not reenroll until four calendar months have elapsed."

Page 146, after line 5, insert:

"Sec. 7. Minnesota Statutes 1993 Supplement, section 295.52, subdivision 5, is amended to read:

Subd. 5. [VOLUNTEER AMBULANCE SERVICES.] ~~Licensed Volunteer ambulance services for which all the ambulance attendants are "volunteer ambulance attendants" as defined in section 144.8091, subdivision 2, are not subject to the tax under this section. For purposes of this requirement, "volunteer ambulance service" means an ambulance service in which all of the individuals whose primary responsibility is direct patient care meet the definition of volunteer under section 144.8091, subdivision 2. The ambulance service may employ administrative and support staff, and remain eligible for this exemption, if the primary responsibility of these staff is not direct patient care.~~

Page 149, after line 29, insert:

"Sec. 13. Minnesota Statutes 1993 Supplement, section 295.582, is amended to read:

295.582 [AUTHORITY.]

(a) A hospital, surgical center, pharmacy, or health care provider that is subject to a tax under section 295.52, or a pharmacy that has paid additional expense transferred under this section by a wholesale drug distributor, may transfer additional expense generated by section 295.52 obligations on to all third-party contracts for the purchase of health care services on behalf of a patient or consumer. The expense must not exceed two percent of the gross revenues received under the third-party contract, ~~including plus two percent of copayments and deductibles paid by the individual patient or consumer.~~ The expense must not be generated on revenues derived from payments that are excluded from the tax under section 295.53. All third-party purchasers of health care services including, but not limited to, third-party purchasers regulated under chapter 60A, 62A, 62C, 62D, 62H, 62N, 64B, ~~or 62H,~~ 65A, 65B, 79, or 79A, or under section 471.61 or 471.617, must pay the transferred

expense in addition to any payments due under existing ~~or future~~ contracts with the hospital, surgical center, pharmacy, or health care provider, to the extent allowed under federal law. A third-party purchaser of health care services includes a health carrier, integrated service network, or community integrated service network that pays for health care services on behalf of patients or that reimburses patients for health care services. A wholesale drug distributor may transfer additional expense generated by section 295.52 obligations to entities that purchase from the wholesaler. Nothing in this ~~subdivision~~ section limits the ability of a hospital, surgical center, pharmacy, wholesale drug distributor, or health care provider to recover all or part of the section 295.52 obligation by other methods, including increasing fees or charges.

(b) Each third-party purchaser regulated under any chapter cited in paragraph (a) shall include with its annual renewal for certification of authority or licensure documentation indicating compliance with paragraph (a). If the commissioner responsible for regulating the third-party purchaser finds at any time that the third-party purchaser has not complied with paragraph (a) the commissioner may by order fine, censure, revoke, or suspend the certificate of authority or license of the third-party purchaser to do business in this state. The third-party purchaser may appeal the commissioner's order through a contested case hearing in accordance with chapter 14."

Renumber the sections of article 11 in sequence

Amend the title as follows:

Page 1, line 26, delete "16,"

Page 1, line 42, after "15," insert "16,"

Page 2, line 2, after "3;" insert "256.9356, subdivision 3;"

Page 2, line 4, after the first semicolon, insert "295.52, subdivision 5;"

Page 2, line 13, delete "62N.16;" and insert "62N.16."

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

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

S.F. No. 1693: A bill for an act relating to education; permitting school boards to begin the school year before Labor Day when a religious holiday is observed the day following Labor Day; amending Minnesota Statutes 1992, section 126.12, subdivision 1.

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

Delete everything after the enacting clause and insert:

"Section 1. [RELIGIOUS HOLIDAY EXEMPTION TO SCHOOL START RESTRICTION.]

For the 1994-1995 school year, a school board may begin the elementary

or secondary school year on the Thursday or Friday prior to Labor Day because a religious holiday is observed on the day following Labor Day.”

Delete the title and insert:

“A bill for an act relating to education; permitting school boards to begin the 1994-1995 school year before Labor Day because a religious holiday is observed the day following Labor Day.”

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Ms. Piper from the Committee on Family Services, to which was referred

S.F. No. 2014: A bill for an act relating to child support; clarifying insurer responsibilities for medical support; modifying provisions for child care costs; clarifying cause of action for support from an absent parent; amending Minnesota Statutes 1993 Supplement, sections 256.87, subdivision 5; 518.171, subdivision 1; and 518.551, subdivision 5.

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

Page 1, lines 12 and 13, reinstate the stricken “or entity”

Page 1, line 16, strike everything after the period

Page 1, line 17, strike “absent parent,”

Page 1, line 19, delete “the absent” and insert “a custodial”

Page 1, after line 20, insert:

“Sec. 2. Minnesota Statutes 1993 Supplement, section 518.14, is amended to read:

518.14 [COSTS AND DISBURSEMENTS AND; ATTORNEY FEES; COLLECTION COSTS.]

Subdivision 1. [GENERAL.] Except as provided in subdivision 2, in a proceeding under this chapter, the court shall award attorney fees, costs, and disbursements in an amount necessary to enable a party to carry on or contest the proceeding, provided it finds:

(1) that the fees are necessary for the good-faith assertion of the party's rights in the proceeding and will not contribute unnecessarily to the length and expense of the proceeding;

(2) that the party from whom fees, costs, and disbursements are sought has the means to pay them; and

(3) that the party to whom fees, costs, and disbursements are awarded does not have the means to pay them.

Nothing in this section precludes the court from awarding, in its discretion, additional fees, costs, and disbursements against a party who unreasonably contributes to the length or expense of the proceeding. Fees, costs, and disbursements provided for in this section may be awarded at any point in the proceeding, including a modification proceeding under sections 518.18 and 518.64. The court may adjudge costs and disbursements against either party.

The court may authorize the collection of money awarded by execution, or out of property sequestered, or in any other manner within the power of the court. An award of attorney's fees made by the court during the pendency of the proceeding or in the final judgment survives the proceeding and if not paid by the party directed to pay the same may be enforced as above provided or by a separate civil action brought in the attorney's own name. If the proceeding is dismissed or abandoned prior to determination and award of attorney's fees, the court may nevertheless award attorney's fees upon the attorney's motion. The award shall also survive the proceeding and may be enforced in the same manner as last above provided.

Subd. 2. [ENFORCEMENT OF CHILD SUPPORT.] (a) A child support obligee is entitled to recover from the obligor reasonable attorney fees and other collection costs incurred to enforce a child support judgment, as provided in this subdivision. Attorney fees and collection costs obtained under this subdivision are considered child support and entitled to the applicable remedies for collection and enforcement of child support. The obligee shall serve notice of the obligee's intent to recover attorney fees and collections costs by mail on the obligor at the obligor's last known address. The notice must include an itemization of the attorney fees and collection costs being sought by the obligee and inform the obligor that the fees and costs will become an additional judgment for child support unless the obligor requests a hearing on the reasonableness of the fees and costs within 20 days of service of the notice.

(b) If the obligor requests a hearing, the only issue to be determined by the court is whether the attorney fees or collection costs were reasonably incurred by the obligee for the enforcement of a child support judgment against the obligor. The fees and costs may be based on an hourly rate, or on a percentage of the child support arrearages not to exceed 30 percent. The court may modify the amount of attorney fees and costs as appropriate and shall enter judgment accordingly.

(c) If the obligor fails to request a hearing within 20 days of service of the notice under paragraph (a), the amount of the attorney fees or collection costs requested by the obligee in the notice automatically becomes an additional judgment for child support.

(d) The commissioner of human services shall prepare and make available to the court and the parties forms for use in providing for notice and requesting a hearing under this subdivision. The rulemaking provisions of chapter 14 do not apply to the forms."

Page 6, line 28, delete "or state" and insert ", state, or county" and after the period, insert "To the extent practicable, the amount of any subsidy subtracted from the child care cost must be calculated based on the approximate amount of the subsidy for which the obligee will continue to be eligible after receiving child care expenses from the obligor."

Page 6, line 32, delete everything after the period and insert "The court may allow the noncustodial parent to care for the child while the custodial parent is working if this arrangement is reasonable and in the best interests of the child"

Page 6, lines 33 and 34, delete the new language

Page 9, after line 11, insert:

“Sec. 5. Minnesota Statutes 1992, section 518.611, subdivision 8, is amended to read:

Subd. 8. [MANDATORY EMPLOYER AND OBLIGOR NOTICE REPORTING PROGRAM.] When an individual is hired for employment, the employer shall request that the individual disclose whether or not the individual has court-ordered child support obligations that are required by law to be withheld from income and the terms of the court order, if any. The individual shall disclose this information at the time of hiring. When an individual discloses that the individual owes child support that is required to be withheld, the employer shall begin withholding according to the terms of the order and under this section. When a withholding order is in effect and the obligor's employment is terminated or the periodic payment terminates, the obligor and the obligor's employer or the payor of funds shall notify the public agency responsible for child support enforcement of the termination within ten days of the termination date. The notice shall include the obligor's home address and the name and address of the obligor's new employer or payor of funds, if known. Information disclosed under this section shall not be divulged except to the extent necessary for the administration of the child support enforcement program or when otherwise authorized by law. (a) Except as provided in paragraph (b), all employers doing business in the state of Minnesota shall report to the Minnesota office of child support enforcement:

(1) the hiring of any person who resides or works in this state to whom the employer anticipates paying earnings; and

(2) the rehiring or return to work of any employee who was laid off, furloughed, separated, granted a leave without pay, or terminated from employment.

(b) Employers are not required to report the hiring of any person who:

(1) will be employed for less than one month's duration;

(2) will be employed sporadically so that the employee will be paid for less than 350 hours during a continuous six-month period;

(3) will have gross earnings less than \$300 in every month; or

(4) is less than 18 years of age.

(c) Employers may report by mailing a copy of the employee's W-4 form, transmitting magnetic tape in a compatible format, or by other means authorized by the office of child support enforcement which will result in timely reporting.

(d) Employers shall submit reports required under this subdivision within ten days of the hiring, rehiring, or return to work of the employee. The report shall contain:

(1) the employee's name, address, social security number, and date of birth; and

(2) the employer's name, address, and employment security reference number or unified business identifier number.

(e) An employer who fails to report as required under this section shall be given a written warning for the first violation and shall be subject to a civil

penalty of up to \$500 per month for each subsequent violation after the warning has been given. All violations within a single month shall be considered a single violation for purposes of assessing the penalty. The penalty may be imposed and collected by the office of child support enforcement.

(f) The office of child support enforcement shall retain the information for a particular employee only if a public agency is responsible for establishing, enforcing, or collecting a support obligation or arrearage of the employee. If the employee does not owe an obligation or arrearage, no record shall be created regarding the employee and the information contained in the notice shall be promptly destroyed.

(g) Employers required to report under this section may charge \$1 per new employee to cover the cost of reporting.

Sec. 6. Minnesota Statutes 1993 Supplement, section 518.64, subdivision 2, is amended to read:

Subd. 2. [MODIFICATION.] (a) The terms of 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 256B.01 to 256B.40; (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; (5) extraordinary medical expenses of the child not provided for under section 518.171; or (6) the addition or ~~elimination~~ of work-related or education-related child care expenses of the obligee or a substantial increase or decrease in existing work-related or education-related child care expenses.

It is presumed that there has been a substantial change in circumstances under clause (1), (2), or (4) and 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, including a motion for the extension of the duration of a maintenance award, 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 apply 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 public assistance is being furnished or the county attorney is the attorney of record. 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, 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.

(e) The court need not hold an evidentiary hearing on a motion for modification of maintenance or support.

(f) Section 518.14 shall govern the award of attorney fees for motions brought under this subdivision.

Sec. 7. Minnesota Statutes 1993 Supplement, section 518.68, subdivision 2, is amended to read:

Subd. 2. [CONTENTS.] The required notices must be substantially as follows:

IMPORTANT NOTICE

1. PAYMENTS TO PUBLIC AGENCY

Pursuant to Minnesota Statutes, section 518.551, subdivision 1, payments ordered for maintenance and support must be paid to the public agency responsible for child support enforcement as long as the person entitled to receive the payments is receiving or has applied for public assistance or has

applied for support and maintenance collection services. MAIL PAYMENTS TO:

2. DEPRIVING ANOTHER OF CUSTODIAL OR PARENTAL RIGHTS—A FELONY

A person may be charged with a felony who conceals a minor child or takes, obtains, retains, or fails to return a minor child from or to the child's parent (or person with custodial or visitation rights), pursuant to Minnesota Statutes, section 609.26. A copy of that section is available from any district court clerk.

3. RULES OF SUPPORT, MAINTENANCE, VISITATION

(a) Payment of support or spousal maintenance is to be as ordered, and the giving of gifts or making purchases of food, clothing, and the like will not fulfill the obligation.

(b) Payment of support must be made as it becomes due, and failure to secure or denial of rights of visitation is NOT an excuse for nonpayment, but the aggrieved party must seek relief through a proper motion filed with the court.

(c) The payment of support or spousal maintenance takes priority over payment of debts and other obligations.

(d) A party who remarries after dissolution and accepts additional obligations of support does so with the full knowledge of the party's prior obligation under this proceeding.

(e) Child support or maintenance is based on annual income, and it is the responsibility of a person with seasonal employment to budget income so that payments are made throughout the year as ordered.

4. PARENTAL RIGHTS FROM MINNESOTA STATUTES, SECTION 518.17, SUBDIVISION 3

Unless otherwise provided by the Court:

(a) Each party has the right of access to, and to receive copies of, school, medical, dental, religious training, and other important records and information about the minor children. Each party has the right of access to information regarding health or dental insurance available to the minor children. Presentation of a copy of this order to the custodian of a record or other information about the minor children constitutes sufficient authorization for the release of the record or information to the requesting party.

(b) Each party shall keep the other informed as to the name and address of the school of attendance of the minor children. Each party has the right to be informed by school officials about the children's welfare, educational progress and status, and to attend school and parent teacher conferences. The school is not required to hold a separate conference for each party.

(c) In case of an accident or serious illness of a minor child, each party shall notify the other party of the accident or illness, and the name of the health care provider and the place of treatment.

(d) Each party has the right of reasonable access and telephone contact with the minor children.

5. WAGE AND INCOME DEDUCTION OF SUPPORT AND MAINTENANCE

Child support and/or spousal maintenance may be withheld from income, with or without notice to the person obligated to pay, when the conditions of Minnesota Statutes, sections 518.611 and 518.613, have been met. A copy of those sections is available from any district court clerk.

6. CHANGE OF ADDRESS OR RESIDENCE

Unless otherwise ordered, the person responsible to make support or maintenance payments shall notify the person entitled to receive the payment and the public authority responsible for collection, if applicable, of a change of address or residence within 60 days of the address or residence change.

7. COST OF LIVING INCREASE OF SUPPORT AND MAINTENANCE

Child support and/or spousal maintenance may be adjusted every two years based upon a change in the cost of living (using Department of Labor Consumer Price Index, unless otherwise specified in this order) when the conditions of Minnesota Statutes, section 518.641, are met. Cost of living increases are compounded. A copy of Minnesota Statutes, section 518.641, and forms necessary to request or contest a cost of living increase are available from any district court clerk.

8. JUDGMENTS FOR UNPAID SUPPORT

If a person fails to make a child support payment, the payment owed becomes a judgment against the person responsible to make the payment by operation of law on or after the date the payment is due, and the person entitled to receive the payment or the public agency may obtain entry and docketing of the judgment WITHOUT NOTICE to the person responsible to make the payment under Minnesota Statutes, section 548.091.

9. JUDGMENTS FOR UNPAID MAINTENANCE

A judgment for unpaid spousal maintenance may be entered when the conditions of Minnesota Statutes, section 548.091, are met. A copy of that section is available from any district court clerk.

10. MEDICAL INSURANCE AND EXPENSES

The person responsible to pay support and the person's employer or union are ordered to provide medical and dental insurance and pay for uncovered expenses under the conditions of Minnesota Statutes, section 518.171, unless otherwise provided in this order or the statute. A copy of this statute is available from any district court clerk.

11. ATTORNEY FEES AND COLLECTION COSTS FOR ENFORCEMENT OF CHILD SUPPORT

A judgment for attorney fees and other collection costs incurred in enforcing a child support order will be entered against the person responsible to pay support when the conditions of section 518.14, subdivision 2, are met. A copy of section 518.14 and forms necessary to request or contest these attorney fees and collection costs are available from any district court clerk.

Sec. 8. Minnesota Statutes 1993 Supplement, section 518.68, subdivision 3, is amended to read:

Subd. 3. [COPIES OF LAW AND FORMS.] The district court administrator shall make available at no charge copies of sections 518.14, 518.17, 518.611, 518.613, 518.641, 548.091, and 609.26, and shall provide forms to request or contest *attorney fees and collection costs* or a cost-of-living increase under section 518.14, subdivision 2, or 518.641.

Sec. 9. Minnesota Statutes 1992, section 548.091, subdivision 2a, is amended to read:

Subd. 2a. [DOCKETING OF CHILD SUPPORT JUDGMENT.] On or after the date an unpaid amount becomes a judgment by operation of law under subdivision 1a, the obligee or the public authority may file with the court administrator:

(1) a statement identifying, or a copy of, the judgment or decree of dissolution or legal separation, determination of parentage, order under chapter 518C, an order under section 256.87, or an order under section 260.251, which provides for installment or periodic payments of child support, *or a judgment or notice of attorney fees and collection costs under section 518.14, subdivision 2;*

(2) an affidavit of default. The affidavit of default must state the full name, occupation, place of residence, and last known post office address of the obligor, the name and post office address of the obligee, the date or dates payment was due and not received and judgment was obtained by operation of law, and the total amount of the judgments; and

(3) an affidavit of service of a notice of entry of judgment *or notice of intent to recover attorney fees and collection costs* on the obligor, in person or by mail at the obligor's last known post office address. Service is completed upon mailing in the manner designated.

Sec. 10. [MINNESOTA CHILD SUPPORT ASSURANCE PROGRAM.]

Subdivision 1. [AUTHORIZATION TO DESIGN DEMONSTRATION.] *The commissioner of human services, in consultation with the commissioners of education, finance, jobs and training, health, and planning, the director of the higher education coordinating board, and the attorney general, is authorized to proceed with planning and designing the Minnesota child support assurance program. The child support assurance program shall provide that each child in the state is guaranteed a minimum level of support from a noncustodial parent and shall further provide that the state will provide that level of support to the child in instances where it is not provided by the child's noncustodial parent. The program plan shall specifically provide that any benefits received by a family under the Minnesota child support assurance program will reduce benefits paid to the family through the aid to families with dependent children program on a dollar-for-dollar basis. The program plan shall also*

provide that the receipt of child support assurance benefits does not negatively affect any existing eligibility for child care assistance under existing programs.

Subd. 2. [GOALS OF THE MINNESOTA CHILD SUPPORT ASSURANCE PROGRAM.] The commissioner shall design the program to meet the following goals:

(1) to support parents in their efforts to provide financial support for their children;

(2) to encourage parents to meet their legal obligations of support;

(3) to prevent long-term dependence on public assistance; and

(4) to allow the state to compare the cost-effectiveness and the efficacy of child support assurance to the Minnesota family investment program in attempting to restructure the existing system of public assistance.

Subd. 3. [PROGRAM DATA.] As part of planning and designing the Minnesota child support assurance program, the commissioner shall study and make recommendations on:

(1) the amount of the guaranteed child support assurance benefit;

(2) the anticipated reduction in the aid to families with dependent children caseload which should result from the implementation of a child support assurance program;

(3) the anticipated cost of the program on a demonstration basis; and

(4) the selection of counties to serve as field trial or comparison sites based on criteria which will ensure reliable evaluation of the program. This selection shall be made so that an adverse impact on the Minnesota family investment program is avoided.

The commissioner shall report the findings and recommendations to the legislature by January 15, 1995.

Subd. 4. [FEDERAL WAIVERS.] The commissioner shall seek authority from the United States Congress to implement the Minnesota child support assurance project on a demonstration basis. The commissioner shall seek waivers of all applicable federal requirements of United States Code, title 7, section 2011 et seq., and title 42, sections 601 et seq. and 1396 et seq., as needed to implement the Minnesota child support assurance program in a manner consistent with the goals of the program. The commissioner shall seek terms from the federal government that are consistent with the goals of the Minnesota child support assurance program. The commissioner shall also seek terms from the federal government that will maximize federal financial participation so that the extra costs to the state of implementing the program are minimized, to the extent that those terms are consistent with the goals of the Minnesota child support assurance program.

Sec. 11. [REPEALER.]

Minnesota Statutes 1993 Supplement, sections 518.171, subdivision 2a; and 518.561, are repealed.

Sec. 12. [EFFECTIVE DATE; APPLICATION.]

Sections 2 and 7 to 9 are effective August 1, 1994, and apply to attorney fees

and collection costs incurred on and after that date, regardless of when the arrearages accrued.

Section 3 is effective retroactive to July 1, 1993."

Re-number the sections in sequence.

Amend the title as follows:

Page 1, line 5, after "amending" insert "Minnesota Statutes 1992, sections 518.611, subdivision 8; 548.091, subdivision 2a;"

Page 1, line 7, after the first semicolon, insert "518.14;" and delete "and"

Page 1, line 8, before the period, insert "; 518.64, subdivision 2; 518.68, subdivisions 2 and 3; repealing Minnesota Statutes 1993 Supplement, sections 518.171, subdivision 2a; and 518.561"

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

SECOND READING OF SENATE BILLS

S.F. Nos. 1794, 1702, 1729, 1910, 1912, 1755, 1732, 1911, 1767, 1766, 1751, 2118, 2070, 1926, 1899, 1826, 1963 and 1693 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Vickerman moved that the name of Ms. Lesewski be added as a co-author to S.F. No. 430. The motion prevailed.

Mr. Price moved that the name of Mr. Morse be added as a co-author to S.F. No. 1179. The motion prevailed.

Mr. Riveness moved that the name of Ms. Berglin be added as a co-author to S.F. No. 1709. The motion prevailed.

Mr. Vickerman moved that the names of Mr. Larson, Ms. Runbeck and Mr. Oliver be added as co-authors to S.F. No. 1912. The motion prevailed.

Mr. Morse moved that the names of Mrs. Pariseau and Ms. Johnston be added as co-authors to S.F. No. 1925. The motion prevailed.

Mr. Dille moved that the names of Messrs. Moe, R.D.; Stumpf and Stevens be added as co-authors to S.F. No. 2023. The motion prevailed.

Mr. Cohen moved that the name of Mr. Morse be added as a co-author to S.F. No. 2076. The motion prevailed.

Mr. Knutson moved that his name be stricken as a co-author to S.F. No. 2094. The motion prevailed.

Mr. Hottinger moved that the name of Mr. Beckman be added as a co-author to S.F. No. 2101. The motion prevailed.

Ms. Pappas moved that the name of Ms. Berglin be added as a co-author to S.F. No. 2261. The motion prevailed.

Mr. Beckman moved that the names of Meses. Ranum, Flynn and Johnson, J.B. be added as co-authors to S.F. No. 2280. The motion prevailed.

Mr. Langseth moved that the name of Mr. Morse be added as a co-author to S.F. No. 2323. The motion prevailed.

Mr. Kroening moved that the name of Ms. Berglin be added as a co-author to S.F. No. 2360. The motion prevailed.

Mr. Finn moved that the name of Mr. Morse be added as a co-author to S.F. No. 2381. The motion prevailed.

Mr. Kelly moved that S.F. No. 2114 be withdrawn from the Committee on Environment and Natural Resources and re-referred to the Committee on Taxes and Tax Laws. The motion prevailed.

Mr. Stumpf moved that S.F. No. 2367 be withdrawn from the Committee on Education and re-referred to the Committee on Governmental Operations and Reform. The motion prevailed.

Mr. Kelly moved that S.F. No. 309 be withdrawn from the Committee on Jobs, Energy and Community Development, given a second reading, and placed on General Orders. The motion prevailed.

S.F. No. 309 was read the second time.

Mr. Mondale moved that S.F. No. 1963, on General Orders, be stricken and re-referred to the Committee on Taxes and Tax Laws. The motion prevailed.

Ms. Robertson moved that S.F. No. 1762, No. 2 on the Consent Calendar, be stricken and re-referred to the Committee on Education. The motion prevailed.

Mr. Johnson, D.J. moved that S.F. No. 1899, on the Consent Calendar, be stricken and re-referred to the Committee on Taxes and Tax Laws. The motion prevailed.

Mrs. Benson, J.E. moved that S.F. No. 2022, on the Consent Calendar, be stricken and placed on General Orders. The motion prevailed.

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

CALENDAR

S.F. No. 1712: A bill for an act relating to towns; providing for financial audits in certain circumstances; amending Minnesota Statutes 1992, section 367.36, subdivision 1.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 2, as follows:

Those who voted in the affirmative were:

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

Messrs. Luther and Merriam voted in the negative.

So the bill passed and its title was agreed to.

S.F. No. 819: A bill for an act relating to telephone services; prohibiting collection of charges for information services as if they were charges for telephone services; providing for notice of certain call blocking options; amending Minnesota Statutes 1992, section 237.66, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 325F.

Ms. Runbeck moved that S.F. No. 819, No. 2 on the Calendar, be stricken and re-referred to the Committee on Jobs, Energy and Community Development. The motion did not prevail.

S.F. No. 819 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 43 and nays 22, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Belanger	Dille	Laidig	Oliver	Stevens
Benson, D.D.	Johnson, D.E.	Larson	Olson	Terwilliger
Benson, J.E.	Johnston	Lesewski	Pariseau	
Berg	Kiscaden	McGowan	Robertson	
Day	Knutson	Neuville	Runbeck	

So the bill passed and its title was agreed to.

S.F. No. 1709: A bill for an act relating to taxation; property tax refund; uncapping the appropriation for targeting for 1994 only; requiring counties to provide the commissioner of revenue with certain data; appropriating money; amending Minnesota Statutes, 1993 Supplement, section 290A.04, subdivision 2h.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 844: A bill for an act relating to public employees; requiring public employers to afford time off to appointed representatives of an exclusive representative of any Minnesota public employer; amending Minnesota Statutes 1992, section 179A.07, subdivision 6.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 1421: A bill for an act relating to state government; correcting erroneous, ambiguous, obsolete, and omitted text and obsolete references; eliminating redundant, conflicting, and superseded provisions in Minnesota Rules; making technical corrections; correcting Minnesota Rules, parts 1200.0300; 1400.0500; 3530.0200; 3530.1500; 3530.2614; 3530.2642; 4685.0100; 4685.3000; 4685.3200; 4692.0020; 5000.0400; 7045.0075; 7411.7100; 7411.7400; 7411.7700; 7883.0100; 8130.3500; 8130.6500; 8800.1200; 8800.1400; 8800.3100; 8820.0600; 8820.2300; 9050.1070; and 9505.2175; repealing Minnesota Rules, parts 1300.0100; 1300.0200; 1300.0300; 1300.0400; 1300.0500; 1300.0600; 1300.0700; 1300.0800; 1300.0900; 1300.0940; 1300.0942; 1300.0944; 1300.0946; 1300.0948; 1300.1000; 1300.1100; 1300.1200; 1300.1300; 1300.1400; 1300.1500; 1300.1600; 1300.1700; 1300.1800; 1300.1900; 1300.2000; 4685.2600; 4692.0020, subpart 2; 4692.0045; 7856.1000, subpart 5; 8017.5000; 8130.9500, subpart 6; 8130.9912; 8130.9913; 8130.9916; 8130.9920; 8130.9930; 8130.9956; 8130.9958; 8130.9968; 8130.9972; 8130.9980; 8130.9992; and 8130.9996.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

Marty	Morse	Pappas	Reichgott Junge	Spear
McGowan	Murphy	Pariseau	Rivness	Stevens
Merriam	Neuville	Piper	Robertson	Stumpf
Metzen	Novak	Pogemiller	Runbeck	Terwilliger
Moe, R.D.	Oliver	Price	Sams	Vickerman
Mondale	Olson	Ranum	Solon	Wiener

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS – CONTINUED

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

CONSENT CALENDAR

S.F. No. 1750: A bill for an act relating to commerce; expanding the scope of department enforcement authority to include additional areas over which it has responsibility; eliminating provisions governing the access to and disclosure of certain data; amending Minnesota Statutes 1992, section 45.027, subdivision 7; and Minnesota Statutes 1993 Supplement, section 45.011, subdivisions 1 and 4.

Mr. Larson moved to amend S.F. No. 1750 as follows:

Amend the title as follows:

Page 1, line 4, delete “eliminating”

Page 1, delete line 5

Page 1, line 6, delete “certain data;”

The motion prevailed. So the amendment was adopted.

S.F. No. 1750 was read the third time, as amended, and placed on its final passage.

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

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

Those who voted in the affirmative were:

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

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

S.F. No. 1691: A bill for an act relating to real property; clarifying and making technical corrections to statutory provisions relating to real property; allowing the examiner of titles in Olmsted county to be compensated as are

examiners in counties of fewer than 75,000 population; amending Minnesota Statutes 1992, sections 14.03, subdivision 3; 83.26, subdivision 2; 500.19, subdivision 4; 507.09; 507.332; 508.12, subdivision 1; 508.13; 508.23, subdivision 1; 508.35; 508.37, subdivision 1a; 508.38; 508.45; 508.47, subdivision 5; 508.51; 508.52; 508.55; 508.68; 508.70; 508.71, subdivision 4; 508A.22, subdivision 1; 508A.35; 508A.38; 508A.45; 508A.47, subdivision 5; 508A.51; 508A.52; 508A.55; 508A.68; 508A.71, subdivision 4; 559.21, subdivisions 3, 4, and 8; and 580.12; Minnesota Statutes 1993 Supplement, section 256B.0595, by adding a subdivision; 508.71, subdivision 7; 515B.1-102; 515B.1-103; 515B.1-105; 515B.1-116; 515B.2-104; 515B.2-105; 515B.2-110; 515B.2-118; 515B.2-119; 515B.3-113; 515B.3-116; and 515B.3-117; proposing coding for new law in Minnesota Statutes, chapters 508; and 508A.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 1820: A bill for an act relating to counties; Olmsted; allowing the examiner of titles to be compensated as are examiners in counties of fewer than 75,000 population; amending Minnesota Statutes 1992, section 508.12, subdivision 1.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 2095: A bill for an act relating to employment; modifying provisions relating to the public employee vacation donation program; amending Minnesota Statutes 1992, section 43A.181, subdivision 3.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 45 and nays 19, as follows:

Those who voted in the affirmative were:

Anderson	Flynn	Krentz	Mondale	Reichgott Junge
Beckman	Frederickson	Kroening	Morse	Riveness
Berglin	Hanson	Laidig	Murphy	Sams
Bertram	Hottinger	Lessard	Novak	Solon
Betzold	Janezich	Luther	Pappas	Spear
Chandler	Johnson, D.E.	Marty	Piper	Stumpf
Cohen	Johnson, D.J.	McGowan	Pogemiller	Terwilliger
Dille	Johnson, J.B.	Metzen	Price	Vickerman
Finn	Kelly	Moe, R.D.	Ranum	Wiener

Those who voted in the negative were:

Belanger	Chmielewski	Knutson	Neuville	Robertson
Benson, D.D.	Day	Larson	Oliver	Runbeck
Benson, J.E.	Johnston	Lesewski	Olson	Stevens
Berg	Kiscaden	Merriam	Pariseau	

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate proceed to the Order of Business of Introduction and First Reading of Senate Bills. The motion prevailed.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Ms. Olson introduced—

S.F. No. 2389: A bill for an act relating to education; authorizing a special election for independent school district No. 879, Delano; authorizing a fund transfer.

Referred to the Committee on Education.

Messrs. Sams and Finn introduced—

S.F. No. 2390: A bill for an act relating to taxation; sales and use; expanding the definition of isolated and occasional sales; amending Minnesota Statutes 1992, section 297A.25, subdivision 12.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Belanger; Johnson, D.J.; Meses. Flynn, Reichgott Junge and Mr. Benson, D.D. introduced—

S.F. No. 2391: A bill for an act relating to taxation; abolishing certain local government levy limitations; amending Minnesota Statutes 1992, sections 12.26, subdivision 2; 18.022, subdivision 2; 18.111, subdivision 1; 103B.691, subdivision 2; 103G.625, subdivision 3; 138.053; 164.04, subdivision 3; 164.05, subdivision 1; 174.27; 193.145, subdivision 2; 237.35; 268A.06, subdivision 2; 375.167, subdivision 1; 375A.13, subdivision 2; 383A.03, subdivision 4; 383A.411, subdivision 5; 383B.245; 383C.42, subdivision 1; 398.16; 410.06; 412.251; 412.531, subdivision 1; 449.06; 449.08; 449.09; 450.19; 459.06, subdivision 1; 459.14, subdivision 2; 465.54; 469.053, subdivision 7, and by adding a subdivision; 469.188; 471.191, subdivision 2; 471.24; 471.57, subdivision 1; 471.61, subdivisions 1 and 2a; 473.711, subdivision 2; Minnesota Statutes 1993 Supplement, section 88.04, subdivision 3; Laws 1933, chapter 423, section 2; Laws 1943, chapters 196, section 6, as amended; 367, section 1, as amended; 510, section 1; Laws 1947, chapters 224, section 1; 340, section 4; Laws 1949, chapters 215, section 2; 252, section 1; 668, section 1; Laws 1953, chapters 154, section 3; 545, section 2; Laws 1957, chapters 213, section 1; 629, section 1; Laws 1959, chapters 298, section 2; 520, section 1; 556, section 1, as amended; Laws 1961, chapters 80, section 1; 81, section 1; 82, section 1; 151, section 1; 209, section 4; 317, section 1; 352, section 1, as amended; 616, section 1, subdivision 1; 643, section 1; Laws 1961, extra session chapter 33, section 3; Laws 1963, chapters 29, section 1; 56, section 1; 103, section 1; Laws 1965, chapters 6, section 2, as amended; 442, section 1; 451, section 2; 512, section 1, subdivision 1; 527, section 1; 617, section 1; Laws 1967, chapters 501, section 1; 526, section 1, subdivision 3; 542, section 1, subdivision 3; 611, section 1; 660, section 2, subdivision 2; 758, section 1; Laws 1969, chapters 192, section 1, as amended; 534, section 2; 538, section 6, as amended; 602, section 1, subdivision 2; 652, section 1; 659, section 3; 730, section 1; Laws 1971, chapters 404, section 1; 424, section 1; 573, section 1, as amended; 876, section 3; Laws 1973, chapter 81, section 1; Laws 1977, chapter 61, section 8; Laws 1979, chapters 1, section 3; 253, section 3; 303, article 10, section 15, subdivision 2, as amended; Laws 1981, chapter 281, section 1; Laws 1983, chapter 326, section 17, subdivision 1; Laws 1984, chapters 380, section 1; 502, article 13, section 8; Laws 1985, chapters 181, section 1; 289, sections 1, 3, 5, subdivision 1, and 6, subdivision 1; Laws 1986, chapters 392, section 1; 399, article 1, section 1, as amended; Laws 1988, chapters 517, section 1; 640, section 3; Laws 1990, chapter 604, article 3, section 60; repealing Minnesota Statutes 1992, sections 373.40, subdivision 6; 471.1921; and 471.63, subdivision 2; Laws 1915, chapter 316, section 1, as amended; Laws 1939, chapter 219, section 1; Laws 1941, chapter 451, section 1; Laws 1961, chapters 30, section 1; 119, section 1; 276, section 1; 439, section 1; Laws 1963, chapter 228, section 1; Laws 1971, chapters 168; 356, section 2; 515, section 1; 770; Laws 1973, chapter 445, section 1; Laws 1974, chapter 209; Laws 1977, chapter 246; Laws 1982, chapter 523, article XII, section 8; Laws 1984, chapter 502, article 13, section 10, as amended; Laws 1986, chapter 399, article 1, section 4; Laws 1989, First Special Session chapter 1, article 5, section 50, as amended; Laws 1990, chapter 604, article 3, sections 50 and 55; and Laws 1991, chapters 3, section 2, subdivision 3; and 291, article 4, section 21.

Referred to the Committee on Taxes and Tax Laws.

Ms. Reichgott Junge and Mr. Terwilliger introduced—

S.F. No. 2392: A bill for an act relating to crime prevention; requiring law enforcement agencies to adopt policies for investigating cases involving children who are missing and endangered; requiring that all cases of children who are missing and endangered be reported to the bureau of criminal apprehension, which may assist local law enforcement agencies; restricting access to data involving juvenile witnesses; requiring pretrial evaluations in felony and certain other cases; requiring mandated reporters to report instances of kidnapping; requiring the commissioner of public safety to develop a plan for a criminal alert network; appropriating money; amending Minnesota Statutes 1992, sections 299C.52, subdivision 1; 299C.53, subdivision 1, and by adding a subdivision; 299D.07; 626.556, subdivision 3a; and 629.73; Minnesota Statutes 1993 Supplement, sections 13.82, subdivision 10; 299C.065, subdivision 1; and 480.30; proposing coding for new law in Minnesota Statutes, chapters 626; and 629.

Referred to the Committee on Crime Prevention.

Messrs. Larson, Kroening, Ms. Lesewski, Messrs. Metzen and Chmielewski introduced—

S.F. No. 2393: A bill for an act relating to the jobs and training department; making changes of a technical and housekeeping nature; amending Minnesota Statutes 1992, sections 248.011; 248.07, subdivisions 1, 2, 3, 4, 5, 13, 14a, and 16; 248.11; 268A.09; and 268A.11, subdivisions 1 and 3; Minnesota Statutes 1993 Supplement, sections 248.10; and 268A.02, subdivision 2; repealing Minnesota Statutes 1992, sections 268A.12.

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

Mr. Kelly introduced—

S.F. No. 2394: A bill for an act relating to retirement; St. Paul police consolidation account; authorizing the payment of refunds to the estates of certain deceased police officers.

Referred to the Committee on Governmental Operations and Reform.

Messrs. Luther, Moe, R.D.; Johnson, D.E.; Marty and Laidig introduced—

S.F. No. 2395: A bill for an act relating to elections; providing for a local government election for election of county, municipal, and school district officers, and officers of all other political subdivisions except towns; superseding inconsistent general and special laws and home rule charter provisions; amending Minnesota Statutes 1992, sections 103C.301, subdivision 1; 103C.305, subdivisions 1, 2, and 6; 103C.311; 103C.315, subdivision 2; 122.23, subdivision 11; 122.25, subdivision 2; 123.34, subdivision 1; 128.01, subdivision 3; 200.01; 200.02, subdivision 10, and by adding a subdivision; 203B.05, subdivision 2; 204B.09; 204B.135, subdivision 4; 204B.14, by adding a subdivision; 204B.18, by adding a subdivision; 204B.19, subdivision 6; 204B.27, subdivisions 3 and 5; 204B.28, subdivision 1; 204B.32; 204B.34, subdivisions 2 and 4; 204B.35, subdivision 5; 204C.03, subdivision 4; 204C.28, subdivision 3; 204D.02; 204D.05, subdivisions 2 and 3; 204D.08, subdivision 6; 204D.09; 204D.10, subdivision 3; 205.02; 205.065, subdivisions 1, 2, 3, and 5; 205.07, subdivision 1; 205.13, subdivisions 1, 2, and 6; 205.175, subdivision 1; 205.185, subdivisions 2 and 3; 205A.03, subdivisions 2 and 4; 205A.04, subdivision 1; 205A.06, subdivisions 1, 2, and 5; 205A.09;

205A.10, subdivision 2; 205A.11; 375.101, by adding a subdivision; 382.01; 397.06; 397.07; 398.04; 412.02, subdivision 2; 412.021, subdivision 2; 412.571, subdivision 5; and 447.32, subdivisions 1 and 2; Minnesota Statutes 1993 Supplement, sections 122.23, subdivision 18; and 206.90, subdivision 6; proposing coding for new law in Minnesota Statutes, chapter 205; proposing coding for new law as Minnesota Statutes, chapter 204E; repealing Minnesota Statutes 1992, sections 205.07, subdivision 3; 205.18; 205.20; 205A.04, subdivision 2; 375.101, subdivisions 1 and 2; 410.21; and 447.32, subdivision 4.

Referred to the Committee on Ethics and Campaign Reform.

Ms. Berglin, Mr. Samuelson, Ms. Piper, Messrs. Janezich and Day introduced—

S.F. No. 2396: A bill for an act relating to human services; directing a rate increase to provide wage increases to employees who provide services to persons with mental retardation or mental illness; appropriating money.

Referred to the Committee on Health Care.

Mr. Chmielewski introduced—

S.F. No. 2397: A bill for an act relating to civil commitment; clarifying the standards for emergency admissions; requiring notice; establishing a community care pilot project for certain committed patients in the catchment area served by the Moose Lake regional treatment center; amending Minnesota Statutes 1992, section 253B.05, subdivisions 2 and 3.

Referred to the Committee on Judiciary.

Messrs. Morse and Samuelson introduced—

S.F. No. 2398: A bill for an act relating to retirement; state employees; contribution rates and annuity formulas for correctional employees and state troopers; amending Minnesota Statutes 1992, sections 352.92, subdivisions 1 and 2; 352.93, subdivision 2; 352B.02, subdivisions 1a and 1c; 352B.08, subdivision 2; and 356.30, subdivision 1; Minnesota Statutes 1993 Supplement, sections 352.95, subdivision 1; and 352B.10, subdivision 1.

Referred to the Committee on Governmental Operations and Reform.

Ms. Berglin introduced—

S.F. No. 2399: A bill for an act relating to public administration; authorizing spending to make public improvements of a capital nature; authorizing issuance of bonds; authorizing assessment of debt service; appropriating money.

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

Ms. Ranum introduced—

S.F. No. 2400: A bill for an act relating to education; requiring school districts having certain residential facilities to provide summer programs; amending Minnesota Statutes 1992, section 120.17, subdivision 5a.

Referred to the Committee on Education.

Mr. Spear, Ms. Anderson, Messrs. Merriam and Cohen introduced—

S.F. No. 2401: A bill for an act relating to criminal procedure; providing bail procedures for persons charged with criminal offenses; proposing coding for new law in Minnesota Statutes, chapter 629.

Referred to the Committee on Crime Prevention.

Mr. Marty and Ms. Ranum introduced—

S.F. No. 2402: A bill for an act relating to crime prevention; juvenile mental health; requiring mental health assessments of all juveniles alleged or found to be delinquent and all children reported or found to be in need of protection or services; expanding youth intervention programs to underserved communities and populations; appropriating money; amending Minnesota Statutes 1992, section 260.152.

Referred to the Committee on Crime Prevention.

Mr. Berg introduced—

S.F. No. 2403: A bill for an act relating to health; establishing grants to community health boards for programs designed to coordinate childhood screenings and improve public health outcomes; appropriating money; amending Minnesota Statutes 1992, section 145A.14, by adding a subdivision.

Referred to the Committee on Health Care.

Messrs. Metzzen, Janezich, Solon, Larson and Price introduced—

S.F. No. 2404: A bill for an act relating to alcoholic beverages; increasing the amount of malt liquor that may be brewed on the premises of a brewery-restaurant; amending Minnesota Statutes 1992, section 340A.301, subdivision 6.

Referred to the Committee on Commerce and Consumer Protection.

Mr. Frederickson introduced—

S.F. No. 2405: A bill for an act relating to local government; authorizing the city of Gaylord to establish special service districts.

Referred to the Committee on Metropolitan and Local Government.

Mr. Terwilliger introduced—

S.F. No. 2406: A bill for an act relating to insurance; accident and health; permitting short-term coverage; amending Minnesota Statutes 1993 Supplement, section 62A.65, by adding a subdivision.

Referred to the Committee on Commerce and Consumer Protection.

Messrs. Stumpf and Luther introduced—

S.F. No. 2407: A bill for an act relating to retirement; expanding the number of investments available for certain public supplemental pension or deferred compensation plans; amending Minnesota Statutes 1993 Supplement, section 356.24, subdivision 1.

Referred to the Committee on Governmental Operations and Reform.

Mr. Novak, Mses. Hanson and Krentz introduced—

S.F. No. 2408: A bill for an act relating to taxation; sales and use; regulating exemptions for certain fundraising by nonprofit groups; modifying the exclusion for certain fundraising; amending Minnesota Statutes 1992, section 297A.256.

Referred to the Committee on Taxes and Tax Laws.

Mr. Betzold introduced—

S.F. No. 2409: A bill for an act relating to family law; changing certain service and notice provisions in marriage dissolution actions; providing for a committee to study restructuring of family and juvenile courts; requiring a report; amending Minnesota Statutes 1992, sections 518.11; and 518B.01, subdivision 8; Minnesota Statutes 1993 Supplement, section 518.68, subdivisions 1 and 2.

Referred to the Committee on Judiciary.

Messrs. Luther, Morse, Lessard, Mrs. Pariseau and Mr. Murphy introduced—

S.F. No. 2410: A bill for an act relating to recreational vehicles; authorizing off-road vehicle decal registration system for those off-road vehicles not operated on highways; imposing misdemeanor penalty for violation of rules; amending Minnesota Statutes 1993 Supplement, sections 84.798, subdivision 3; and 84.805; repealing Minnesota Statutes 1993 Supplement, section 84.798, subdivision 5.

Referred to the Committee on Environment and Natural Resources.

Messrs. Novak, Chandler, Samuelson and Kelly introduced—

S.F. No. 2411: A bill for an act relating to workers' compensation; modifying provisions relating to independent contractors; proposing coding for new law in Minnesota Statutes, chapter 176.

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

Mr. Price introduced—

S.F. No. 2412: A bill for an act relating to education; delaying implementation of the high school graduation rule; emphasizing the importance of valid and reliable assessment instruments for granting or denying a high school diploma; establishing minimum competencies for the high school graduation rule; requiring the education commissioner to report on assessments and standards; increasing the funding for advanced placement and international baccalaureate programs; appropriating money; amending Minnesota Statutes 1993 Supplement, section 121.11, subdivision 7c; Laws 1992, chapter 499, article 8, section 33, as amended; Laws 1993, chapter 224, article 7, section 28, subdivision 3.

Referred to the Committee on Education.

Messrs. Benson, D.D. and Sams introduced—

S.F. No. 2413: A bill for an act relating to health; providing a definition of first responder; requiring the commissioner to adopt rules to regulate first responders; amending Minnesota Statutes 1992, sections 144.801, by adding a subdivision; and 144.804, by adding a subdivision.

Referred to the Committee on Health Care.

Mrs. Benson, J.E.; Messrs. Bertram, Larson, Stevens and Neuville introduced—

S.F. No. 2414: A bill for an act relating to capital improvements; appropriating money to the state board of technical colleges for remodeling St. Cloud Technical College; authorizing the sale of state bonds.

Referred to the Committee on Education.

Mses. Hanson, Reichgott Junge; Messrs. Langseth, Vickerman and Berg introduced—

S.F. No. 2415: A bill for an act relating to traffic regulations; increasing from \$500 to \$1,000 the threshold level of reportable motor vehicle accidents; amending Minnesota Statutes 1993 Supplement, section 169.09, subdivision 7.

Referred to the Committee on Transportation and Public Transit.

Messrs. Frederickson, Vickerman, Stevens, Berg and Ms. Lesewski introduced—

S.F. No. 2416: A bill for an act relating to taxation; property tax refund; uncapping the appropriation for targeting for 1994 only; appropriating money; amending Minnesota Statutes 1993 Supplement, section 290A.04, subdivision 2h.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Riveness, Metzen, Kelly, Price and Ms. Robertson introduced—

S.F. No. 2417: A bill for an act relating to law enforcement; permitting law enforcement agencies to exchange peace officers with those of other agencies on a temporary basis; amending Minnesota Statutes 1992, section 626.76.

Referred to the Committee on Crime Prevention.

Mr. Mondale, Ms. Ranum, Messrs. Pogemiller, Merriam and Laidig introduced—

S.F. No. 2418: A bill for an act relating to privacy; regulating the use and dissemination of personally identifiable information on videotape consumers; proposing coding for new law as Minnesota Statutes, chapter 325I.

Referred to the Committee on Judiciary.

Mr. Metzen introduced—

S.F. No. 2419: A bill for an act relating to courts; unauthorized practice of law; exempting certain conduct from the ban on unauthorized practice; amending Minnesota Statutes 1993 Supplement, section 481.02, subdivision 3.

Referred to the Committee on Judiciary.

Ms. Flynn, Messrs. Sams and Belanger introduced—

S.F. No. 2420: A bill for an act relating to taxes; making tax policy, collections, and administrative changes; amending Minnesota Statutes 1992, sections 168.011, subdivision 8; 168.012, subdivision 9; 169.86, subdivision 1; 239.05, subdivision 10a; 239.761, subdivision 3; 270.052; 270.0605; 270.10, by adding a subdivision; 270.60, subdivisions 1 and 2; 270.69, subdivision 4, and by adding a subdivision; 270.70, subdivision 2; 270.71; 270.72, subdivision 1; 270B.02, subdivisions 3 and 5; 270B.03, subdivision 1; 270B.12, subdivision 3, and by adding a subdivision; 270B.14, by adding a subdivision; 273.12; 289A.37, subdivision 1; 289A.60, by adding subdivisions; 290.01, subdivision 3a; 290A.08; 290A.18, subdivision 2; 296.01, subdivisions 14, 18, 19, 20, 32, 34, and by adding subdivisions; 296.02, subdivision 1; 296.025, subdivision 1, and by adding a subdivision; 296.06, subdivision 2; 296.12, subdivisions 1, 2, 3, 4, 5, 8, 10, and 11; 296.15, subdivisions 2, 4, 5, and 6; 296.16, subdivision 2; 296.165, subdivision 1; 296.25, subdivision 1, and by adding a subdivision; 297.03, subdivision 7; 297A.01, by adding a subdivision; 297A.02, subdivision 2, and by adding a subdivision; 297A.021, by adding a subdivision; 297A.15, subdivision 5; 297A.25, subdivision 9, and by adding a subdivision; 297A.44, subdivision 4; 297B.01, subdivision 8; 297C.03, subdivision 6; 297C.13, subdivision 1; and 473.446, subdivision 1; Minnesota Statutes 1993 Supplement, sections 116.07, subdivision 10; 270.06; 270.41, subdivision 5; 270B.01, subdivision 8; 272.115, subdivision 1; 273.11, subdivision 16; 273.124, subdivision 13; 275.065, subdivision 6; 289A.11, subdivision 1; 289A.18, subdivision 4; 289A.20, subdivision 4; 290.01, subdivision 19; 290A.04, subdivision 2h; 297A.01, subdivisions 3, 15, and 16; 297A.07, subdivision 1; and 297A.25, subdivision 11; proposing coding for new law in Minnesota Statutes, chapters 270; 296; and 297; repealing Minnesota Statutes 1992, sections 270.0604, subdivision 6; 296.03; 296.15, subdivision 3; and 297A.07, subdivision 2.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Hottinger, Janezich, Ms. Flynn, Mrs. Pariseau and Mr. Novak introduced—

S.F. No. 2421: A bill for an act relating to local government; prohibiting the adoption of certain zoning ordinances by municipalities and counties; amending Minnesota Statutes 1992, sections 394.25, by adding a subdivision; and 462.357, by adding a subdivision.

Referred to the Committee on Metropolitan and Local Government.

Messrs. Finn, Betzold, Meses. Berglin and Ranum introduced—

S.F. No. 2422: A bill for an act relating to burial grounds; modifying provisions for enforcement of certain civil actions; amending Minnesota Statutes 1993 Supplement, section 307.082.

Referred to the Committee on Veterans and General Legislation.

Mr. Morse, Ms. Pappas, Mr. Hottinger, Ms. Ranum and Mr. Finn introduced—

S.F. No. 2423: A bill for an act relating to state government; requiring the attorney general to provide affirmative action officers for the state university system; amending Minnesota Statutes 1992, section 43A.191, subdivision 1.

Referred to the Committee on Education.

Mrs. Pariseau introduced—

S.F. No. 2424: A bill for an act relating to public safety; increasing to 21 years the minimum age for eligibility to possess a pistol or semiautomatic military-style assault weapon; clarifying provisions regarding transfer and possession of pistols and semiautomatic military-style assault weapons; substituting the term "handgun" for the term "pistol"; amending Minnesota Statutes 1992, sections 624.712, subdivisions 2, 3, and 4; 624.7131, subdivisions 2, 7, 8, and 11; and 624.714, subdivisions 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13; Minnesota Statutes 1993 Supplement, sections 624.711; 624.712, subdivisions 6, 7, and 8; 624.713; 624.7131, subdivisions 1, 4, and 10; 624.7132, subdivisions 1, 2, 3, 4, 5, 6, 8, 9, 12, 13, 14, 15, and 16; and 624.714, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 624; repealing Minnesota Statutes 1993 Supplement, sections 624.7132, subdivisions 7 and 10.

Referred to the Committee on Crime Prevention.

Mr. Stevens introduced—

S.F. No. 2425: A bill for an act relating to occupations and professions; requiring that fireworks operators be certified by the state fire marshal; appropriating money; amending Minnesota Statutes 1992, section 624.22.

Referred to the Committee on Commerce and Consumer Protection.

Messrs. Benson, D.D.; Belanger; Mses. Lesewski, Runbeck and Mr. Stevens introduced—

S.F. No. 2426: A bill for an act relating to taxation; increasing the maximum income amounts that may be subtracted from federal taxable income by the elderly and disabled, and indexing certain income amounts for inflation; removing the appropriation limit for the 1994 additional property tax refund; changing the definition of capital equipment for purposes of the sales and use tax, and providing for a phase-in of an exemption of replacement equipment; exempting special tooling from the sales and use tax; abolishing the capital equipment refund requirements; requiring counties to provide the commissioner with certain data; amending Minnesota Statutes 1992, sections 290.0802, subdivision 2, and by adding a subdivision; 297A.01, by adding a subdivision; 297A.02, subdivision 2, and by adding a subdivision; 297A.021, by adding a subdivision; 297A.15, subdivision 5; 297A.25, by adding a subdivision; and 297A.44, subdivision 4; Minnesota Statutes 1993 Supplement, sections 290A.04, subdivision 2h; and 297A.01, subdivision 16.

Referred to the Committee on Taxes and Tax Laws.

Mrs. Pariseau introduced—

S.F. No. 2427: 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.

Referred to the Committee on Health Care.

Messrs. Belanger, Benson, D.D. and Mrs. Benson, J.E. introduced—

S.F. No. 2428: A bill for an act relating to taxation; income and franchise; updating certain provisions to the Internal Revenue Code; amending Minnesota Statutes 1992, sections 290.01, subdivisions 19b and 19d; 290.06, subdivision 2c; and 290.0921, subdivision 2; Minnesota Statutes 1993 Supplement, sections 290.01, subdivisions 19, 19a, and 19c; and 290.091, subdivision 2.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Lessard, Frederickson, Merriam and Berg introduced—

S.F. No. 2429: A bill for an act relating to game and fish; authorizing nonresident multiple zone antlerless deer licenses; purchase of archery deer licenses after the firearms season opens; taking big game by handgun in a shotgun deer zone; possession of firearms in muzzle-loader only deer zones; amending Minnesota Statutes 1992, sections 97A.475, subdivision 3; 97A.485, subdivision 9; and 97B.031, subdivision 2; Minnesota Statutes 1993 Supplement, section 97B.041.

Referred to the Committee on Environment and Natural Resources.

Messrs. Finn, Moe, R.D.; Stumpf and Lessard introduced—

S.F. No. 2430: A bill for an act relating to wild animals; compensation to livestock owners for damage done by certain protected mammals; amending Minnesota Statutes 1992, section 3.737, subdivisions 1 and 4.

Referred to the Committee on Agriculture and Rural Development.

Mr. Neuville introduced—

S.F. No. 2431: A bill for an act relating to the county attorney; modifying administrative subpoena requirements; amending Minnesota Statutes 1993 Supplement, section 388.23, subdivision 1.

Referred to the Committee on Judiciary.

Mr. Samuelson introduced—

S.F. No. 2432: A bill for an act relating to retirement; authorizing purchase of prior service credit from the teachers retirement association by a certain member.

Referred to the Committee on Governmental Operations and Reform.

Ms. Flynn introduced—

S.F. No. 2433: A bill for an act relating to taxation; property; providing for deferment of taxes of senior citizens who meet certain income requirements; appropriating money; amending Minnesota Statutes 1993 Supplement, sections 275.065, subdivision 3; and 276.04, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 273.

Referred to the Committee on Taxes and Tax Laws.

Mr. Samuelson introduced—

S.F. No. 2434: A bill for an act relating to the military; appropriating money for a day care center at Camp Ripley.

Referred to the Committee on Veterans and General Legislation.

Messrs. Stumpf; Finn; Moe, R.D. and Lessard introduced—

S.F. No. 2435: A bill for an act relating to natural resources; appropriating money for beaver damage control.

Referred to the Committee on Agriculture and Rural Development.

Mr. Samuelson introduced—

S.F. No. 2436: A bill for an act relating to state lands; authorizing private sale of certain state land in Crow Wing county to resolve an encroachment situation.

Referred to the Committee on Environment and Natural Resources.

Messrs. Finn, Vickerman, Murphy, Stevens and Moe, R.D. introduced—

S.F. No. 2437: A bill for an act relating to amateur sports; appropriating money to support the 1995 Indigenous Games.

Referred to the Committee on Veterans and General Legislation.

Ms. Lesewski, Mr. Chmielewski, Ms. Runbeck, Messrs. Dille and Bertram introduced—

S.F. No. 2438: A bill for an act relating to unemployment compensation; regulating the use of dislocated worker funds for state employees; amending Minnesota Statutes 1992, section 268.06, by adding a subdivision.

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

Ms. Pappas, Mr. Langseth, Ms. Flynn, Messrs. Belanger and Novak introduced—

S.F. No. 2439: A bill for an act relating to transportation; requiring metropolitan council and department of transportation to conduct a study on road pricing finance options; appropriating money.

Referred to the Committee on Transportation and Public Transit.

Mr. Kroening, Ms. Flynn, Mr. Pogemiller, Mses. Ranum and Berglin introduced—

S.F. No. 2440: A bill for an act relating to local economic development; authorizing the city of Minneapolis to establish a jobs park.

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

Messrs. Kroening, Pogemiller, Mses. Ranum and Berglin introduced—

S.F. No. 2441: A bill for an act relating to state government; repealing the annual fee for water testing; returning surplus revenues; permitting cities to test water quality; amending Minnesota Statutes 1992, section 144.383; repealing Minnesota Statutes 1992, section 144.3831, as amended.

Referred to the Committee on Health Care.

Mr. Hottinger introduced—

S.F. No. 2442: A bill for an act relating to criminal procedure; allowing probable cause arrests within school zones for certain offenses; proposing coding for new law in Minnesota Statutes, chapter 629.

Referred to the Committee on Crime Prevention.

Messrs. Kelly, Kroening, Ms. Flynn, Mr. Cohen and Ms. Runbeck introduced—

S.F. No. 2443: A bill for an act relating to economic development; providing for creation of enterprise zones within the cities of Minneapolis and St. Paul; providing incentives for business to locate within an enterprise zone; proposing coding for new law in Minnesota Statutes, chapter 469.

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

Messrs. Merriam and Riveness introduced—

S.F. No. 2444: A bill for an act relating to the state auditor; clarifying who is the client of the state auditor; setting standards for audits; removing authority for licensed public accountants to audit local governments; amending Minnesota Statutes 1992, sections 6.66; 367.36, subdivision 1; 412.222; 471.49, subdivision 10; and 471.6985, subdivision 2; Minnesota Statutes 1993 Supplement, section 6.65.

Referred to the Committee on Governmental Operations and Reform.

Messrs. Merriam, Laidig, Lessard, Morse and Berg introduced—

S.F. No. 2445: A bill for an act relating to game and fish; clarifying the purposes for which various game and fish revenues may be spent; requiring establishment of citizen oversight committees to review expenditures of game and fish revenues; appropriating money and reducing earlier appropriations; amending Minnesota Statutes 1992, sections 97A.055, by adding a subdivision; 97A.061, subdivision 1; 97A.071, subdivision 3, and by adding subdivisions; 97A.075, subdivisions 2, 3, and 4; 97A.165; 97A.475, subdivisions 6, 7, 8, and 13; and 97A.485, subdivision 7; Minnesota Statutes 1993 Supplement, sections 97A.055, subdivision 4; 97A.061, subdivision 3; 97A.071, subdivision 2; and 97A.475, subdivision 12; repealing Minnesota Statutes 1992, sections 97A.065, subdivision 3; 97A.071, subdivision 4; 97A.475, subdivision 9; and 103E.615, subdivision 6.

Referred to the Committee on Environment and Natural Resources.

Messrs. Vickerman, Dille, Stevens, Murphy and Bertram introduced—

S.F. No. 2446: A bill for an act relating to agriculture; changing the limitations on corporate farming; amending Minnesota Statutes 1992, section 500.24, subdivision 2.

Referred to the Committee on Agriculture and Rural Development.

Mr. Terwilliger introduced—

S.F. No. 2447: A bill for an act relating to state government; permitting state employees to donate vacation leave for the benefit of a certain state employee.

Referred to the Committee on Governmental Operations and Reform.

Mr. Bertram introduced—

S.F. No. 2448: A bill for an act relating to agriculture; providing for a junior livestock loan guarantee program.

Referred to the Committee on Agriculture and Rural Development.

Mses. Johnson, J.B.; Krentz and Mr. Morse introduced—

S.F. No. 2449: A bill for an act relating to education; creating a separate general education component for staff development; appropriating money; amending Minnesota Statutes 1992, section 124A.22, subdivision 1, and by adding a subdivision; Minnesota Statutes 1993 Supplement, section 124A.29, subdivision 1.

Referred to the Committee on Education.

Messrs. Metzen, Beckman, Sams and Larson introduced—

S.F. No. 2450: A bill for an act relating to the Minnesota historical society; clarifying law relating to its status; amending Minnesota Statutes 1992, section 138.01, subdivision 1.

Referred to the Committee on Veterans and General Legislation.

Ms. Johnson, J.B.; Mr. Larson and Ms. Krentz introduced—

S.F. No. 2451: A bill for an act relating to parks and recreation; adding lands to certain state parks; converting certain recreation areas to state parks; deleting land from a recreation area; combining a trail and certain waysides into a recreation area; abolishing a state park; amending Minnesota Statutes 1992, section 85.054, by adding a subdivision; repealing Minnesota Statutes 1992, sections 85.012, subdivision 24; and 85.013, subdivisions 16, 18a, 24, 26, and 28.

Referred to the Committee on Environment and Natural Resources.

Messrs. Vickerman and Riveness introduced—

S.F. No. 2452: A bill for an act relating to health; exempting registered audiologists from the examination requirement for hearing instrument dis-

penser certification; amending Minnesota Statutes 1993 Supplement, section 153A.14, subdivision 2.

Referred to the Committee on Health Care.

Mr. McGowan introduced—

S.F. No. 2453: A bill for an act relating to marriage dissolution; providing for share care of children; regulating support and other obligations after dissolution of marriage; amending Minnesota Statutes 1992, sections 144.224; 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, subdivision 2; 518.165, subdivisions 1 and 2; 518.166; 518.167, subdivisions 1 and 2; 518.168; 518.17, subdivision 1, and by adding a subdivision; 518.175, subdivisions 1, 2, 3, 4, 5, and by adding a subdivision; 518.1751; 518.176; 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; Minnesota Statutes 1993 Supplement, sections 518.156, subdivision 1; 518.17, subdivision 3; 518.171, subdivisions 4, 6, and 8; 518.175, subdivision 6; and 518.177; proposing coding for new law in Minnesota Statutes, chapter 518; repealing Minnesota Statutes 1992, section 518.17, subdivisions 2 and 6.

Referred to the Committee on Judiciary.

Mr. Hottinger, Mses. Pappas and Anderson introduced—

S.F. No. 2454: A bill for an act relating to health care; limiting health care coverage of certain elected state officials; proposing coding for new law in Minnesota Statutes, chapter 10.

Referred to the Committee on Ethics and Campaign Reform.

Ms. Berglin introduced—

S.F. No. 2455: A bill for an act relating to health and human services; requiring reimbursement rates paid to community health and public health clinics by a prepaid health plan to equal the medical assistance rates that would be paid directly to these clinics by the commissioner of human services; amending Minnesota Statutes 1992, section 256B.031, subdivisions 10 and 11; Minnesota Statutes 1993 Supplement, section 256.9363, by adding a subdivision.

Referred to the Committee on Health Care.

Messrs. Sams, Samuelson, Mses. Berglin, Kiscaden and Mr. Moe, R.D. introduced—

S.F. No. 2456: A bill for an act relating to health; providing the housing with services act; requiring contract provisions; requiring the filing of contract forms with the commissioner of health by certain providers of housing and related services; appropriating money; providing penalties; proposing coding for new law in Minnesota Statutes, chapter 144B.

Referred to the Committee on Health Care.

Messrs. Benson, D.D.; Hottinger; Metzen; Moe, R.D. and Ms. Kiscaden introduced—

S.F. No. 2457: A bill for an act relating to state government; administrative rulemaking; transferring the rule review functions of the office of the attorney general to the office of administrative hearings; regulating grants of rulemaking authority, and public hearing requirements; authorizing the governor to disapprove rules adopted after public hearing; eliminating the requirement that agencies review their rules and consider methods to reduce their impact on small business; making technical changes; requiring reports; appropriating money; amending Minnesota Statutes 1992, sections 14.05, subdivision 2, and by adding a subdivision; 14.08; 14.09; 14.115, subdivision 5; 14.15, subdivisions 3 and 4; 14.16, subdivision 1; 14.19; 14.22, subdivision 1; 14.24; 14.25; 14.26; 14.29, subdivisions 2 and 4; 14.30; 14.31; 14.32; 14.33; 14.34; 14.365; 14.48; and 14.51; proposing coding for new law in Minnesota Statutes, chapter 14; repealing Minnesota Statutes 1992, sections 14.115, subdivision 6; and 14.225.

Referred to the Committee on Governmental Operations and Reform.

Messrs. Stumpf and Bertram introduced—

S.F. No. 2458: A bill for an act relating to agriculture; authorizing the commissioner of agriculture to lease certain grain testing equipment to country elevators; requiring training of equipment operators; requiring inspection of equipment for accuracy; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 17B.

Referred to the Committee on Agriculture and Rural Development.

Messrs. McGowan and Spear introduced—

S.F. No. 2459: A bill for an act relating to public safety; regulating explosives, blasting agents, explosive devices, and incendiary devices; imposing penalties; amending Minnesota Statutes 1992, sections 299F.71; 299F.72, subdivision 2, and by adding subdivisions; 299F.73; 299F.74; 299F.75; 299F.77; 299F.78, subdivision 1; 299F.79; 299F.80; 299F.82; 299F.83; proposing coding for new law in Minnesota Statutes, chapters 299F; and 609; repealing Minnesota Statutes 1992, sections 299F.72, subdivisions 3 and 4; 299F.78, subdivision 2; and 299F.815, as amended; Minnesota Statutes 1993 Supplement, sections 299F.811; and 609.902, subdivision 4.

Referred to the Committee on Crime Prevention.

Mr. Chandler and Ms. Flynn introduced—

S.F. No. 2460: A bill for an act relating to Washington county; providing for a reverse referendum to make certain county offices appointive rather than elective.

Referred to the Committee on Metropolitan and Local Government.

Ms. Krentz introduced—

S.F. No. 2461: A bill for an act relating to family services; allowing sharing of certain information by family services and local children's mental health collaboratives; amending Minnesota Statutes 1993 Supplement, sections 121.8355, by adding a subdivision; and 245.493, by adding a subdivision.

Referred to the Committee on Judiciary.

Messrs. Terwilliger, Benson, D.D. and Stevens introduced—

S.F. No. 2462: A bill for an act relating to state departments and agencies; department of employee relations; providing for implementation of management training programs, authorizing the use of facsimile machines; abolishing the career executive service; amending Minnesota Statutes 1992, sections 13.67; 43A.21, subdivision 3; and 43A.32, subdivision 2; repealing Minnesota Statutes 1992, section 43A.21, subdivision 5.

Referred to the Committee on Governmental Operations and Reform.

Mses. Pappas, Anderson, Messrs. Metzen, Cohen and Kelly introduced—

S.F. No. 2463: A bill for an act relating to education; creating a voluntary pilot project for Ramsey county school districts; eliminating the property tax for participating school districts; requiring the development of a plan; appropriating money.

Referred to the Committee on Education.

Messrs. Pogemiller and McGowan introduced—

S.F. No. 2464: A bill for an act relating to retirement; authorizing the purchase of prior service credit in the public employees retirement association by an employee of the city of Minneapolis.

Referred to the Committee on Governmental Operations and Reform.

Ms. Lesewski, Messrs. Chmielewski, Metzen and Ms. Runbeck introduced—

S.F. No. 2465: A bill for an act relating to the jobs and training department; modifying provisions relating to certain departmental contracts; amending Minnesota Statutes 1993 Supplement, section 16B.06, subdivision 2a.

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

Ms. Runbeck, Messrs. Chmielewski, Metzen and Dille introduced—

S.F. No. 2466: A bill for an act relating to employment; establishing a retraining and targeted training grants program for certain workers; proposing coding for new law in Minnesota Statutes, chapter 268.

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

Messrs. Berg and Janezich introduced—

S.F. No. 2467: A bill for an act relating to game and fish; modifying size limits for walleye; amending Minnesota Statutes 1993 Supplement, section 97C.401, subdivision 2, and by adding a subdivision.

Referred to the Committee on Environment and Natural Resources.

Messrs. Finn; Stumpf; Lessard; Moe, R.D. and Samuelson introduced—

S.F. No. 2468: A bill for an act relating to beaver control; allowing local road authorities to remove beaver dams near public roads; proposing coding for new law in Minnesota Statutes, chapter 97B.

Referred to the Committee on Environment and Natural Resources.

Messrs. Samuelson and Vickerman introduced—

S.F. No. 2469: A bill for an act relating to health; expanding the integrated service network technical assistance program; appropriating money; amending Minnesota Statutes 1993 Supplement, section 62N.23.

Referred to the Committee on Health Care.

Mr. Price introduced—

S.F. No. 2470: A bill for an act relating to education; requiring developers of residential housing to pay a school impact fee; amending Minnesota Statutes 1992, section 462.358, by adding a subdivision.

Referred to the Committee on Education.

Ms. Johnson, J.B. and Mr. Chmielewski introduced—

S.F. No. 2471: A bill for an act relating to highways; changing highway description; amending Minnesota Statutes 1992, section 161.115, subdivision 224.

Referred to the Committee on Transportation and Public Transit.

Ms. Johnson, J.B. and Mr. Chmielewski introduced—

S.F. No. 2472: A bill for an act relating to transportation; authorizing commissioner of transportation to contract with state of Wisconsin to build and operate truck inspection station in Wisconsin.

Referred to the Committee on Transportation and Public Transit.

Messrs. Chandler, Kelly, Metzen and Frederickson introduced—

S.F. No. 2473: A bill for an act relating to telecommunications; allowing for alternative regulation of telephone companies for a five-year period; proposing coding for new law in Minnesota Statutes, chapter 237.

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

Mr. Moe, R.D. introduced—

S.F. No. 2474: A bill for an act relating to motor carriers; authorizing the transportation regulation board to permit a class II-L carrier to own a second terminal under certain circumstances; amending Minnesota Statutes 1992, section 221.121, by adding a subdivision.

Referred to the Committee on Transportation and Public Transit.

Messrs. Novak and Metzen introduced—

S.F. No. 2475: A bill for an act relating to workers' compensation; regulating insurance; limiting long-term benefits; adjusting supplemental benefits; providing coverage for independent contractors; strengthening fraud prevention; adjusting permanent partial benefits; providing for safety programs; appropriating money; amending Minnesota Statutes 1992, sections

79.085; 176.041, subdivision 1; 176.101, subdivisions 3b and 5; 176.132, subdivisions 2 and 3; 176.178; 176.185, subdivision 1; and 176.232; Minnesota Statutes 1993 Supplement, section 176.041, subdivision 1a; proposing coding for new law in Minnesota Statutes, chapters 79; 176; and 182; repealing Minnesota Statutes 1992, sections 79.01, subdivisions 7 and 8; 79.074, subdivision 2; 79.50; 79.51, as amended; 79.52; 79.53; 79.54; 79.55; 79.56; 79.57; 79.58; 79.59; 79.60; 79.61; and 79.62; Minnesota Statutes 1993 Supplement, section 72.211, subdivision 1.

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

Mr. Lessard introduced—

S.F. No. 2476: A bill for an act relating to local government; authorizing establishment of Nashwauk area ambulance district.

Referred to the Committee on Metropolitan and Local Government.

Messrs. Sams, Bertram, Langseth, Day and Lessard introduced—

S.F. No. 2477: A bill for an act relating to the environment; providing for a limitation on water quality fee increases; providing for a report to the legislature.

Referred to the Committee on Environment and Natural Resources.

Mses. Pappas, Anderson, Messrs. Mondale, Finn and Hottinger introduced—

S.F. No. 2478: A bill for an act relating to state government; creating a legislative task force on equal access; assigning duties to the task force; proposing coding for new law in Minnesota Statutes, chapter 3.

Referred to the Committee on Governmental Operations and Reform.

Mr. Neville and Ms. Reichgott Junge introduced—

S.F. No. 2479: A bill for an act relating to employment; modifying provisions relating to drug and alcohol testing; amending Minnesota Statutes 1992, section 181.953, subdivision 10.

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

Mr. Cohen introduced—

S.F. No. 2480: A bill for an act relating to crimes; driving while intoxicated; creating a felony for a third driving while intoxicated violation within ten years; amending Minnesota Statutes 1993 Supplement, section 169.121, subdivision 3.

Referred to the Committee on Crime Prevention.

Mr. Cohen introduced—

S.F. No. 2481: A bill for an act relating to taxation; requiring disclosure of and a vote by local governing bodies on increases in property taxes due to reduced market value; amending Minnesota Statutes 1993 Supplement, section 275.065, subdivision 6.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Hottinger, Beckman, Bertram, Frederickson and Johnson, D.E. introduced—

S.F. No. 2482: A bill for an act relating to telecommunications; exempting independent, cooperative, and municipal telephone companies from rate regulation by public utilities commission; amending Minnesota Statutes 1992, sections 237.01, subdivision 3; 237.081, subdivisions 1 and 1a; and 237.22; proposing coding for new law in Minnesota Statutes, chapter 237.

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

Mr. Terwilliger introduced—

S.F. No. 2483: A bill for an act relating to ethics in government; clarifying conflicts of interest to be disclosed by certain officials; amending Minnesota Statutes 1992, section 10A.07, subdivision 1.

Referred to the Committee on Ethics and Campaign Reform.

Messrs. Price, Morse, Lessard, Merriam and Riveness introduced—

S.F. No. 2484: A bill for an act relating to natural resources; motor vehicles; establishing special vehicle license plates for wetlands wildlife purposes; creating the wetlands wildlife legacy account; proposing coding for new law in Minnesota Statutes, chapters 84; and 168.

Referred to the Committee on Environment and Natural Resources.

Ms. Krentz introduced—

S.F. No. 2485: A bill for an act relating to education; increasing and ensuring needed before and after school programs; including school-age child care for children in kindergarten through grade 9; amending Minnesota Statutes 1992, section 126.69, subdivision 3; Minnesota Statutes 1993 Supplement, section 126.70, subdivision 2a.

Referred to the Committee on Education.

Mr. Laidig introduced—

S.F. No. 2486: A bill for an act relating to the environment; toxic pollution prevention act; adding a definition; clarifying applicability; modifying the schedule for submitting plans; amending Minnesota Statutes 1992, section 115D.03, by adding a subdivision; Minnesota Statutes 1993 Supplement, section 115D.07, subdivision 1.

Referred to the Committee on Environment and Natural Resources.

Mr. Laidig introduced—

S.F. No. 2487: A bill for an act relating to recreational vehicles; imposing misdemeanor penalty for violation of off-road motorcycle registration laws and rules; amending Minnesota Statutes 1993 Supplement, section 84.796.

Referred to the Committee on Environment and Natural Resources.

Mr. Laidig introduced—

S.F. No. 2488: A bill for an act relating to youth and young adult corps; authorizing insurance and education awards to members and former members; amending Minnesota Statutes 1992, section 84.0887, by adding subdivisions.

Referred to the Committee on Environment and Natural Resources.

Mr. Laidig introduced—

S.F. No. 2489: A bill for an act relating to wild animals; requiring permits from the commissioner of natural resources to administer chemical substances to wild animals; amending Minnesota Statutes 1992, section 97A.501, by adding a subdivision.

Referred to the Committee on Environment and Natural Resources.

Mr. Murphy and Ms. Hanson introduced—

S.F. No. 2490: A bill for an act relating to workers' compensation; regulating benefits; limiting supplementary benefits; eliminating certain lump sum payments; requiring safety programs; regulating coverage for independent contractors; abolishing apportionment; providing for a study of insurance; providing penalties; amending Minnesota Statutes 1992, sections 79.085; 176.041, subdivision 1; 176.081, subdivision 5; 176.101, subdivisions 3b, 3m, 3o, and 3q; 176.132, subdivisions 2 and 3; 176.194, subdivisions 1 and 4; 176.221, subdivision 1; 176.225, subdivision 1; 176.232; 176.261; 176.645, subdivision 1; and 176.66, subdivision 11; Minnesota Statutes 1993 Supplement, sections 176.041, subdivision 1a; and 268.08, subdivision 3; proposing coding for new law in Minnesota Statutes, chapters 176; and 182.

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

Mr. Bertram introduced—

S.F. No. 2491: A bill for an act relating to state lands; authorizing public sale of certain tax-forfeited land that borders public water in Stearns county.

Referred to the Committee on Environment and Natural Resources.

Mr. Bertram introduced—

S.F. No. 2492: A bill for an act relating to taxation; classifying certain golf course property as class 4c property; amending Minnesota Statutes 1993 Supplement, section 273.13, subdivision 25.

Referred to the Committee on Taxes and Tax Laws.

Mr. Chmielewski introduced—

S.F. No. 2493: A bill for an act relating to local government in Pine county; providing for creation of sewer district and a sanitary sewer board to administer the district; providing for collection, treatment, and disposal of sewage in the Cross Lake area.

Referred to the Committee on Environment and Natural Resources.

Mr. Janezich introduced—

S.F. No. 2494: A bill for an act relating to taxation; imposing a surtax on the tax liabilities of individuals, estates, and trusts; abolishing the tax on hospitals and health care providers; appropriating the proceeds of the surtax to the health care access fund; amending Minnesota Statutes 1992, sections 290.06, by adding a subdivision; and 290.62; Minnesota Statutes 1993 Supplement, sections 62P.04, subdivision 1; 214.16, subdivision 3; and 270B.01, subdivision 8; repealing Minnesota Statutes 1992, sections 295.50, as amended; 295.51, as amended; 295.52, as amended; 295.53, as amended; 295.54, as amended; 295.55, as amended; 295.57, as amended; 295.58, as amended; and 295.59, as amended; Minnesota Statutes 1993 Supplement, sections 144.1484, subdivision 2; and 295.582.

Referred to the Committee on Taxes and Tax Laws.

Mr. Chandler introduced—

S.F. No. 2495: A bill for an act relating to waste management; establishing the metropolitan solid waste management board; transferring solid waste management responsibilities from metropolitan counties to the board; amending Minnesota Statutes 1992, sections 115A.03, by adding a subdivision; 115A.31; 115A.42; 115A.45; 115A.46, subdivision 1; 115A.49; 115A.552; 115A.553; 115A.557; 115A.63, subdivision 3; 115A.919; 115A.921, subdivision 2; 115A.93, subdivisions 2 and 3; 115A.9301; 115A.94, by adding a subdivision; 115A.96, subdivision 6; 115A.991; 473.121, subdivision 11, and by adding a subdivision; 473.149, subdivisions 2a, 2d, 2e, 3, and 4; 473.151; 473.801, by adding a subdivision; 473.803, subdivisions 2a and 4; 473.804; 473.811, as amended; 473.813; 473.823, subdivisions 3, 5, and 6; 473.842, by adding a subdivision; 473.844, subdivisions 1a and 4; 473.8441, subdivisions 2 and 4; 473.848, subdivisions 1 and 4; and 473.849; Minnesota Statutes 1993 Supplement, sections 115A.551, subdivision 2a; 115A.929; 115A.93, subdivision 5; 115A.9302, subdivision 2; 115A.941; 473.149, subdivision 6; 473.803, subdivision 3; 473.8441, subdivision 5; and 473.848, subdivisions 2 and 3; proposing coding for new law in Minnesota Statutes, chapter 473; repealing Minnesota Statutes 1992, sections 473.803, subdivisions 1, 1b, and 1c; and 473.811, subdivision 10.

Referred to the Committee on Environment and Natural Resources.

Ms. Reichgott Junge, Mr. Metzen, Ms. Wiener and Mr. Moe, R.D. introduced—

S.F. No. 2496: A bill for an act relating to licensing; directing an expansion of the operations of the bureau of business licenses and of the master application procedure.

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

Messrs. Solon; Moe, R.D. and Johnson, D.E. introduced—

S.F. No. 2497: A bill for an act relating to economic development; removing the prohibition on use of state money for the board of invention; repealing Minnesota Statutes 1993 Supplement, section 116J.990, subdivision 7.

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

Messrs. Stumpf, Price and Solon introduced—

S.F. No. 2498: A bill for an act relating to retirement; offering options of coverage for employees of the higher education board upon merger of the state university system, community college board, and technical college board; amending Minnesota Statutes 1992, sections 136E.04, by adding a subdivision; 354.66, subdivision 2; 354B.07, subdivision 1; and 354B.08; Minnesota Statutes 1993 Supplement, sections 352.01, subdivision 2b; 353.01, subdivision 2a; 354B.02, subdivision 3c; and 354B.05, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 136C; and 136E.

Referred to the Committee on Governmental Operations and Reform.

Mr. Chandler introduced—

S.F. No. 2499: A bill for an act relating to transportation; creating a metropolitan town road account; funding metropolitan town road needs through motor vehicle excise tax; appropriating money; amending Minnesota Statutes 1992, sections 162.081, subdivision 2; and 297B.09, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 162.

Referred to the Committee on Transportation and Public Transit.

Mr. Kelly introduced—

S.F. No. 2500: A bill for an act relating to retirement; St. Paul teachers retirement fund association; requiring proportional representation for various membership groups on the association board of trustees; proposing coding for new law in Minnesota Statutes, chapter 354A.

Referred to the Committee on Governmental Operations and Reform.

Mr. Luther introduced—

S.F. No. 2501: A bill for an act relating to insurance; township mutual fire insurance companies; regulating policy cancellation and nonrenewal; regulating trade practices; amending Minnesota Statutes 1992, sections 60A.35; 67A.18, subdivision 2; and 72A.17.

Referred to the Committee on Commerce and Consumer Protection.

Mr. Dille introduced—

S.F. No. 2502: A bill for an act relating to drivers' licenses; requiring persons under 18 to be making satisfactory academic progress or to have completed high school requirements to qualify for a driver's license; amending Minnesota Statutes 1992, sections 171.04, subdivision 1, and by adding a subdivision; and 171.18, subdivision 1.

Referred to the Committee on Transportation and Public Transit.

MOTIONS AND RESOLUTIONS - CONTINUED

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated H.F. No. 1863 a Special Order to be heard immediately.

SPECIAL ORDER

H.F. No. 1863: A bill for an act relating to ethics in government; providing for the house and senate ethics committees to perform specified duties in ethics leadership; changing various lobbyist and principal reporting requirements; prescribing penalties; amending Minnesota Statutes 1992, section 10A.04, subdivisions 4, 5, and 6; proposing coding for new law in Minnesota Statutes, chapters 3; and 10A.

Mr. Marty moved to amend H.F. No. 1863, the unofficial engrossment, as follows:

Page 5, line 1, before the period, insert "*because of the office the local official holds*"

Page 5, line 2, before the period, insert "*that was given because of the office the local official holds*"

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

Mr. Knutson moved to amend H.F. No. 1863, the unofficial engrossment, as follows:

Page 4, line 15, before the period, insert "*by an organization before whom the recipient appears to make a speech or answer questions as part of a program*"

Page 5, line 17, before the period, insert "*by an organization before whom the recipient appears to make a speech or answer questions as part of a program*"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 43 and nays 22, as follows:

Those who voted in the affirmative were:

Anderson	Cohen	Laidig	Metzen	Riveness
Beckman	Day	Langseth	Mondale	Robertson
Benson, D.D.	Finn	Larson	Murphy	Runbeck
Benson, J.E.	Frederickson	Lesewski	Neuville	Sams
Berglin	Johnson, D.E.	Lessard	Oliver	Stevens
Bertram	Johnson, J.B.	Luther	Olson	Tervilliger
Betzold	Johnston	Marty	Pariseau	Vickerman
Chandler	Kiscaden	McGowan	Ranum	
Chmielewski	Knutson	Merriam	Reichgott Junge	

Those who voted in the negative were:

Belanger	Hottinger	Kroening	Piper	Stumpf
Berg	Janezich	Moe, R.D.	Pogemiller	Wiener
Dille	Johnson, D.J.	Morse	Price	
Flynn	Kelly	Novak	Solon	
Hanson	Krentz	Pappas	Spear	

The motion prevailed. So the amendment was adopted.

Mrs. Pariseau moved to amend H.F. No. 1863, the unofficial engrossment, as follows:

Page 3, lines 22 and 23, delete "CERTAIN GIFTS BY LOBBYISTS AND PRINCIPALS PROHIBITED" and insert "STANDARDS OF CONDUCT"

Page 4, after line 23, insert:

"Subd. 4. [LOBBYING BY FORMER LEGISLATOR.] A former member

of the legislature may not serve as a lobbyist until one year has passed since the member left the legislature."

Amend the title as follows:

Page 1, line 5, after the semicolon, insert "prohibiting lobbying by former legislators for a certain time;"

Mr. Marty moved to amend the Pariseau amendment to H.F. No. 1863 as follows:

Page 1, line 6, delete "LEGISLATOR" and insert "OFFICIAL"

Page 1, line 7, after "*legislature*" insert "*or a former constitutional officer, commissioner, or deputy commissioner*"

Page 1, line 8, delete "*the legislature*" and insert "*state government*"

Amend the title amendment as follows:

Page 1, line 11, delete "legislators" and insert "state officials"

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

The question recurred on the Pariseau amendment, as amended.

The roll was called, and there were yeas 28 and nays 36, as follows:

Those who voted in the affirmative were:

Belanger	Frederickson	Knutson	Marty	Pappas
Benson, D.D.	Johnson, D.E.	Laidig	McGowan	Pariseau
Benson, J.E.	Johnson, D.J.	Langseth	Mondale	Robertson
Berg	Johnson, J.B.	Larson	Murphy	Stevens
Berglin	Johnston	Lesewski	Oliver	
Chmielewski	Kiscaden	Luther	Olson	

Those who voted in the negative were:

Anderson	Finn	Lessard	Pogemiller	Stumpf
Beckman	Flynn	Merriam	Price	Terwilliger
Bertram	Hanson	Metzen	Ranum	Vickerman
Betzold	Hottinger	Moe, R.D.	Reichgott Junge	Wiener
Chandler	Janezich	Morse	Riveness	
Cohen	Kelly	Neuville	Sams	
Day	Krentz	Novak	Solon	
Dille	Kroening	Piper	Spear	

The motion did not prevail. So the Pariseau amendment, as amended, was not adopted.

Mr. Johnson, D.E. moved to amend H.F. No. 1863, the unofficial engrossment, as follows:

Page 3, after line 21, insert:

"Sec. 3. Minnesota Statutes 1993 Supplement, section 10A.065, subdivision 1, is amended to read:

Subdivision 1. [REGISTERED LOBBYIST CONTRIBUTIONS; LEGISLATIVE SESSION.] A candidate for the legislature or for constitutional office, a candidate's principal campaign committee, any other political committee with the candidate's name or title, any committee authorized by the candidate, or a political committee established by all or a part of the party organization within a house of the legislature, or a political committee

established by a state political party or the party organization within a congressional district, county, legislative district, municipality, or precinct, shall not solicit or accept a contribution on behalf of a candidate's principal campaign committee, any other political committee with the candidate's name or title, any committee authorized by the candidate, or a political committee established by all or a part of the party organization within a house of the legislature, from a registered lobbyist, political committee, or political fund during a regular session of the legislature.

Sec. 4. Minnesota Statutes 1993 Supplement, section 10A.065, subdivision 5, is amended to read:

Subd. 5. [POLITICAL COMMITTEE.] This section does not apply to a political committee established by a state political party; by the party organization within a congressional district, county, legislative district, municipality, or precinct; by a candidate for a judicial office; or to a member of such a political committee acting solely on behalf of the committee."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 24 and nays 40, as follows:

Those who voted in the affirmative were:

Belanger	Day	Knutson	McGowan	Robertson
Benson, D.D.	Frederickson	Laidig	Neuville	Runbeck
Benson, J.E.	Johnson, D.E.	Larson	Oliver	Stevens
Berg	Johnston	Lesewski	Olson	Terwilliger
Chmielewski	Kiscaden	Lessard	Pariseau	

Those who voted in the negative were:

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

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

Mr. Betzold moved to amend H.F. No. 1863, the unofficial engrossment, as follows:

Page 3, after line 21, insert:

"Sec. 3. Minnesota Statutes 1992, section 10A.065, is amended by adding a subdivision to read:

Subd. 1a. [PARTY UNIT SOLICITATIONS.] A political party unit shall not solicit or receive at an event hosted by a candidate for the legislature or by a candidate for constitutional office a contribution from a lobbyist, political committee, or political fund during a regular session of the legislature.

Sec. 4. Minnesota Statutes 1993 Supplement, section 10A.065, subdivision 5, is amended to read:

Subd. 5. [POLITICAL COMMITTEE.] *Except as provided in subdivision 1a, this section does not apply to a political committee established by a state political party; by the party organization within a congressional district, county, legislative district, municipality, or precinct; by a candidate for a judicial office; or to a member of such a political committee acting solely on behalf of the committee.*

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

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

Those who voted in the affirmative were:

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

The motion prevailed. So the amendment was adopted.

Ms. Reichgott Junge moved to amend H.F. No. 1863, the unofficial engrossment, as follows:

Page 4, line 13, delete "or"

Page 4, line 15, before the period, insert "; or

(8) food or a beverage given at a reception, meal, or meeting away from the recipient's place of work and to which all members of the legislature have been invited"

Page 5, line 15, delete "or"

Page 5, line 17, before the period, insert "; or

(8) food or a beverage given at a reception, meal, or meeting away from the recipient's place of work and to which all members of a local legislative body have been invited"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 30 and nays 35, as follows:

Those who voted in the affirmative were:

Beckman	Flynn	Langseth	Neuville	Sams
Bertram	Hanson	Lessard	Novak	Solon
Betzold	Janezich	Metzen	Pappas	Spear
Cohen	Kelly	Moe, R.D.	Piper	Terwilliger
Dille	Krentz	Morse	Reichgott Junge	Vickerman
Finn	Kroening	Murphy	Runbeck	Wiener

Those who voted in the negative were:

Anderson	Chmielewski	Johnston	Marty	Pogemiller
Belanger	Day	Kiscaden	McGowan	Price
Benson, D.D.	Frederickson	Knutson	Merriam	Ranum
Benson, J.E.	Hottinger	Laidig	Mondale	Riveness
Berg	Johnson, D.E.	Larson	Oliver	Robertson
Berglin	Johnson, D.J.	Lesewski	Olson	Stevens
Chandler	Johnson, J.B.	Luther	Pariseau	Stumpf

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

H.F. No. 1863 was read the third time, as amended, and placed on its final passage.

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

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

Those who voted in the affirmative were:

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

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

MEMBERS EXCUSED

Mrs. Adkins and Mr. Samuelson were excused from the Session of today. Ms. Runbeck was excused from the Session of today from 12:00 noon to 12:20 p.m.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 11:45 a.m., Wednesday, March 16, 1994. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

SEVENTY-FIRST DAY

St. Paul, Minnesota, Wednesday, March 16, 1994

The Senate met at 11:45 a.m. and was called to order by the President.

CALL OF THE SENATE

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

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

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

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

The President declared a quorum present.

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

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communication was received and referred to the committee indicated.

January 28, 1994

The Honorable Allan H. Spear
President of the Senate

Dear Sir:

The following appointments are hereby respectfully submitted to the Senate for confirmation as required by law:

MINNESOTA RURAL FINANCE AUTHORITY

Marlene Malstrom, Rt. 5, Box 344, Detroit Lakes, Becker County, has been

appointed by me, effective February 2, 1994, for a term expiring on the first Monday in January, 1998.

Armin Tesch, Rt. 1, Box 133, Waldorf, Waseca County, has been appointed by me, effective February 2, 1994, for a term expiring on the first Monday in January, 1998.

(Referred to the Committee on Agriculture and Rural Development.)

Warmest regards,
Arne H. Carlson, Governor

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 524, 1186, 1496, 1788, 1811, 1906, 1845, 1957, 2007 and 2130.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 14, 1994

FIRST READING OF HOUSE BILLS

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

H.F. No. 524: A bill for an act relating to traffic regulations; authorizing rural postal carriers to operate rural mail delivery vehicles equipped with tires having metal studs, with restrictions; requiring permit from commissioner of transportation; providing a penalty; amending Minnesota Statutes 1992, section 169.72, by adding a subdivision.

Referred to the Committee on Transportation and Public Transit.

H.F. No. 1186: A bill for an act relating to the environment; adding cross references for existing civil penalties for littering; amending Minnesota Statutes 1992, sections 85.20, subdivision 6; 115A.99; 169.421; 375.18, subdivision 14; and 412.221, subdivision 22.

Referred to the Committee on Environment and Natural Resources.

H.F. No. 1496: A bill for an act relating to health; clarifying the scope of confidentiality of records of review organizations; including preferred provider organizations in definition of review organizations; amending Minnesota Statutes 1992, sections 145.61, subdivision 5, and by adding a subdivision; and 145.64, subdivision 1.

Referred to the Committee on Judiciary.

H.F. No. 1788: A bill for an act relating to marriage; providing for postnuptial contracts; amending Minnesota Statutes 1992, section 519.11.

Referred to the Committee on Judiciary.

H.F. No. 1811: A bill for an act relating to school bus drivers; designating second Monday of January as Minnesota School Bus Driver Day; proposing coding for new law in Minnesota Statutes, chapter 126.

Referred to the Committee on Education.

H.F. No. 1906: A bill for an act relating to state trails; routing an existing trail; establishing new trails; amending Minnesota Statutes 1992, section 85.015, subdivision 7, and by adding subdivisions.

Referred to the Committee on Environment and Natural Resources.

H.F. No. 1845: A bill for an act relating to education; permitting school boards to begin the 1994-1995 school year before Labor Day because a religious holiday is observed the day following Labor Day.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1693, now on the Consent Calendar.

H.F. No. 1957: A bill for an act relating to housing and redevelopment authorities; providing for the membership in the Olmsted county housing and redevelopment authority and for dissolution of the Rochester housing and redevelopment authority; making conforming changes; allowing certain cities the option to form their own authorities.

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

H.F. No. 2007: A bill for an act relating to employment; making clear that employee includes "at pleasure" employees under the whistleblower law; amending Minnesota Statutes 1992, section 181.931, subdivision 2.

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

H.F. No. 2130: A bill for an act relating to counties; St. Louis; assigned the former town of Payne to the 7th commissioner district.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2052, now on the Consent Calendar.

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted, with the exception of the report on S.F. No. 1643. The motion prevailed.

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

S.F. No. 1692: A bill for an act relating to contracts; creating the public contractors' performance and payment bond act by amending existing provisions; amending Minnesota Statutes 1992, sections 574.26; 574.261; 574.262, subdivision 1; 574.263, subdivision 3; 574.264, subdivision 1; 574.27; 574.28; 574.29; 574.30; 574.31; and 574.32.

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

Page 1, line 20; delete "and" and insert "or"

Page 2, line 11, after "perform" delete the comma

Page 2, line 20, delete "must" and insert "may"

Page 2, line 24, after "or" insert "successfully"

Page 3, line 9, after the second "the" insert "amount"

Page 3, after line 27, insert:

"Subd. 1a. [LETTERS OF CREDIT.] Whenever this act or other law or home rule charter requires a performance bond from a contractor doing a public work project of under \$50,000 for a public body, the contractor may be permitted to provide, in place of the performance bond, an irrevocable bank letter of credit in the same amount as required for the bond and subject to the same conditions as the bond."

Page 3, line 29, after "deposit" insert "in place of a payment bond"

Page 5, delete section 4 and insert:

"Sec. 4. Minnesota Statutes 1992, section 574.263, is amended by adding a subdivision to read:

Subd. 4. [PAYMENT BOND.] A contract with the state for a forestry development project may require a payment bond at the discretion of the commissioner of natural resources. If the commissioner determines that a payment bond is required, the commissioner also has the discretion to decide whether the bond may be in the form of securities in place of a bond as provided in section 574.264. If so, the securities cannot have less value than five percent of the contract price."

Page 6, line 1, delete "\$20,000" and insert "\$30,000"

Page 6, line 2, strike "or bid deposit"

Page 6, line 7, after "same" insert "amount"

Page 6, line 29, before "Any" insert "In a situation involving"

Page 6, line 30, delete "for it"

Page 6, line 33, strike "given" and delete "to perform" and insert "provided with" and strike "if"

Page 6, line 34, strike "accepted"

Page 7, line 3, strike the second comma

Page 7, line 4, strike the comma

Page 7, line 5, strike "of"

Page 7, line 7, strike ", and" and insert a period

Page 7, line 19, after "treasurer" insert ", board, or officer having financial management"

Page 7, line 20, delete "in the bonds" and strike "unless the contract" and delete "is" and strike "for work upon a state"

Page 7, strike line 21

Page 7, line 22, strike "for a state institution, in which case" and delete "the bonds" and strike "shall be"

Page 7, line 23, strike "filed with the board or officer having the"

Page 7, line 24, strike "financial management" and delete "of the trunk highway system or"

Page 7, line 25, delete "state institution" and insert "in the bonds"

Amend the title as follows:

Page 1, line 6, delete "subdivision 3" and insert "by adding a subdivision"

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

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

S.F. No. 1694: A bill for an act relating to civil commitment; modifying procedures relating to administering intrusive mental health treatment to persons committed as mentally ill and dangerous under the civil commitment act; amending Minnesota Statutes 1992, sections 13.42, subdivision 3; 253B.02, by adding a subdivision; 253B.03, subdivision 6c; and 253B.12, subdivision 1.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1992, section 13.42, subdivision 3, is amended to read:

Subd. 3. [CLASSIFICATION OF MEDICAL DATA.] Unless the data is summary data or a statute specifically provides a different classification, medical data are private but are available only to the subject of the data as provided in section 144.335, and shall not be disclosed to others except:

- (a) pursuant to section 13.05;
- (b) pursuant to a valid court order;
- (c) to administer federal funds or programs;

(d) to the surviving spouse, parents, children, and siblings of a deceased patient or client or, if there are no surviving spouse, parents, children, or siblings, to the surviving heirs of the nearest degree of kindred;

(e) to communicate a patient's or client's condition to a family member or other appropriate person in accordance with acceptable medical practice, unless the patient or client directs otherwise; or

(f) data on past administration of neuroleptic medication may be released to a treating physician who must make medical decisions with respect to prescribing and administering neuroleptic medication under section 253B.03, subdivision 6c; or

(f) (g) as otherwise required by law.

Sec. 2. Minnesota Statutes 1992, section 253B.03, subdivision 6b, is amended to read:

Subd. 6b. [CONSENT FOR MENTAL HEALTH TREATMENT.] A competent person admitted or committed without commitment to a treatment facility may be subjected to intrusive mental health treatment only with the person's written informed consent. For purposes of this section, "intrusive mental health treatment" means electroshock therapy and neuroleptic medication and does not include treatment for mental retardation. An incompetent person who has prepared a directive under subdivision 6d regarding treatment with intrusive therapies must be treated in accordance with this section, except in cases of emergencies.

Sec. 3. Minnesota Statutes 1992, section 253B.03, subdivision 6c, is amended to read:

Subd. 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 treating physician required to make medical judgments under this subdivision has access to a patient's records on past administration of neuroleptic medication at any treatment facility. Upon request of a treating physician under this subdivision, a treatment facility shall supply complete information relating to the past records on administration of neuroleptic medication of a patient subject to this subdivision.*

(c) ~~A neuroleptic medication may be administered treatment provider may prescribe and administer neuroleptic medication without judicial review to a patient or a proposed patient who:~~

~~(1) is competent to consent to neuroleptic medications if the patient has given written, informed consent to administration of the neuroleptic medication, the treatment and has signed a written, informed consent;~~

~~(2) A neuroleptic medication may be administered to a patient who (2) 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, and the proxy has requested the neuroleptic medication;~~

~~(3) A neuroleptic medication may be administered without court review to a patient who (3) has not prepared a declaration under subdivision 6d and who is not competent to consent to neuroleptic medications if:~~

~~(i) the patient does not object to or refuse the medication;~~

~~(ii) 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~~

~~(iii) 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; or~~

~~(4) A neuroleptic medication may be administered without judicial review and without consent (4) refuses prescribed neuroleptic medication and is in an emergency situation. Medication may be administered for so long as the emergency continues to exist, up to 14 days, if the treating physician determines that the medication is necessary to prevent serious, immediate~~

physical harm to the patient or to others. If a petition for authorization to administer medication is filed within the 14 days, the treating physician may continue the medication through the date of the court hearing. The treatment facility shall document the emergency in the patient's medical record in specific behavioral terms.

A treatment provider may prescribe and administer neuroleptic medications to a patient who does not object or refuse and who is under a guardianship or conservatorship, if the guardian or conservator is acting within the scope of the authority granted under section 525.5515 and has given written permission to the treatment provider or facility to administer neuroleptic medications.

(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 (e), 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.

(d) A treatment facility must obtain judicial review to administer neuroleptic medication to a patient who refuses to take the medication, or when an independent medical review does not support the prescribed treatment.

(e) A physician on behalf of a treatment facility may file a petition requesting authorization to administer neuroleptic medication to a patient or a proposed patient who is not competent to consent to the prescribed medication, as certified by a physician, and who refuses to take the prescribed medication. A patient may also file a petition for a review of neuroleptic medication.

(f) A petition may be filed with the district court in the county of commitment or the county in which the patient is being held or treated. The petition may be heard as part of any other district court proceeding under this chapter. The hearing must be held within 14 days from the date of the filing of the petition. By agreement of the parties, or for good cause shown, the court may extend the time of hearing an additional 30 days.

(g) If the petitioning facility has a treatment review panel, the panel shall review the appropriateness of the proposed medication and submit its recommendations to the court and to the patient's counsel at least two days prior to the hearing.

(h) The patient must be examined by a court examiner prior to the hearing. The patient is entitled to counsel, a second examiner, if requested by the

patient or patient's counsel, and, if requested by any party a guardian ad litem.

(i) The court shall determine by clear and convincing evidence whether the patient is incompetent to consent to the neuroleptic medication and whether the involuntary administration of medication is necessary to treat the patient's mental illness. The court may base its decision on the opinion of its examiner, a member of the patient's treatment team, the patient's medical records, and any evidence which the court determines to be relevant and admissible.

(j) If the patient is found to be competent to decide whether to take neuroleptic medication, the treating facility may not administer medication without the patient's informed written consent or without the declaration of an emergency, or until further review by the court.

(k) If the patient is found incompetent to decide whether to take neuroleptic medication, the court may authorize the treating facility, and any other community facility to which the patient may be transferred or discharged, to involuntarily administer the medication to the patient. A finding of incompetence under this section must not be construed to determine the patient's competence for any other purpose.

(l) The court may, but is not required to, limit the maximum dosage of neuroleptic medication which may be administered.

(m) The court may authorize the administration of neuroleptic medication for the duration of a determinate commitment. If the patient is committed for an indeterminate period, the court may authorize treatment of neuroleptic medication for not more than two years, subject to the patient's right to petition the court for review of the order. The treatment facility must submit annual reports to be reviewed by the court, the patient, and the respective attorneys.

(n) If the patient is transferred to a facility that has a treatment review panel, the facility shall review the appropriateness of the patient's medication within 30 days after the patient begins treatment at the facility.

Sec. 4. Minnesota Statutes 1992, section 253B.07, subdivision 1, is amended to read:

Subdivision 1. [PREPETITION SCREENING.] (a) Prior to filing a petition for commitment of a proposed patient, an interested person shall apply to the designated agency in the county of the proposed patient's residence or presence for conduct of a preliminary investigation, except when the proposed patient has been acquitted of a crime under section 611.026 and the county attorney is required to file a petition for commitment pursuant to subdivision 2. In any case coming within this exception, the county attorney shall apply to the designated county agency in the county in which the acquittal took place for a preliminary investigation unless substantially the same information relevant to the proposed patient's current mental condition as could be obtained by a preliminary investigation is part of the court record in the criminal proceeding or is contained in the report of a mental examination conducted in connection with the criminal proceeding. The designated agency shall appoint a screening team to conduct an investigation which shall include:

(i) a personal interview with the proposed patient and other individuals who appear to have knowledge of the condition of the proposed patient. If the proposed patient is not interviewed, reasons must be documented;

(ii) identification and investigation of specific alleged conduct which is the basis for application; ~~and~~

(iii) identification, exploration, and listing of the reasons for rejecting or recommending alternatives to involuntary placement; *and*

(iv) if involuntary placement is recommended, a determination of whether the proposed patient is competent to consent to any administration of neuroleptic medication, and if not, whether the proposed patient would object to or refuse administration of neuroleptic medication.

(b) In conducting the investigation required by this subdivision, the screening team shall have access to all relevant medical records of proposed patients currently in treatment facilities. Data collected pursuant to this clause shall be considered private data on individuals.

(c) When the prepetition screening team recommends commitment, a written report shall be sent to the county attorney for the county in which the petition is to be filed.

(d) The prepetition screening team shall refuse to support a petition if the investigation does not disclose evidence sufficient to support commitment. Notice of the prepetition screening team's decision shall be provided to the prospective petitioner.

(e) If the interested person wishes to proceed with a petition contrary to the recommendation of the prepetition screening team, application may be made directly to the county attorney, who may determine whether or not to proceed with the petition. Notice of the county attorney's determination shall be provided to the interested party.

(f) If a court petitions for commitment pursuant to the rules of criminal procedure or a county attorney petitions pursuant to acquittal of a criminal charge under section 611.026, the prepetition investigation, if required by this section, shall be completed within seven days after the filing of the petition.

Sec. 5. Minnesota Statutes 1992, section 253B.09, subdivision 2, is amended to read:

Subd. 2. [FINDINGS.] (a) The court shall find the facts specifically, separately state its conclusions of law, and direct the entry of an appropriate judgment. Where commitment is ordered, the findings of fact and conclusions of law shall specifically state the proposed patient's conduct which is a basis for determining that each of the requisites for commitment is met.

(b) If commitment is ordered, the findings shall also include a listing of less restrictive alternatives considered and rejected by the court and the reasons for rejecting each alternative.

(c) If the prepetition screening team has determined that a patient is not competent to consent to the administration of neuroleptic medication but would not object to or refuse the administration of neuroleptic medication, the court may, at the time of commitment, appoint a guardian ad litem for purposes of section 253B.03, subdivision 6c, paragraph (c), clause (3).

Sec. 6. Minnesota Statutes 1992, section 253B.12, subdivision 1, is amended to read:

Subdivision 1. [REPORT.] Prior to the termination of the initial commitment order or final discharge of the patient, the head of the facility shall file

a written report with the committing court with a copy to the patient and patient's counsel, setting forth in detailed narrative form at least the following:

- (1) the diagnosis of the patient with the supporting data;
- (2) the anticipated discharge date;
- (3) an individualized treatment plan;
- (4) a detailed description of the discharge planning process with suggested after care plan;
- (5) whether the patient is in need of further care and treatment with evidence to support the response;
- (6) whether any further care and treatment must be provided in a treatment facility with evidence to support the response;
- (7) whether in the opinion of the head of the facility the patient must continue to be committed to a treatment facility; and
- (8) whether in the opinion of the head of the facility the patient satisfies the statutory requirement for continued commitment, with documentation to support the opinion; and
- (9) *whether the administration of neuroleptic medication is clinically indicated, whether the patient is able to give informed consent to that medication, and the basis for these opinions.*

Sec. 7. Minnesota Statutes 1992, section 253B.17, subdivision 1, is amended to read:

Subdivision 1. [PETITION.] Any patient, except one committed as mentally ill and dangerous to the public, or any interested person may petition the committing court or the court to which venue has been transferred for an order that the patient is not in need of continued institutionalization or for an order that an individual is no longer mentally ill, mentally retarded, or chemically dependent, or for any other relief as the court deems just and equitable. ~~A patient committed as mentally ill or mentally ill and dangerous 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 sections 253B.08, 253B.09, 253B.12, and 253B.18.~~

Sec. 8. Minnesota Statutes 1992, section 525.56, subdivision 3, is amended to read:

Subd. 3. The court may appoint a guardian of the person if it determines that all the powers and duties listed in this subdivision are needed to provide for the needs of the incapacitated person. The court may appoint a conservator of the person if it determines that a conservator is needed to provide for the needs of the incapacitated person through the exercise of some, but not all, of the powers and duties listed in this subdivision. The duties and powers of a guardian or those which the court may grant to a conservator of the person include, but are not limited to:

- (1) The power to have custody of the ward or conservatee and the power to establish a place of abode within or without the state, except as otherwise provided in this clause. The ward or conservatee or any person interested in the ward's or conservatee's welfare may petition the court to prevent or to

initiate a change in abode. A ward or conservatee may not be admitted to a regional treatment center by the guardian or conservator except (1) after a hearing pursuant to chapter 253B; (2) for outpatient services; or (3) for the purpose of receiving temporary care for a specific period of time not to exceed 90 days in any calendar year.

(2) The duty to provide for the ward's or conservatee's care, comfort and maintenance needs, including food, clothing, shelter, health care, social and recreational requirements, and, whenever appropriate, training, education, and habilitation or rehabilitation. The guardian or conservator has no duty to pay for these requirements out of personal funds. Whenever possible and appropriate, the guardian or conservator should meet these requirements through governmental benefits or services to which the ward or conservatee is entitled, rather than from the ward's or conservatee's estate. Failure to satisfy the needs and requirements of this clause shall be grounds for removal of a private guardian or conservator, but the guardian or conservator shall have no personal or monetary liability.

(3) The duty to take reasonable care of the ward's or conservatee's clothing, furniture, vehicles, and other personal effects, and, if other property requires protection, the power to seek appointment of a guardian or conservator of the estate. The guardian or conservator must give notice in the manner required and to those persons specified in section 525.55 prior to the disposition of the ward's or conservatee's clothing, furniture, vehicles, or other personal effects. The notice must inform the person of the right to object to the disposition of the property within ten days and to petition the court for a review of the guardian's or conservator's proposed actions. Notice of the objection must be served by mail or personal service on the guardian or conservator and the ward or conservatee unless the ward or conservatee be the objector. The guardian or conservator served with notice of an objection to the disposition of the property may not dispose of the property unless the court approves the disposition after a hearing.

(4)(a) The power to give any necessary consent to enable the ward or conservatee to receive necessary medical or other professional care, counsel, treatment or service, ~~except that~~ *including neuroleptic medication*. No guardian or conservator may give consent for psychosurgery, electroshock, sterilization, or experimental treatment of any kind unless the procedure is first approved by order of the court as provided in this clause. The guardian or conservator shall not consent to any medical care for the ward or conservatee which violates the known conscientious, religious, or moral belief of the ward or conservatee.

(b) A guardian or conservator who believes a procedure described in clause (4)(a) requiring prior court approval to be necessary for the proper care of the ward or conservatee shall petition the court for an order and, in the case of a public guardianship or conservatorship under chapter 252A, obtain the written recommendation of the commissioner of human services. The court shall fix the time and place for the hearing and shall give notice to the ward or conservatee and to the other persons specified in section 525.55, subdivision 1. The notice shall comply with the requirements of, and be served in the manner provided in section 525.55, subdivision 2. The court shall appoint an attorney to represent the ward or conservatee who is not represented by counsel. In every case the court shall determine if the procedure is in the best interests of the ward or conservatee. In making its determination, the court shall consider a written medical report which specifically considers the

medical risks of the procedure, whether alternative, less restrictive methods of treatment could be used to protect the best interests of the ward or conservatee, and any recommendation of the commissioner of human services for a public ward or conservatee. The standard of proof is that of clear and convincing evidence.

(c) In the case of a petition for sterilization of a mentally retarded ward or conservatee, the court shall appoint a licensed physician, a psychologist who is qualified in the diagnosis and treatment of mental retardation, and a social worker who is familiar with the ward's or conservatee's social history and adjustment or the case manager for the ward or conservatee to examine or evaluate the ward or conservatee and to provide written reports to the court. The reports shall indicate why sterilization is being proposed, whether sterilization is necessary and is the least intrusive method for alleviating the problem presented, and whether it is in the best interests of the ward or conservatee. The medical report shall specifically consider the medical risks of sterilization, the consequences of not performing the sterilization, and whether alternative methods of contraception could be used to protect the best interests of the ward or conservatee.

(d) Any conservatee whose right to consent to a sterilization has not been restricted under this section or section 252A.101, may be sterilized only if the conservatee consents in writing or there is a sworn acknowledgment by an interested person of a nonwritten consent by the conservatee. The consent must certify that the conservatee has received a full explanation from a physician or registered nurse of the nature and irreversible consequences of the sterilization operation.

(e) A guardian or conservator or the public guardian's designee who acts within the scope of authority conferred by letters of guardianship under section 252A.101, subdivision 7, and according to the standards established in this chapter or in chapter 252A shall not be civilly or criminally liable for the provision of any necessary medical care, including but not limited to, the administration of psychotropic medication or the implementation of aversive and deprivation procedures to which the guardian or conservator or the public guardian's designee has consented.

(5) The power to approve or withhold approval of any contract, except for necessities, which the ward or conservatee may make or wish to make.

(6) The duty and power to exercise supervisory authority over the ward or conservatee in a manner which limits civil rights and restricts personal freedom only to the extent necessary to provide needed care and services."

Delete the title and insert:

"A bill for an act relating to civil commitment; modifying procedures relating to administering intrusive mental health treatment to persons committed as mentally ill and dangerous under the civil commitment act; amending Minnesota Statutes 1992, sections 13.42, subdivision 3; 253B.03, subdivisions 6b and 6c; 253B.07, subdivision 1; 253B.09, subdivision 2; 253B.12, subdivision 1; 253B.17, subdivision 1; and 525.56, subdivision 3."

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

Mr. Vickerman from the Committee on Veterans and General Legislation, to which was referred.

S.F. No. 1695: A bill for an act relating to veterans; establishing a veterans' cemetery; providing for funding; appropriating money; amending Minnesota Statutes 1992, sections 349.212, subdivision 1; 349.213, subdivision 1; Minnesota Statutes 1993 Supplement, sections 349.12, subdivision 25; and 349.212, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 197; repealing Minnesota Statutes 1992, section 197.235.

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

Delete everything after the enacting clause and insert:

“Section 1. [197.236] [VETERANS' CEMETERY.]

Subdivision 1. [ADVISORY COUNCIL; PURPOSE.] The veterans' cemetery advisory council is established for the purpose of advising the commissioner of veterans affairs on all matters relating to the development, operation, and maintenance of the cemetery established under this section, and to manage the fundraising for the veterans' cemetery trust account established in subdivision 6. The advisory council and its members are governed by section 15.059, except that the council does not expire, and the terms of members are governed by subdivision 2. The council shall meet at least quarterly. The commissioner of the department of veterans affairs shall provide administrative support and meeting space for the advisory council.

Subd. 2. [COUNCIL MEMBERSHIP; TERMS.] The advisory council is composed of nine members appointed by the governor, subject to the advice and consent of the senate. One member each must be appointed from the membership of the following organizations: the Veterans of Foreign Wars, the American Legion, and the Disabled American Veterans. One member must be appointed from the membership of the auxiliary of any of these three veterans' organizations. One member must have experience in mortuary science or funeral home operations. One member must have experience in cemetery management and operation. The remaining members must be persons experienced in policy development, civic and community affairs, forms of public service, or legal work, and at least two of these persons must be veterans. No fewer than four nor more than five of the members must be residents of the metropolitan area as defined in section 473.121, subdivision 2, and not more than six of the members must be of the same gender. All members of the advisory council must be legal residents of the state of Minnesota while serving on the council. Members' terms of service on the advisory council are as follows: three persons each must be appointed for two-year, four-year, and six-year terms; upon expiration of any member's term, a person must be appointed to that position for a six-year term. No person may serve consecutive terms on the advisory council, except that any person serving a two- or four-year term may be reappointed to one consecutive six-year term. The chair of the council must be designated by the governor.

Subd. 3. [OPERATION AND MAINTENANCE.] The commissioner of veterans affairs shall supervise and control the veterans' cemetery established under this section. The commissioner may contract for the maintenance and operation of the cemetery. All personnel, equipment, and support necessary for maintenance and operation of the cemetery, as well as the expenses and per diem of the advisory council, must be included in the department's budget.

Subd. 4. [ACQUISITION OF PROPERTY.] By August 1, 1994, or as soon thereafter as practicable, the department of veterans affairs shall receive by gift and establish ownership of the site of approximately 36 acres adjacent to Camp Ripley in Morrison county that has been prepared for the purpose of a state veterans' cemetery by the Minnesota state veterans' cemetery association. Prior to the acquisition of this land, the department must obtain the approval of the Morrison county board. The department may also receive any equipment and materials granted to the state or any of its political subdivisions for this purpose.

Subd. 5. [RULES.] The commissioner of veterans affairs shall adopt rules regarding the operation of the cemetery. If practicable, upright granite markers shall be required for marking graves.

Subd. 6. [PERMANENT MAINTENANCE ACCOUNT.] A veterans' cemetery maintenance account is established in the special revenue fund of the state treasury. Receipts for burial fees, earnings from the veterans' cemetery trust account, designated appropriations, and any other cemetery receipts must be deposited into this account. This account must be used for the development, operation, maintenance, and improvement of the cemetery, and to pay the expenses and per diem of the advisory council. To the extent practicable, the commissioner of veterans affairs shall apply for available federal grants for the development and operation of the cemetery.

Subd. 7. [PERMANENT TRUST ACCOUNT.] (a) A veterans' cemetery trust account is established in the special revenue fund of the state treasury. All designated appropriations and monetary donations to the cemetery must be placed in this account. The principal of this account must be invested by the state board of investment and may not be spent. The income from this account must be transferred as directed by the account manager to the veterans' cemetery maintenance account.

(b) The commissioner of finance shall notify the commissioners of revenue and veterans affairs when the balance in this account reaches \$2,000,000.

Subd. 8. [ELIGIBILITY FOR BURIAL.] The following persons are eligible for burial in the state veterans' cemetery:

(1) a veteran who has been discharged, under other than dishonorable conditions, from the armed forces of the United States;

(2) a person who has completed qualified service for retirement from, or died in the line of duty for, the Minnesota national guard or any Minnesota reserve component of the United States military forces; and

(3) the spouse or dependent child of a person in clause (1) or (2).

Subd. 9. [BURIAL FEES.] The commissioner of veterans affairs shall establish a fee schedule, which may be adjusted from time to time, for the interment of eligible family members. The fees shall cover as nearly as practicable the actual costs of interment, excluding the value of the plot. The department may accept the social security burial allowance, if any, of the eligible family members in an amount not to exceed the actual cost of the interment. The commissioner may waive the fee in the case of an indigent eligible person.

No plot or interment fees may be charged for the burial of eligible veterans, members of the national guard, or military reservists, except that funds

available from the social security or veterans' burial allowances, if any, must be paid to the commissioner in an amount not to exceed the actual cost of the interment, excluding the value of the plot.

Prior to the interment of an eligible person, the commissioner shall request the cooperation of the eligible person's next of kin in applying to the appropriate federal agencies for payment to the cemetery of any allowable interment allowance.

Subd. 10. [ALLOCATION OF PLOTS.] A person, or survivor of a person, eligible for interment in the state veterans' cemetery may apply for a burial plot for the eligible person by submitting a request to the commissioner of veterans affairs on a form supplied by the department. The department shall allot plots on a first-come, first-served basis. To the extent that it is practical, plots must be allocated in a manner permitting the burial of eligible family members above, below, or adjacent to the eligible veteran, member of the national guard, or military reservist.

Sec. 2. Minnesota Statutes 1993 Supplement, section 349.12, subdivision 25, is amended to read:

Subd. 25. (a) "Lawful purpose" means one or more of the following:

(1) any expenditure by or contribution to a 501(c)(3) organization, provided that the organization and expenditure or contribution are in conformity with standards prescribed by the board under section 349.154;

(2) a contribution to an individual or family suffering from poverty, homelessness, or physical or mental disability, which is used to relieve the effects of that poverty, homelessness, or disability;

(3) a contribution to an individual for treatment for delayed posttraumatic stress syndrome or a contribution to a recognized program for the treatment of compulsive gambling on behalf of an individual who is a compulsive gambler;

(4) a contribution to or expenditure on a public or private nonprofit educational institution registered with or accredited by this state or any other state;

(5) a contribution to a scholarship fund for defraying the cost of education to individuals where the funds are awarded through an open and fair selection process;

(6) activities by an organization or a government entity which recognize humanitarian or military service to the United States, the state of Minnesota, or a community, including contributions to the veterans' cemetery trust account authorized under section 197.236, subject to rules of the board;

(7) recreational, community, and athletic facilities and activities intended primarily for persons under age 21, provided that such facilities and activities do not discriminate on the basis of gender, as evidenced by (i) provision of equipment and supplies, (ii) scheduling of activities, including games and practice times, (iii) supply and assignment of coaches or other adult supervisors, (iv) provision and availability of support facilities, and (v) whether the opportunity to participate reflects each gender's demonstrated interest in the activity, provided that nothing in this clause prohibits a contribution to or expenditure on an educational institution or other entity that is excepted from the prohibition against discrimination based on sex contained

in the Higher Education Act Amendments of 1976, United States Code, title 20, section 1681;

(8) payment of local taxes authorized under this chapter, taxes imposed by the United States on receipts from lawful gambling, and the tax imposed by section 349.212, subdivisions 1 and 4, and the tax imposed on unrelated business income by section 290.05, subdivision 3;

(9) payment of real estate taxes and assessments on licensed gambling premises wholly owned by the licensed organization paying the taxes, not to exceed:

(i) the amount which an organization may expend under board rule on rent for premises used for bingo; or

(ii) \$15,000 per year for premises used for other forms of lawful gambling;

(10) a contribution to the United States, this state or any of its political subdivisions, or any agency or instrumentality thereof other than a direct contribution to a law enforcement or prosecutorial agency;

(11) a contribution to or expenditure by a nonprofit organization, church, or body of communicants gathered in common membership for mutual support and edification in piety, worship, or religious observances; or

(12) payment of one-half of the reasonable costs of an audit required in section 349.19, subdivision 9.

(b) Notwithstanding paragraph (a), "lawful purpose" does not include:

(1) any expenditure made or incurred for the purpose of influencing the nomination or election of a candidate for public office or for the purpose of promoting or defeating a ballot question;

(2) any activity intended to influence an election or a governmental decision-making process;

(3) the erection, acquisition, improvement, expansion, repair, or maintenance of real property or capital assets owned or leased by an organization, except as provided in clause (6), unless the board has first specifically authorized the expenditures after finding that (i) the real property or capital assets will be used exclusively for one or more of the purposes in paragraph (a); (ii) with respect to expenditures for repair or maintenance only, that the property is or will be used extensively as a meeting place or event location by other nonprofit organizations or community or service groups and that no rental fee is charged for the use; (iii) with respect to expenditures, including a mortgage payment or other debt service payment, for erection or acquisition only, that the erection or acquisition is necessary to replace with a comparable building, a building owned by the organization and destroyed or made uninhabitable by fire or natural disaster, provided that the expenditure may be only for that part of the replacement cost not reimbursed by insurance; or (iv) with respect to expenditures, including a mortgage payment or other debt service payment, for erection or acquisition only, that the erection or acquisition is necessary to replace with a comparable building a building owned by the organization that was acquired from the organization by eminent domain or sold by the organization to a purchaser that the organization reasonably believed would otherwise have acquired the building by eminent domain, provided that the expenditure may be only for that part of the

replacement cost that exceeds the compensation received by the organization for the building being replaced;

(4) an expenditure by an organization which is a contribution to a parent organization, foundation, or affiliate of the contributing organization, if the parent organization, foundation, or affiliate has provided to the contributing organization within one year of the contribution any money, grants, property, or other thing of value;

(5) a contribution by a licensed organization to another licensed organization unless the board has specifically authorized the contribution. The board must authorize such a contribution when requested to do so by the contributing organization unless it makes an affirmative finding that the contribution will not be used by the recipient organization for one or more of the purposes in paragraph (a);

(6) the erection, acquisition, improvement, or expansion of real property or capital assets which will be used for one or more of the purposes in paragraph (a), clause (7), unless the organization making the expenditures notifies the board at least 15 days before making the expenditure; or

(7) a contribution to a statutory or home rule charter city, county, or town by a licensed organization with the knowledge that the governmental unit intends to use the contribution for a pension or retirement fund.

Sec. 3. Minnesota Statutes 1992, section 349.212, subdivision 1, is amended to read:

Subdivision 1. [IMPOSITION.] (a) There is hereby imposed a tax on all lawful gambling, other than (1) pull-tabs purchased and placed into inventory after January 1, 1987, and (2) tipboards purchased and placed into inventory after June 30, 1988, at the rate of ten percent on the gross receipts as defined in section 349.12, subdivision 21, less prizes actually paid. The tax imposed by this subdivision is in lieu of the tax imposed by section 297A.02 and all local taxes and license fees except a fee authorized under section 349.16, subdivision 4, or a tax authorized under section 349.212, subdivision 5.

(b) The tax imposed under this subdivision is payable by the organization or party conducting, directly or indirectly, the gambling.

(c) *An organization owing tax under this subdivision may reduce the amount of tax owed in a reporting period by an amount equal to a contribution made in that period to the veterans' cemetery trust account authorized under section 197.236. The tax may not be reduced by any amount for which a reduction has already been granted under subdivision 4, paragraph (e). In any calendar year an organization may not reduce its tax owed under this paragraph by an amount that when added to any tax reduction granted to the organization under subdivision 4, paragraph (e), is equal to more than 25 percent of the organization's total tax in that calendar year under this subdivision and subdivision 4. An organization may not make any reduction under this paragraph in any month after the month in which the principal balance in the veterans' cemetery trust account has first reached \$2,000,000, as determined by the notification from the commissioner of finance under section 197.236, subdivision 7, paragraph (b).*

Sec. 4. Minnesota Statutes 1993 Supplement, section 349.212, subdivision 4, is amended to read:

Subd. 4. [PULL-TAB AND TIPBOARD TAX.] (a) There is imposed a tax on the sale of each deal of pull-tabs and tipboards sold by a licensed distributor. The rate of the tax is two percent of the ideal gross of the pull-tab or tipboard deal. The sales tax imposed by chapter 297A on the sale of the pull-tabs and tipboards by the licensed distributor is imposed on the retail sales price less the tax imposed by this subdivision. The retail sale of pull-tabs or tipboards by the organization is exempt from taxes imposed by chapter 297A and is exempt from all local taxes and license fees except a fee authorized under section 349.16, subdivision 4.

(b) The liability for the tax imposed by this section is incurred when the pull-tabs and tipboards are delivered by the distributor to the customer, to a common or contract carrier for delivery to the customer, or when received by the customer's authorized representative at the distributor's place of business, regardless of the distributor's method of accounting or the terms of the sale.

The tax imposed by this subdivision is imposed on all sales of pull-tabs and tipboards, except the following:

(1) sales to the governing body of an Indian tribal organization for use on an Indian reservation;

(2) sales to distributors licensed under this chapter;

(3) sales to distributors licensed under the laws of another state or of a province of Canada, as long as all statutory and regulatory requirements are met in the other state or province; and

(4) sales of promotional tickets as defined in section 349.12.

(c) Pull-tabs and tipboards sold to an organization that sells pull-tabs and tipboards under the exemption from licensing in section 349.166, subdivision 2, paragraph (a), are exempt from the tax imposed by this subdivision. A distributor must require an organization conducting exempt gambling to show proof of its exempt status before making a tax-exempt sale of pull-tabs or tipboards to such an organization. A distributor shall identify, on all reports submitted to the commissioner, all sales of pull-tabs and tipboards that are exempt from tax under this subdivision.

(d) A distributor having a liability of \$120,000 or more during a fiscal year ending June 30 must remit all liabilities in the subsequent calendar year by means of a funds transfer as defined in section 336.4A-104, paragraph (a). The funds transfer payment date, as defined in section 336.4A-401, must be on or before the date the tax is due. If the date the tax is due is not a funds transfer business day, as defined in section 336.4A-105, paragraph (a), clause (4), the payment date must be on or before the funds transfer business day next following the date the tax is due.

(e) An organization purchasing pull-tabs or tipboards on which the tax has been imposed under this subdivision may reduce the amount of the tax on the pull-tabs or tipboards by an amount equal to an amount contributed by the organization to the veterans' cemetery trust account authorized under section 197.236. In any calendar year an organization may not receive a tax reduction under this paragraph in an amount that when added to any tax reduction granted to the organization under subdivision 1, paragraph (c), is equal to

more than 25 percent of the organization's total tax in that calendar year under this subdivision and subdivision 1. A distributor may require proof of the expenditure before granting the tax reduction. A distributor owing tax under this subdivision who has granted a reduction to an organization under this paragraph may reduce the amount of the tax the distributor owes by the amount of the tax reduction the distributor grants. The commissioner may require a distributor who claims a tax reduction under this paragraph to submit evidence to the commissioner that the distributor has granted the tax reduction to an organization. No tax reduction may be granted to an organization under this paragraph for any expenditure by the organization for which a tax reduction has already been made under subdivision 1, paragraph (c). A distributor may not grant a tax reduction under this paragraph, or reduce the amount of tax the distributor owes under this paragraph, in any month after the month in which the principal balance in the veterans' cemetery trust account has first reached \$2,000,000, as determined by the notification from the commissioner of finance under section 197.236, subdivision 7, paragraph (b). The commissioner of revenue shall notify each licensed distributor upon receiving the notification from the commissioner of finance.

Sec. 5. Minnesota Statutes 1992, section 349.213, subdivision 1, is amended to read:

Subdivision 1. [LOCAL REGULATION.] (a) A statutory or home rule city or county has the authority to adopt more stringent regulation of lawful gambling within its jurisdiction, including the prohibition of lawful gambling, and may require a permit for the conduct of gambling exempt from licensing under section 349.166. The fee for a permit issued under this subdivision may not exceed \$100. The authority granted by this subdivision does not include the authority to require a license or permit to conduct gambling by organizations or sales by distributors licensed by the board. The authority granted by this subdivision does not include the authority to require an organization to make specific expenditures of more than ten percent from its net profits derived from lawful gambling. For the purposes of this subdivision, net profits are profits less amounts expended for allowable expenses. A statutory or home rule charter city or a county may not require an organization conducting lawful gambling within its jurisdiction to make an expenditure to the city or county as a condition to operate within that city or county, except as authorized under section 349.16, subdivision 4, or 349.212; provided, however, that an ordinance requirement that such organizations must contribute ten percent of their net profits derived from lawful gambling to a fund administered and regulated by the responsible local unit of government without cost to such fund, for disbursement by the responsible local unit of government of the receipts for lawful purposes, is not considered an expenditure to the city or county nor a tax under section 349.212, and is valid and lawful.

(b) A statutory or home rule city or county may by ordinance require that a licensed organization conducting lawful gambling within its jurisdiction expend all or a portion of its expenditures for lawful purposes, other than contributions to the veterans' cemetery trust account authorized under section 197.236, subdivision 7, on lawful purposes conducted or located within the city's or county's trade area. Such an ordinance must define the city's or county's trade area and must specify the percentage of lawful purpose expenditures which must be expended within the trade area. A trade area

defined by a city under this subdivision must include each city contiguous to the defining city.

(c) A more stringent regulation or prohibition of lawful gambling adopted by a political subdivision under this subdivision must apply equally to all forms of lawful gambling within the jurisdiction of the political subdivision, except a political subdivision may prohibit the use of paddlewheels.

Sec. 6. [APPROPRIATION.]

\$750,000 is appropriated from the general fund to the department of veterans affairs to be placed in the veterans' cemetery maintenance account of the special revenue fund of the state treasury for use in the development, operation, and maintenance of the state veterans' cemetery established in section 1, and to pay the expenses and per diem of its advisory council. This amount is available until expended.

\$. is appropriated from the general fund to the department of veterans affairs to be placed in the veterans' cemetery trust account of the special revenue fund of the state treasury where it shall remain permanently as principal for use as specified in section 1, subdivision 7.

Sec. 7. [REPEALER.]

Minnesota Statutes 1992, section 197.235, is repealed.

Sec. 8. [EFFECTIVE DATE.]

Sections 1 to 7 are effective July 1, 1994."

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

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

S.F. No. 2076: A bill for an act relating to establishing a debt collection entity; providing for the collection of debts owed the state or for whom the state acts as a fiduciary; imposing fees; appropriating money; amending Minnesota Statutes 1992, sections 13.99, by adding a subdivision; 168A.05, subdivisions 2, 7, and by adding a subdivision; 508.25; and 542.07; Minnesota Statutes 1993 Supplement, section 168A.05, subdivision 3; proposing coding for new law as Minnesota Statutes, chapter 16C; repealing Minnesota Statutes 1992, sections 10.11; 10.12; 10.14; and 10.15.

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

Page 1, after line 13, insert:

"Section 1. Minnesota Statutes 1992, section 13.03, subdivision 5, is amended to read:

Subd. 5. [COPYRIGHT OR PATENT OF COMPUTER PROGRAM INTELLECTUAL PROPERTY.] ~~Nothing in this chapter or any other statute shall be construed to prevent A state agency, statewide system, or political subdivision from acquiring a~~ *may acquire* copyright or, trademark, service-mark, patent for a computer software program or components of a program created by that government, or other protection under federal or state law for

intellectual property, as defined in section 16B.482, subdivision 1, developed or acquired by the agency or subdivision. ~~In the event that a government agency does acquire a patent or copyright to a computer software program or component of a program, The data shall be treated~~ responsible authority for an agency or subdivision may license, assign, or otherwise authorize use of all or part of its intellectual property under section 16B.482 or classify the intellectual property, with the approval of the commissioner, as nonpublic trade secret information ~~pursuant to~~ under section 13.37.

Sec. 2. [16B.482] [INTELLECTUAL PROPERTY.]

Subdivision 1. [DEFINITIONS.] For purposes of this section and chapter 13:

(1) "intellectual property" means an idea, datum, artistic or other tangible expression, innovation, invention, process, or product, or any other meaning as defined by state or federal copyright, patent, or trademark laws;

(2) "responsible authority" has the meaning given it in section 13.02, subdivision 16; and

(3) "state agency" has the meaning given it in section 13.02, subdivision 17.

Subd. 2. [AUTHORIZATION.] A state agency or political subdivision may obtain copyright, trademark, servicemark, patent, or other protection under federal or state law for intellectual property developed or acquired by the agency or subdivision. The responsible authority for the agency or subdivision may license, assign, or otherwise authorize use of all or part of its intellectual property at public or private sale. The sale price or license fee may be based on market considerations. The responsible authority may establish the terms and conditions governing a sale or license of intellectual property, subject to the review and approval of the attorney general under section 8.05 for a state agency or to the review of appropriate legal counsel for a political subdivision.

Subd. 3. [INTELLECTUAL PROPERTY ACCOUNT.] Proceeds of the sale or licensing of intellectual property by a state agency are appropriated to the agency and must be maintained in an intellectual property account within the general fund.

Subd. 4. [DATA PRACTICES.] This section does not relieve a state agency or political subdivision from fulfilling its obligation under state or federal authority to provide access to public information or data to the public, but it expressly relieves the agency or subdivision from an obligation to provide intellectual property or data developed or acquired by the agency or subdivision, free of charge, in a form or to an extent that may be commercially exploited by the recipient of the intellectual property or data, or others, or otherwise used by the recipient for financial, competitive, or other advantage. Further, an agency or subdivision may enforce its state or federal intellectual property rights, or both, in intellectual property or data against infringing uses, including resale or other commercial use, by a recipient or others of the intellectual property or data."

Page 1, line 23, delete "pursuant to" and insert "under"

Page 1, line 29, delete "then"

Page 2, lines 22 and 28, delete "pursuant to" and insert "under"

Page 3, line 14, delete "any" and insert "a"

Page 3, line 21, delete "any" and insert "a" and delete "thereof" and insert "of one of those entities"

Page 4, lines 8 and 34, delete "shall" and insert "must"

Page 4, delete lines 11 to 28

Page 4, line 29, delete "5" and insert "3" and delete "On or"

Page 4, line 30, delete "before" and insert "By"

Page 4, line 35, before "senate" insert "committee on finance of the" and delete "finance committee"

Page 4, line 36, before "house" insert "committee on ways and means of the" and delete "ways and means committee"

Page 5, line 3, delete "created to" and insert "part of the department of finance and under the authority of the commissioner of finance. It shall"

Page 5, line 7, delete "the"

Page 5, line 8, delete "provisions of" and delete everything after the period

Page 5, delete line 9

Page 5, line 10, delete "finance."

Page 5, line 13, delete from "By" through page 5, line 17, to "entity."

Page 5, line 32, delete "pursuant to" and insert "under"

Page 5, line 35, delete "is authorized to" and insert "may"

Page 6, line 7, delete "shall accrue" and insert "accrues"

Page 6, line 8, delete "shall begin" and insert "begins"

Page 6, line 10, delete "which" and insert "that" and delete "the"

Page 6, line 13, after the comma, insert "the commissioner of finance shall set" and delete "shall"

Page 6, line 14, delete everything before "as"

Page 6, line 15, delete "which corresponds" and insert "corresponding"

Page 6, line 20, after "The" insert "commissioner of finance shall adjust the"

Page 6, line 21, delete everything after "interest"

Page 6, line 22, delete "later than" and insert "by" and delete "any" and insert "each" and delete "thereafter" and insert a comma

Page 6, line 23, after "I" insert a comma

Page 6, line 26, delete "which is"

Page 6, line 28, delete "pursuant to" and insert "under" and delete "considered"

Page 6, line 29, delete everything after "to"

Page 6, line 30, delete "in"

Page 6, line 32, before the comma, insert "in which no penalties or interest have accrued"

Page 6, line 33, delete "30" and insert "25"

Page 6, line 36, delete "On or before June 1, 1994, and"

Page 7, line 1, delete "thereafter"

Page 7, line 2, delete "make a recommendation" and insert "recommend"

Page 7, line 3, delete "regarding"

Page 7, line 6, delete everything before the second "July" and delete "thereafter"

Page 7, line 7, delete "which" and insert "that"

Page 7, line 10, delete "pursuant to" and insert "under"

Page 7, line 11, delete "considered" and delete "the"

Page 7, line 12, delete everything before "chapter"

Page 7, lines 19 and 24, delete "then"

Page 7, line 25, delete "is" and insert "may" and delete "entitled to"

Page 7, line 28, before "If" insert "(a)"

Page 7, line 30, delete "follows:" and insert "prescribed in this section."

Page 7, line 31, delete "(1) if" and insert "(b) If"

Page 8, line 1, delete "then"

Page 8, line 2, delete "; and" and insert a period

Page 8, line 3, delete "(2) if" and insert "(c) If"

Page 8, line 4, delete "clause (1), then" and insert "paragraph (b)."

Page 8, line 14, delete "shall" and insert "must"

Page 9, lines 10, 11, 14, 15, and 16, delete "pursuant to" and insert "under"

Page 9, line 28, delete "must" and insert "shall"

Page 10, line 6, before "In" insert "(a)"

Page 10, line 10, delete "following" and delete the colon and insert "listed in this subdivision."

Page 10, line 11, delete "(1) to" and insert "(b) The entity may"

Page 10, lines 12, 18, and 27, delete the semicolon and insert a period

Page 10, line 13, delete "(2) to" and insert "(c) The entity may"

Page 10, line 19, delete "(3) to" and insert "(d) The entity may"

Page 10, line 28, delete "(4) to" and insert "(e) The entity may"

Page 10, line 30, delete "; and" and insert a period

Page 10, line 31, delete "(5) to" and insert "(f) The entity may"

Page 11, line 14, delete "person" and insert "debtor"

Page 11, line 21, delete "pursuant to" and insert "under"

Page 12, line 3, delete "pursuant"

Page 12, line 4, delete "to" and insert "under" and delete the comma

Page 12, line 5, after "right" insert a comma

Page 12, line 24, delete "personal delivery" and insert "in person"

Page 12, line 27, delete everything after the period

Page 12, delete lines 28 to 31 and insert "For documents filed by mail or in person, the secretary of state shall enter the data as if they had been transmitted electronically. Once the electronic record is created, it must be endorsed and indexed within the computerized filing system. The secretary of state shall write or mark the filing information on the document that was submitted and return the document to the submitting party. Documents filed electronically must be endorsed and indexed within the computerized filing system."

Page 13, line 13, delete "Such"

Page 13, line 15, delete "Further,"

Page 13, line 21, after "the" insert "computerized filing system of the" and delete "state's" and delete "lien"

Page 13, line 22, delete everything before the second comma and insert "authorized under section 336.9-411" and delete "such" and insert "the"

Page 13, line 23, delete "database" and insert "system"

Page 13, line 25, delete "network provided by" and insert "computerized filing system of"

Page 13, line 26, before the comma, insert "authorized under section 336.9-411"

Page 13, line 28, delete everything after "request"

Page 13, line 29, delete everything after the period

Page 13, delete lines 30 to 34

Page 13, line 35, delete "state's office" and insert "If the request is made by lien or court docket number, the secretary of state or county recorder shall give a copy of the information filed for that lien or court docket number. The cost for the copy may be no more than the actual cost of making the copies. If the request is made by debtor name, the secretary of state or county recorder shall conduct a search of the statewide computerized government lien database for any state judgment liens naming that debtor. The secretary of state or county recorder" and after "report" insert "all of"

Page 13, line 36, after the comma, insert "court docket number, the"

Page 14, line 3, delete "and"

Page 14, line 4, before the period, insert ", and the amount of the debt"

Page 14, line 5, delete "*uniform*" and insert "*total*"

Page 14, line 6, delete everything after the second "*is*"

Page 14, line 7, delete everything before the period and insert "*as allowed in section 336.9-407. A \$5 surcharge must be collected as part of the total fee of \$15*" and delete "*uniform*" and delete "*shall*"

Page 14, line 8, delete "*include up to*" and insert "*includes as many as*" and delete "*of the certificate*" and delete everything after the period

Page 14, delete lines 9 and 10

Page 14, line 11, delete everything before "*The*" and after "*is*" insert "*included in the charge allowed for government lien searches, and is not*"

Page 14, line 12, delete "*and*" and insert "*or*"

Page 14, line 13, delete "*or for uniform commercial code searches*"

Page 14, delete lines 19 to 25

Page 14, line 26, delete everything before the period and insert:

"Surcharge amounts must be collected quarterly by the secretary of state from each county recorder. The secretary of state shall send each county recorder an invoice at the end of each fiscal quarter, and each county recorder shall forward payment to the secretary of state within 30 days of the date of the invoice"

Page 14, line 30, after "*amounts*" insert "*collected by the secretary of state and*" and delete "*and*"

Page 14, delete line 31

Page 14, line 32, delete "*office*"

Page 14, line 34, after "*from*" insert "*court*"

Page 16, line 15, delete "*therefrom*" and insert "*from the sale*" and delete "*shall be*" and insert "*is*"

Page 16, line 17, delete "*shall*" and insert "*is*" and delete "*be*"

Page 16, line 19, delete "*Any*" and insert "*A*"

Page 16, line 23, delete "*shall be*" and insert "*is*"

Page 16, lines 25 and 26, delete "*such*" and insert "*the*"

Page 16, line 32, delete "*person*" and insert "*person,*"

Page 17, line 5, delete "*Any*" and insert "*A*"

Page 17, line 16, delete "*pursuant to the provisions of*" and insert "*under*"

Page 17, line 17, delete the comma

Page 17, line 18, delete "*shall have*" and insert "*has*"

Page 17, line 22, delete "*prior to*" and insert "*before*" and delete "*pursuant*"

Page 17, line 23, delete "*to*" and insert "*under*"

- Page 18, lines 26 and 29, delete "*prior to*" and insert "*before*"
- Page 18, line 27, delete "*not less*" and insert "*no fewer*"
- Page 19, line 2, delete "*thereof*" and insert "*of it*"
- Page 19, lines 5, 16, and 17, delete "*shall*" and insert "*must*"
- Page 19, line 14, delete "*shall*" and insert "*may*" and delete ", and if" and insert ". If"
- Page 20, line 8, delete ". *The*" and insert ", and the"
- Page 20, line 17, delete "*any*" and insert "*a*"
- Page 20, line 19, delete ", of any nature whatsoever,"
- Page 20, line 32, delete "*such*" and insert "*the*" and delete "*then*"
- Page 21, line 18, delete "*prior to*" and insert "*before*"
- Page 22, line 11, delete "*shall be*" and insert "*is*"
- Page 22, lines 21 and 32, delete "*shall*" and insert "*must*"
- Page 22, line 23, delete "*pursuant to*" and insert "*under*"
- Page 22, line 27, delete "*has the right to*" and insert "*may*"
- Page 22, line 28, delete "*prior to*" and insert "*before*"
- Page 22, line 29, delete "*thereof*" and insert "*of the property*"
- Page 22, line 36, delete "*therein*" and insert "*in the property*"
- Page 23, line 6, delete "*per*"
- Page 23, line 7, delete "*annum*" and insert "*a year*"
- Page 23, line 9, delete "*then*"
- Page 23, line 15, after "*16C.17*" insert a comma
- Page 23, line 30, delete "*pursuant to*" and insert "*under*"
- Page 23, line 32, delete the comma
- Page 24, lines 6 and 21, delete "*lieu*" and insert "*place*"
- Page 24, lines 23 and 24, delete "*pursuant to*" and insert "*under*"
- Page 24, line 25, delete the comma and delete "*therein*"
- Page 24, line 26, delete the comma and insert "*in the certificate*"
- Page 24, line 29, delete "*thereto*" and insert "*in it*"
- Page 24, line 31, delete "*pursuant to*" and insert "*under*" and delete the comma
- Page 25, line 7, delete "*thereof*" and insert "*of it*"
- Page 25, line 9, delete "*therein*" and before the period, insert "*in the record*"
- Page 25, line 19, delete "*shall*" and insert "*may*"

Page 25, line 34, delete the comma

Page 26, line 12, delete "the provisions of"

Page 26, line 14, delete "pursuant to" and insert "under"

Page 26, line 17, delete "prior to" and insert "before"

Page 26, line 29, delete "by reason of the fact"

Page 26, line 30, delete "that" and insert "because"

Page 27, line 11, delete "any" and insert "an"

Page 27, line 12, delete "thereof" and insert "of the United States" and delete "any" and insert "a"

Page 27, line 13, delete "thereof" and insert "of the state"

Page 27, lines 18 and 36, delete "pursuant to" and insert "under"

Page 28, line 7, after the second "or" insert a comma

Page 28, line 36, delete "pursuant to" and insert "under"

Page 29, line 20, delete "which" and insert "that"

Page 29, line 22, delete "pursuant to" and insert "under"

Page 29, line 25, delete the comma and insert "or"

Page 29, line 27, after "or" insert "that"

Page 30, delete section 23 and insert:

"Sec. 25. Minnesota Statutes 1992, section 13.99, is amended by adding a subdivision to read:

Subd. 115. [CENTRALIZED STATE COLLECTION ENTITY DATA.] Data on debtors received, collected, created, or maintained by the centralized state collection entity are classified under section 16C.08."

Page 32, after line 27, insert:

"Sec. 30. Minnesota Statutes 1992, section 272.488, subdivision 1, is amended to read:

Subdivision 1. [FILING OF NOTICES WITH COUNTY RECORDERS.] Notices of federal tax liens, certificates, or revocations of certificates of release of federal tax liens, and refiled notices of any of those items, and any other notices affecting federal tax liens that are required to be filed with the county recorder, in a form prescribed by the Internal Revenue Service, may be filed with the county recorder or the secretary of state by mail, personal delivery, or by electronic transmission by the Secretary of the Treasury of the United States or a delegate into the computerized filing system of the secretary of state authorized under section 336.9-411. The secretary of state shall act as the agent of the county recorder and shall transmit the notice electronically to the office of the county recorder, if that is the place of filing, in the county or counties shown on the computer entry. The filing officer, whether the county recorder or the secretary of state, shall endorse and index a printout of the notice in the same manner as if the notice had been mailed or delivered. The electronic record must be endorsed and indexed within the computerized filing system as required by section 272.483.

Sec. 31. Minnesota Statutes 1992, section 272.488, is amended by adding a subdivision to read:

Subd. 3. [FILING OF NOTICES WITH SECRETARY OF STATE.] Notices of federal tax liens, certificates, or revocations of certificates of release of federal tax liens, refiled notices of any of those items, and any other notices affecting federal tax liens that are required to be filed with the secretary of state, in a form prescribed by the Internal Revenue Service, may be filed with the secretary of state by mail, personal delivery, or electronic transmission by the Secretary of the Treasury of the United States or a delegate into the computerized filing system of the secretary of the state authorized under section 336.9-411. The electronic record must be endorsed and indexed within the computerized filing system as required by section 272.483.

Sec. 32. Minnesota Statutes 1992, section 272.488, is amended by adding a subdivision to read:

Subd. 4. [ENTRY OF INFORMATION.] For documents filed by mail or in person, the filing officer shall enter the data as if it had been transmitted electronically. Once the electronic record is created, it must be endorsed and indexed within the computerized filing system. The filing officer must write or make the filing information on the document that was submitted and return the document to the submitting party.

Sec. 33. Minnesota Statutes 1993 Supplement, section 336.9-407, is amended to read:

336.9-407 [INFORMATION FROM FILING OFFICER.]

(1) If the person filing any financing statement, termination statement, statement of assignment, or statement of release, furnishes the filing officer a copy thereof, the filing officer shall upon request note upon the copy the file number and date and hour of the filing of the original and deliver or send the copy to such person.

(2) Upon request of any person, the filing officer shall conduct a search of the statewide computerized uniform commercial code data base for any active financing statements naming a particular debtor. The filing officer shall report the findings as of the date and hour of the search by issuing:

(a) a certificate listing the file number, date, and hour of each filing and the names and addresses of each secured party;

(b) photocopies of those original documents on file and located in the office of the filing officer; or

(c) upon request, both the certificate and the photocopies referred to in (b).

The uniform fee for conducting the search and for preparing a certificate ~~shall be~~ is \$15 if the request is in the standard form prescribed by the secretary of state. This uniform fee ~~shall include up to~~ includes as many as ten photocopies of original documents. If the request for information is made on a form other than the standard form prescribed by the secretary of state, the fee ~~shall be~~ is \$20 and ~~shall include up to~~ includes as many as ten photocopies of original documents.

~~Another~~ One other fee, at the same rate, ~~shall~~ must also be charged for conducting a search and preparing a certificate showing government liens,

including both state judgment liens and federal and state tax liens, on file with the filing officer naming a particular debtor.

There ~~shall be~~ is an additional fee of \$1 ~~per~~ a page for each financing statement or tax lien listed on the certificate and for each photocopy prepared in excess of the first ten.

Notwithstanding the fees set in this section, a natural person who is the subject of data must, upon the person's request, be shown the data without charge, and upon request be provided with photocopies of the data upon payment of no more than the actual cost of making the copies."

Page 33, after line 33, insert:

"Sec. 36. Minnesota Statutes 1992, section 570.01, is amended to read:

570.01 [ALLOWANCE OF ATTACHMENT.]

As a proceeding ancillary to a civil action for the recovery of money and to any action brought by the attorney general under the authority of section 8.31, subdivision 1, or any other law respecting unfair, discriminatory, or other unlawful practices in business, commerce, or trade, the claimant, at the time of commencement of the civil action or at any time ~~thereafter~~ afterward, may have the property of the respondent attached in the manner and in the circumstances prescribed in sections 570.01 to 570.14, as security for the satisfaction of any judgment that the claimant may recover. The order for attachment ~~shall~~ may be issued only by a judge of the court in the county in which the civil action is pending. All property not exempt from execution under the judgment demanded in the civil action ~~may be~~ is subject to attachment.

Sec. 37. Minnesota Statutes 1992, section 570.02, subdivision 1, is amended to read:

Subdivision 1. [GROUNDS.] An order of attachment ~~which~~ that is intended to provide security for the satisfaction of a judgment may be issued only in the following situations:

(1) when the respondent has assigned, secreted, or disposed of, or is about to assign, secrete, or dispose of, any of the respondent's nonexempt property, with intent to delay or defraud the respondent's creditors;

(2) when the respondent has removed, or is about to remove, any of the respondent's nonexempt property from this state, with intent to delay or defraud the respondent's creditors;

(3) when the respondent has converted or is about to convert any of the respondent's nonexempt property into money or credits, for the purpose of placing the property beyond the reach of the respondent's creditors;

(4) when the respondent has committed an intentional fraud giving rise to the claim upon which the civil action is brought; ~~or~~

(5) when the respondent has committed any act or omission, for which the respondent has been convicted of a felony, giving rise to the claim upon which the civil action is brought; or

(6) when the respondent has violated the law of this state respecting unfair, discriminatory, and other unlawful practices in business, commerce, or trade,

including but not limited to any of the statutes specifically enumerated in section 8.31, subdivision 1.

Sec. 38. Minnesota Statutes 1992, section 570.025, subdivision 2, is amended to read:

Subd. 2. [CONDITIONS.] A preliminary attachment order may be issued ~~prior to~~ before the hearing specified in section 570.026 only if the following conditions are met:

(1) the claimant has made a good faith effort to inform the respondent of the application for a preliminary attachment order or that informing the respondent would endanger the ability of the claimant to recover upon a judgment subsequently awarded;

(2) the claimant has demonstrated the probability of success on the merits;

(3) the claimant has demonstrated the existence of one or more of the grounds specified in section 570.02, subdivision 1, clause (1), (2), ~~or~~ (3), or (6); and

(4) due to extraordinary circumstances, the claimant's interests cannot be protected pending a hearing by an appropriate order of the court, other than by directing a prehearing seizure of property.

Sec. 39. [RECOMMENDATION; LOCATION AND RESPONSIBILITIES OF THE CENTRALIZED STATE COLLECTION ENTITY.]

By February 15, 1996, the commissioners of finance, human services, and revenue and the attorney general shall conduct an evaluation and make a recommendation to the legislature regarding the responsibility and location of the centralized state collection agency established by Minnesota Statutes, section 16C.04.

Sec. 40. [INITIAL INTEREST RATE.]

The commissioner of finance shall set the initial interest rate required by Minnesota Statutes, section 16C.05, subdivision 1, by July 1, 1994. The director of the centralized state collection entity shall make the initial recommendation to the commissioner of finance required by Minnesota Statutes, section 16C.05, subdivision 2, by June 1, 1994. The commissioner of finance shall set the administrative fee required by that subdivision by July 1, 1994."

Page 33, line 35, delete "and"

Page 33, line 36, before the comma, insert "; 16B.405; and 272.488, subdivision 2"

Page 34, line 2, delete "30" and insert "41"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, delete "establishing a" and delete "collection entity" and insert "management"

Page 1, line 6, after "sections" insert "13.03, subdivision 5;"

Page 1, line 8, after the first semicolon, insert "272.488, subdivision 1, and by adding subdivisions;" and delete "and" and after "542.07;" insert "570.01; 570.02, subdivision 1; and 570.025, subdivision 2;"

Page 1, line 9, delete "section" and insert "sections" and after the semicolon, insert "and 336.9-407; proposing coding for new law in Minnesota Statutes, chapter 16B;"

Page 1, line 12, delete "and" and before the period, insert "; 16B.405; and 272.488, subdivision 2"

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

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was referred

S.F. No. 2073: A bill for an act relating to taxation; making technical corrections and administrative changes; amending Minnesota Statutes 1992, sections 103B.245, subdivision 1; 103D.911, subdivision 2; 103D.915, subdivision 1; 115A.919, subdivision 3; 115A.921, subdivision 1; 115A.923, subdivision 1; 270.12, subdivision 2; 272.025, subdivision 3; 273.111, subdivision 6; 273.13, subdivision 22; 273.134; 273.1399, subdivision 3; 275.065, subdivision 1; 278.05, subdivision 5; 279.37, subdivision 8; 282.01, subdivision 1; 282.014; 282.04, subdivision 2; 282.301; 289A.08, subdivision 7; 289A.25, subdivision 5; 290.17, subdivision 2; 290.371, subdivision 2; 290A.03, subdivisions 5 and 14; 290A.05; 297.01, subdivision 14; 297.11, subdivision 5; 297A.021, subdivision 4; 297B.11; 297C.01, subdivision 5; 357.18, subdivision 2; 398.16; 398A.04, subdivision 8; 447.34, subdivision 2; 462.396, subdivision 2; 469.060, subdivision 6; 469.102, subdivision 5; 469.177, subdivision 9; 473.167, subdivision 3; 473.249, subdivision 1; 473.446, subdivision 1; 473.661, subdivision 2; 473.711, subdivision 2; 477A.011, subdivision 1b; 477A.0121, subdivision 4; 477A.014, subdivision 1; 477A.15; and 580.23, subdivision 3; Minnesota Statutes 1993 Supplement, sections 124.2131, subdivision 1; 272.02, subdivision 1; 273.11; subdivision 13; 273.124; subdivisions 1 and 13; 273.13, subdivision 25; 273.1398, subdivisions 1 and 3; 273.166, subdivision 3; 275.065, subdivisions 3 and 6; 276.04, subdivision 2; 277.15; 278.04; 278.08; 290A.03, subdivisions 8 and 13; 290.091, subdivision 2; 297A.01, subdivision 3; 297A.07, subdivision 1; 469.033, subdivision 6; and 473.13, subdivision 1; Laws 1989, chapter 211, section 4, subdivision 2; Laws 1992, chapter 511, article 4, section 29; Laws 1993, chapter 375, article 2, section 37; proposing coding for new law in Minnesota Statutes, chapters 273 and 275; repealing Minnesota Statutes 1992, sections 115A.923, subdivision 6; and 273.22; Minnesota Statutes 1993 Supplement, section 273.1398, subdivision 2a; Laws 1993, First Special Session chapter 1, article 2, section 6.

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

Page 5, after line 17, insert:

"Sec. 5. Minnesota Statutes 1992, section 256.879, subdivision 1, is amended to read:

Subdivision 1. The commissioner of human services may, with the approval of the federal department of health, education and welfare, provide an annual supplemental housing allowance for recipients of the aid to families with dependent children program who would otherwise qualify for the ~~credit set forth~~ refund provided in sections 290A.01 to 290A.22.

Sec. 6. Minnesota Statutes 1992, section 256.879, subdivision 2, is amended to read:

Subd. 2. The amount of the supplemental housing allowance, if any, shall be calculated in the same manner as the ~~income adjusted homestead credit set forth~~ at property tax refund provided in sections 290A.01 to 290A.22. Recipients may apply for this supplement in the same manner as claims submitted to the department of revenue under sections 290A.01 to 290A.22. The supplemental allowance shall be paid by local welfare agencies."

Page 7, after line 30, insert:

"Sec. 8. Minnesota Statutes 1993 Supplement, section 270.96, subdivision 3, is amended to read:

Subd. 3. [TREASURER.] (a) The county treasurer shall pay the proceeds of the tax imposed under section 270.91, subdivision 4, less the amount retained by the county for the cost of administration under section 270.98, to the commissioner at the same times provided for the ad valorem property tax ~~settlements distributions.~~

(b) The county treasurer shall pay the proceeds of the tax imposed under section 270.91, subdivisions 2 and 3, to the local taxing jurisdictions in the same manner provided for the distribution of ad valorem property taxes."

Page 14, line 26, after "under" insert "(i) or (ii) of"

Page 15, after line 33, insert:

"Sec. 11. Minnesota Statutes 1993 Supplement, section 272.12, is amended to read:

272.12 [CONVEYANCES, TAXES PAID BEFORE RECORDING:]

When:

(a) a deed or other instrument conveying land, or

(b) a plat of any town site or addition thereto, or

(c) a survey required pursuant to section 508.47,

(d) a condominium plat subject to chapter 515 or 515A or a declaration that contains such a plat, or

(e) a common interest community plat subject to chapter 515B or a declaration that contains such a plat,

is presented to the county auditor for transfer, the auditor shall ascertain from the records if there be taxes delinquent upon the land described therein, or if it has been sold for taxes. An assignment of a sheriff's or referee's certificate of sale, when the certificate of sale describes real estate, and certificates of redemption from mortgage or lien foreclosure sales, when the certificate of redemption encompasses real estate and is issued to a junior creditor, are

considered instruments conveying land for the purposes of this section and section 272.121. If there are taxes delinquent, the auditor shall certify to the same; and upon payment of such taxes, or in case no taxes are delinquent, shall transfer the land upon the books of the auditor's office, and note upon the instrument, over official signature, the words, "no delinquent taxes and transfer entered," or, if the land described has been sold or assigned to an actual purchaser for taxes, the words "paid by sale of land described within;" and, unless such statement is made upon such instrument, the county recorder or the registrar of titles shall refuse to receive or record the same; provided, that sheriff's or referees' certificates of sale on execution or foreclosure of a lien or mortgage, certificates of redemption from mortgage or lien foreclosure sales issued to the redeeming mortgagor or lienee, deeds of distribution made by a personal representative in probate proceedings, decrees and judgments, receivers receipts, patents, and copies of town or statutory city plats, in case the original plat filed in the office of the county recorder has been lost or destroyed, and the instruments releasing, removing and discharging reversionary and forfeiture provisions affecting title to land and instruments releasing, removing or discharging easement rights in land or building or other restrictions, may be recorded without such certificate; and, provided that instruments conveying land and, as appurtenant thereto an easement over adjacent tract or tracts of land, may be recorded without such certificate as to the land covered by such easement; and provided further, that any instrument granting an easement made in favor of any public utility or pipe line for conveying gas, liquids or solids in suspension, in the nature of a right of way over, along, across or under a tract of land may be recorded without such certificate as to the land covered by such easement. Any instrument amending or restating the declarations, bylaws, *plats*, or other enabling documents governing homeowners associations of condominiums, townhouses, *common interest ownership communities*, and other planned unit developments may be recorded without the auditor's certificate.

A deed of distribution made by a personal representative in a probate proceeding, a decree, or a judgment that conveys land shall be presented to the county auditor, who shall transfer the land upon the books of the auditor's office and note upon the instrument, over official signature, the words, "transfer entered", and the instrument may then be recorded. A decree or judgment that affects title to land but does not convey land may be recorded without presentation to the auditor.

A violation of this section by the county recorder or the registrar of titles shall be a gross misdemeanor, and, in addition to the punishment therefor, the recorder or registrar shall be liable to the grantee of any instrument so recorded for the amount of any damages sustained.

When, as a condition to permitting the recording of deed or other instrument affecting the title to real estate previously forfeited to the state under the provisions of sections 281.16 to 281.27, county officials, after such real estate has been purchased or repurchased, have required the payment of taxes erroneously assumed to have accrued against such real estate after forfeiture and before the date of purchase or repurchase, the sum required to be so paid shall be refunded to the persons entitled thereto out of moneys in the funds in which the sum so paid was placed. Delinquent taxes are those taxes deemed delinquent under section 279.02."

Page 20, after line 33, insert:

"Sec. 17. Minnesota Statutes 1993 Supplement, section 273.124, subdivision 13, is amended to read:

Subd. 13. [HOMESTEAD APPLICATION.] (a) A person who meets the homestead requirements under subdivision 1 must file a homestead application with the county assessor to initially obtain homestead classification.

(b) On or before January 2, 1993, each county assessor shall mail a homestead application to the owner of each parcel of property within the county which was classified as homestead for the 1992 assessment year. The format and contents of a uniform homestead application shall be prescribed by the commissioner of revenue. The commissioner shall consult with the chairs of the house and senate tax committees on the contents of the homestead application form. The application must clearly inform the taxpayer that this application must be signed by all owners who occupy the property or by the qualifying relative and returned to the county assessor in order for the property to continue receiving homestead treatment. The envelope containing the homestead application shall clearly identify its contents and alert the taxpayer of its necessary immediate response.

(c) Every property owner applying for homestead classification must furnish to the county assessor the social security number of each occupant who is listed as an owner of the property on the homestead application, and the name and address of each owner who does not occupy the property. If the social security number is not provided, the county assessor shall classify the property as nonhomestead. The social security numbers of the property owners are private data on individuals as defined by section 13.02, subdivision 12, but, notwithstanding that section, the private data may be disclosed to the commissioner of revenue.

(d) If residential real estate is occupied and used for purposes of a homestead by a relative of the owner and qualifies for a homestead under subdivision 1, paragraph (c), in order for the property to receive homestead status, a homestead application must be filed with the assessor. The social security number of each relative occupying the property and the social security number of each owner who is related to an occupant of the property shall be required on the homestead application filed under this subdivision. If a different relative of the owner subsequently occupies the property, the owner of the property must notify the assessor within 30 days of the change in occupancy. The social security number of a relative occupying the property is private data on individuals as defined by section 13.02, subdivision 12, but may be disclosed to the commissioner of revenue.

(e) The homestead application shall also notify the property owners that the application filed under this section will not be mailed annually and that if the property is granted homestead status for the 1993 assessment, or any assessment year thereafter, that same property shall remain classified as homestead until the property is sold or transferred to another person, or the owners or the relatives no longer use the property as their homestead. Upon the sale or transfer of the homestead property, a certificate of value must be timely filed with the county auditor as provided under section 272.115. Failure to notify the assessor within 30 days that the property has been sold, transferred, or that the owner or the relative is no longer occupying the property as a homestead, shall result in the penalty provided under this subdivision and the property will lose its current homestead status.

(f) If the homestead application is not returned within 30 days, the county will send a second application to the present owners of record. The notice of proposed property taxes prepared under section 275.065, subdivision 3, shall reflect the property's classification. Beginning with assessment year 1993 for all properties, if a homestead application has not been filed with the county by December 15, the assessor shall classify the property as nonhomestead for the current assessment year for taxes payable in the following year, provided that the owner may be entitled to receive the homestead classification by proper application under section 375.192.

(g) At the request of the commissioner, each county must give the commissioner a list that includes the name and social security number of each property owner, or relative of a property owner, applying for homestead classification under this subdivision. The commissioner shall use the information provided on the lists as appropriate under the law, including for the detection of improper claims by owners, or relatives of owners, under chapter 290A.

(h) If, in comparing the lists supplied by the counties, the commissioner finds that a property owner is claiming more than one homestead, the commissioner shall notify the appropriate counties. Within 90 days of the notification, the county assessor shall investigate to determine if the homestead classification was properly claimed. If the property owner does not qualify, the county assessor shall notify the county auditor who will determine the amount of homestead benefits that had been improperly allowed. For the purpose of this section, "homestead benefits" means the tax reduction resulting from the classification as a homestead under section 273.13, the taconite homestead credit under section 273.135, and the supplemental homestead credit under section 273.1391.

The county auditor shall send a notice to the owners of the affected property, demanding reimbursement of the homestead benefits plus a penalty equal to 100 percent of the homestead benefits. The property owners may appeal the county's determination by filing a notice of appeal with the Minnesota tax court within 60 days of the date of the notice from the county. If the amount of homestead benefits and penalty is not paid within 60 days, and if no appeal has been filed, the county auditor shall certify the amount of taxes and penalty to the succeeding year's tax list to be collected as part of the property taxes. *In the case of a manufactured home, the amount shall be certified to the current year's tax list for collection.*

(i) Any amount of homestead benefits recovered by the county from the property owner shall be distributed to the county, city or town, and school district where the property is located in the same proportion that each taxing district's levy was to the total of the three taxing districts' levy for the current year. Any amount recovered attributable to taconite homestead credit shall be transmitted to the St. Louis county auditor to be deposited in the taconite property tax relief account. The total amount of penalty collected must be deposited in the county general fund.

(j) If a property owner has applied for more than one homestead and the county assessors cannot determine which property should be classified as homestead, the county assessors will refer the information to the commissioner. The commissioner shall make the determination and notify the counties within 60 days.

(k) In addition to lists of homestead properties, the commissioner may ask the counties to furnish lists of all properties and the record owners."

Pages 23 to 31, delete section 14

Pages 60 and 61, delete section 38

Page 61, after line 36, insert:

"Sec. 43. Minnesota Statutes 1993 Supplement, section 298.28, subdivision 9a, is amended to read:

Subd. 9a. [TACONITE ECONOMIC DEVELOPMENT FUND.] (a) 10.4 cents per ton for distributions in 1993 and 15.4 cents per ton for distributions in 1994 shall be paid to the taconite economic development fund. No distribution shall be made under this paragraph in any year in which total industry production falls below 30 million tons.

(b) An amount equal to 50 percent of the tax under section 298.24 for concentrate sold in the form of pellet chips and fines not exceeding ~~4/4~~ 5/16 inch in size and not including crushed pellets shall be paid to the taconite economic development fund. The amount paid shall not exceed \$700,000 annually for all companies. If the initial amount to be paid to the fund exceeds this amount, each company's payment shall be prorated so the total does not exceed \$700,000."

Page 80, after line 34, insert:

"Sec. 61. Minnesota Statutes 1993 Supplement, section 477A.013, subdivision 8, is amended to read:

Subd. 8. [CITY AID INCREASE.] (a) In calendar year 1994 and subsequent years, the aid increase for a city is equal to the need increase percentage multiplied by the difference between (1) the city's revenue need multiplied by its population, and (2) the city's net tax capacity multiplied by the tax effort rate. The need increase percentage must be the same for all cities and must be calculated by the department of revenue so that the total of the aid under subdivision 9 equals the total amount available for aid under section 477A.03, subdivision 1.

(b) The percentage aid increase for a first class city in calendar year 1994 must not exceed the percentage increase in the sum of calendar year 1994 city aids under this section compared to the sum of the city aid base for all cities. The aid increase for any other city in 1994 must not exceed five percent of the city's net levy for taxes payable in 1993.

(c) The aid increase in calendar year 1995 and subsequent years for any city ~~must not exceed~~ is limited to an amount such that the total aid to the city does not exceed the sum of (1) ten percent of the city's net levy for the year prior to the aid distribution plus (2) ~~its city aid base multiplied by the base reduction percentage~~ the total aid it received in the previous year.

Sec. 62. Minnesota Statutes 1992, section 477A.0132, subdivision 3, is amended to read:

Subd. 3. [ORDER OF AID REDUCTIONS.] The aid reduction to a local government as calculated under subdivisions 1 and 2, is first applied to its local government aid under sections 477A.012 and 477A.013 excluding aid under section 477A.013, subdivision 5; then, if necessary, to its equalization

aid under section 477A.013, subdivision 5; then if necessary, to its homestead and agricultural credit aid under section 273.1398, subdivision 2; and then, if necessary, to its disparity reduction aid under section 273.1398, subdivision 3; ~~and then, if necessary, to its transition credit under section 273.1398, subdivision 5.~~ No aid payment may be less than \$0. Aid reductions under this section in any given year shall be divided equally between the July and December aid payments unless specified otherwise."

Page 83, line 27, delete "section" and insert "sections 16A.70; 16A.71; and"

Page 83, line 32, delete "9, 31, 32, 34, 40, 56, and 62" and insert "5, 6, 8, 13, 35, 36, 38, 44, 60, and 69"

Page 83, line 33, delete "61" and insert "67"

Page 83, line 34, delete "30 and 33" and insert "34 and 37"

Page 83, line 36, delete "6 and 10" and insert "9 and 14"

Page 84, line 1, delete "8, 11, 18, and 48" and insert "12, 15, 22, and 52"

Page 84, line 2, delete "16, 17, 19, 55, 57" and insert "20, 21, 23, 59, 63"

Page 84, line 3, delete "58" and insert "64"

Page 84, line 4, delete "23" and insert "27"

Page 84, line 5, delete "12" and insert "16"

Page 84, line 6, delete "5, 7, 13 to 15, 20, 22, 24" and insert "7, 10, 18, 19, 24, 26, 28"

Page 84, line 7, delete "29, 41 to 47, 49 to 54, and 60" and insert "33, 45 to 51, 53 to 58, and 66"

Page 84, line 8, delete "37" and insert "41"

Page 84, line 10, delete "35, 36, 38, and 39" and insert "39, 40, and 42"

Page 84, lines 12 and 17, delete "59" and insert "65"

Renumber the sections of article 1 in sequence

Page 87, line 35, before "less" insert paragraph coding

Page 87, line 36, after "of" insert "the amounts determined under the following clauses (1) to (3)"

Page 88, line 1, strike "(i)" and insert "(1)"

Page 88, line 3, strike "(ii)" and insert "(2)"

Page 88, line 6, strike "(iii)" and insert "(3)"

Page 98, line 11, strike "chapter" and insert "chapters 289A and"

Amend the title as follows:

Page 1, line 7, after the first semicolon, insert "256.879, subdivisions 1 and 2;"

Page 1, line 14, delete "subdivisions" and insert "subdivision" and delete "and"

Page 1, line 15, delete the first "14"

Page 1, line 24, after the first semicolon, insert "477A.0132, subdivision 3;"

Page 1, line 26, after the semicolon, insert "270.96, subdivision 3;"

Page 1, line 27, after the first semicolon, insert "272.12;"

Page 1, lines 28 and 29, delete "273.13, subdivision 25;"

Page 1, line 33, after the second semicolon, insert "298.28, subdivision 9a;"

Page 1, line 34, delete "and" and after the second semicolon, insert "and 477A.013, subdivision 8;"

Page 1, line 39, after "sections" insert "16A.70; 16A.71;"

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Mr. Mondale, for Mrs. Adkins, from the Committee on Metropolitan and Local Government, to which was referred

S.F. No. 2157: A bill for an act relating to local government aid; providing for city aid for calendar year 1994 and thereafter; amending Minnesota Statutes 1993 Supplement, sections 477A.013, subdivisions 8 and 9; and 477A.03, subdivision 1; repealing Minnesota Statutes 1993 Supplement, section 477A.011, subdivision 37.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Taxes and Tax Laws. Report adopted.

Mr. Mondale, for Mrs. Adkins, from the Committee on Metropolitan and Local Government, to which was referred

S.F. No. 2052: A bill for an act relating to counties; St. Louis; assigned the former town of Payne to the 7th commissioner district.

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

Page 1, line 7, delete "*Notwithstanding any law to the contrary, that*" and insert "*The*"

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Mr. Mondale, for Mrs. Adkins, from the Committee on Metropolitan and Local Government, to which was referred

S.F. No. 2155: A bill for an act relating to transportation; bonding; abolishing requirement that electorate approve bonds in excess of tax limitations for airports and authorizing issuance by 60 percent vote of governing body; allowing taxes to be levied by local governing body to pay bond principal or interest; allowing one municipality to issue bonds on behalf of other municipalities in a joint agreement; amending Minnesota Statutes 1992, sections 360.036, subdivisions 2 and 3; 360.037, subdivision 2; and 360.042, subdivision 10.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Taxes and Tax Laws. Report adopted.

Mr. Mondale, for Mrs. Adkins, from the Committee on Metropolitan and Local Government, to which was referred

S.F. No. 2205: A bill for an act relating to the city of Duluth; authorizing the issuance of general obligation bonds to finance improvements to the Duluth entertainment convention center.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Taxes and Tax Laws. Report adopted.

Mr. Mondale, for Mrs. Adkins, from the Committee on Metropolitan and Local Government, to which was referred

S.F. No. 2241: A bill for an act relating to the city of Minneapolis; clarifying the procedures that may be used in assessing special assessments.

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

Page 1, after line 5, insert:

“Section 1. Minnesota Statutes 1992, section 466A.02, subdivision 3, is amended to read:

Subd. 3. [ADDITIONAL AREA ELIGIBLE FOR INCLUSION IN TARGETED NEIGHBORHOOD.] (a) The city may add to the area designated as a targeted neighborhood under subdivision 2 a contiguous area of one-half mile in all directions from the designated targeted neighborhood.

(b) Assisted housing is also considered a targeted neighborhood.

(c) *A neighborhood that is partially targeted may be considered wholly targeted.*”

Page 1, line 6, delete “ANY PROCEDURE IN LAW WILL DO” and insert “SELECTION OF PROCEDURE”

Page 1, line 7, delete “*Notwithstanding Minnesota Statutes, chapter 429; Laws*”

Page 1, delete line 8

Page 1, line 9, delete “*other law,*”

Page 1, line 19, delete “*Notwithstanding other law,*”

Page 2, line 1, delete “1” and insert “2”

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, delete “the city of Minneapolis” and insert “cities of the first class; clarifying the definition of targeted neighborhood in a community resources program”

Page 1, line 3, after “used” insert “by the city of Minneapolis”

Page 1, line 4, before the period, insert “; amending Minnesota Statutes 1992, section 466A.02, subdivision 3”

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

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

S.F. No. 2072: A bill for an act relating to commerce; adding labeling requirements for salvaged food; adding licensing requirements for salvaged food distributors; adding record keeping requirements; requiring salvaged food served for compensation to be identified; amending Minnesota Statutes 1992, section 31.495, subdivisions 1, 2, and by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 31.

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

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1992, section 31.495, subdivision 1, is amended to read:

Subdivision 1. [APPLICATIONS.] For the purposes of ~~this section~~ sections 31.495 and 31.496, the terms defined in this subdivision have the meanings given them:

(a) “Distressed food” means any food, the label of which has been lost, defaced, or obliterated, or food which has been subjected to possible damage due to accident, fire, flood, adverse weather, or to any other similar cause; or food which is suspected of having been rendered unsafe or unsuitable for food use.

(b) “Reconditionable or salvageable food” is distressed food which it is possible to reclaim for food, feed, or seed use as determined by examination by the commissioner or the commissioner’s representatives.

(c) “Reconditioned or salvaged food” is reconditionable or salvageable food which has been reconditioned or salvaged under supervision of the commissioner so as to comply with the standards established under this section.

(d) “Reconditioning” or “salvaging” is the act of cleaning, culling, sorting, scouring, labeling, relabeling, or in any way treating “distressed food” so that it may be deemed to be “reconditioned” or “salvaged food” and therefore is acceptable for sale or use as human food, animal feed, or seed as provided therefor by the commissioner.

(e) “Salvage food processor” is a person who holds a license under section 28A.04 to operate as a salvage food processor and who receives supervision of the salvaging operations from the commissioner.

(f) “Labeling” means any legend or descriptive matter or design appearing upon an article of food or its container, and includes circulars, pamphlets and the like, which are packed and go with the article to the purchaser, and placards which may be allowed to be used to describe the food.

(g) "Salvage food distributor" means a person who engages in the business of selling, distributing, or otherwise trafficking at wholesale or retail in any distressed or salvaged food.

Sec. 2. Minnesota Statutes 1992, section 31.495, subdivision 2, is amended to read:

Subd. 2. [LICENSING; PERMIT.] (a) It is unlawful for any person either to claim to be a salvage food processor, or to engage in the activities of reconditioning or salvaging distressed food, or both, without a license issued under section 28A.04 authorizing that person to operate as a salvage food processor, which license may not be issued absent compliance with all the provisions of this section and all rules promulgated under this section.

(b) Before issuing a license, the commissioner shall determine that the applicant's salvage establishment meets at least the minimum requirements adopted by rule for such an establishment which shall include but not be limited to adequacy of buildings, location, water supply, waste disposal, equipment, hand washing and toilet facilities, and sanitation practices, as the same relate to the protection of the public health and welfare.

(c) The license fee for a salvage food processor shall cover a maximum of six inspections per year. Costs of additional inspections or reinspections will be charged to the salvage food processor at the rate of \$500 per inspection, plus laboratory costs.

(d) It is unlawful for any person either to claim to be a salvaged food distributor or to engage in the activities of selling, distributing, or otherwise trafficking in any distressed or salvaged food, or both, without a license issued under section 28A.04 authorizing that person to operate as a salvage food distributor, which license may not be issued absent compliance with all the provisions of this section and all rules adopted under this section. In addition to the licensing requirements set forth in this subdivision, a salvage food distributor must obtain a salvage food handler's permit. Application for a permit shall be made on forms provided by the commissioner. The commissioner may charge a fee not to exceed \$10 for a salvage food handler's permit.

Sec. 3. Minnesota Statutes 1992, section 31.495, is amended by adding a subdivision to read:

Subd. 4a. [LABELING REQUIREMENTS.] (a) Any container of food with the label or mandatory information missing that cannot be identified and relabeled correctly must not be sold. When original labels are missing or illegible, relabeling or overlabeling is required.

(b) All salvaged food shall be identified to indicate that the food has been salvaged by clearly marking the term "salvaged food" on all invoices, bills of lading, shipping invoices, receipts, and inventory records. All establishments selling salvaged food must notify the consumer by conspicuous signs or placards stating "This establishment offers for sale food products which have been reconditioned." The foods that have been salvaged must be identified by being labeled "salvaged." All salvaged food in containers must be provided with labels that comply with the requirements contained in chapters 29, 30, 31, 31A, 32, 33, and 34. If original labels are removed from containers that are to be resold or redistributed, the replacement labels must show as the distributor the name and address of the salvage food processor and the date of reconditioning for sale or distribution.

Sec. 4. Minnesota Statutes 1992, section 31.495, is amended by adding a subdivision to read:

Subd. 4b. [RECORD KEEPING REQUIREMENTS.] A written record or receipt of distressed, salvageable, and salvaged food must be kept by the salvage food processor and distributor for inspection by the commissioner during business hours. The records must include the name of the product, the name and address of the manufacturer or distributor, the source of the distressed food, the date received, the type of damage, and the salvage process conducted. These records must be kept on the premises of the salvage food processor and distributor for a period of one year following the completion of transactions involving the food.

Sec. 5. Minnesota Statutes 1992, section 31.495, subdivision 5, is amended to read:

Subd. 5. [EXCEPTIONS.] This section does not apply to: (a) any food manufacturer, distributor, retailer, or processor who in the normal course of the business of manufacturing, processing, retailing, or distributing of food engages in the activities of reconditioning and salvaging distressed food manufactured, distributed or processed by or for that person and not purchased by that person solely for the purpose of reconditioning, salvaging, and sale; or (b) Any person who reassembles or disposes of undamaged food which is from lots in which food or packaging materials or containers are damaged in the normal course of commerce or while in that person's possession and which is not purchased by that person solely for the purpose of reconditioning, salvaging, and sale, or any common carrier or agent of the common carrier who disposes of or otherwise transfers undamaged or distressed food to a person exempt under this section or to a salvage food processor who holds a valid license under this section; or (c) Any person who stores, handles or processes grain or oil seeds in the normal course of business except when such person purchases for the purpose of reconditioning, salvaging, and sale as human food grain or oil seeds contaminated by bird, rodent or animal excreta or by chemicals poisonous, injurious or detrimental to human life or health.

Sec. 6. [31.496] [IDENTIFICATION OF SALVAGED FOOD SERVED FOR COMPENSATION.]

Subdivision 1. [PUBLIC PLACES.] Any restaurant, hotel, public eating or drinking place, or other establishment serving salvaged food in any form to the public for compensation shall clearly and prominently indicate on its menu the food entrees that contain salvaged food, and shall maintain records on the premises for a period of one year on all salvaged food products received and prepared.

Subd. 2. [OTHER PLACES.] Any hospital, nursing home, boarding house, or other place where guests, boarders, or patients are served salvaged food in any form for compensation must identify for the guests, boarders, or patients the food entrees that contain salvaged food. The commissioner, in consultation with the commissioner of health, may adopt rules that specify the manner in which salvaged food that is served must be identified under this subdivision.

Sec. 7. [APPROPRIATION.]

\$65,000 is appropriated from the general fund to the commissioner of agriculture to administer sections 1 to 6."

Delete the title and insert:

“A bill for an act relating to commerce; agriculture; adding labeling requirements for salvaged food; adding licensing and permit requirements for salvaged food distributors; adding record keeping requirements; requiring salvaged food served for compensation to be identified; appropriating money; amending Minnesota Statutes 1992, section 31.495, subdivisions 1, 2, and 5, and by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 31.”

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

Mr. Mondale, for Mrs. Adkins, from the Committee on Metropolitan and Local Government, to which was referred

S.F. No. 2262: A bill for an act relating to local government; removing notice requirements for emergency on-site inspections by town boards; amending Minnesota Statutes 1992, section 366.01, subdivision 11.

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

Page 1, line 14, after the period, insert “*The town board shall make good faith efforts to provide notice of the inspections to each news medium that has filed a written request for notice if the request includes the news medium’s telephone number. The notice shall be given by telephone or by any other method used to notify the members of the public body.*”

Amend the title as follows:

Page 1, line 3, delete “emergency”

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

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

H.F. No. 1885 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
				1885	1846

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1885 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1885 and insert the language after the enacting clause of S.F. No. 1846, the first engrossment; further, delete the title of H.F. No. 1885 and insert the title of S.F. No. 1846, the first engrossment.

And when so amended H.F. No. 1885 will be identical to S.F. No. 1846, and further recommends that H.F. No. 1885 be given its second reading and substituted for S.F. No. 1846, and that the Senate File be indefinitely postponed.

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

Mr. Bertram from the Committee on Agriculture and Rural Development, to which was referred

S.F. No. 1857: A bill for an act relating to taxation; property; extending the agricultural homestead provisions of a relative to the father or mother; amending Minnesota Statutes 1993 Supplement, section 273.124, subdivision 1.

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

Page 3, line 13, before the comma, insert "*or a son or daughter of the spouse of the owner of the agricultural property*"

Amend the title as follows:

Page 1, line 4, before the semicolon, insert "or to certain children by marriage"

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

Mr. Bertram from the Committee on Agriculture and Rural Development, to which was referred

S.F. No. 1948: A bill for an act relating to agriculture; providing for family farm limited liability companies and authorized farm limited liability companies; removing limitation on number of shareholders or partners for authorized farm corporations and partnerships; amending Minnesota Statutes 1992, section 500.24, subdivision 2.

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

Page 2, delete lines 12 to 33 and insert:

"(d) "Authorized farm corporation" means a corporation meeting the following standards in clause (1) or (2):

- (1) (i) its shareholders do not exceed five in number;
- (2) (ii) all its shareholders, other than any estate are natural persons;
- (3) (iii) it does not have more than one class of shares; and
- (4) (iv) its revenues from rent, royalties, dividends, interest and annuities do not exceed 20 percent of its gross receipts; and
- (5) (v) shareholders holding 51 percent or more of the interest in the corporation ~~must be residing~~ *reside* on the farm or *are* actively engaging in farming;
- (6) (vi) the authorized farm corporation, directly or indirectly, owns or otherwise has an interest, whether legal, beneficial, or otherwise, in any title to no more than 1,500 acres of real estate used for farming or capable of being used for farming in this state; and
- (7) (vii) a shareholder of the authorized farm corporation is not a shareholder in other authorized farm corporations that directly or indirectly in combination with the authorized farm corporation own not more than 1,500

acres of real estate used for farming or capable of being used for farming in this state; or

(2)(i) it is engaged in the production of livestock, excluding the production of milk or milk products, and not engaged in farming activities otherwise prohibited under this section;

(ii) all its shareholders, other than an estate, are natural persons or a family farm corporation;

(iii) it does not have more than one class of shares;

(iv) its revenues from rent, royalties, dividends, interest, and annuities does not exceed 20 percent of its gross receipts;

(v) shareholders holding 66-2/3 percent or more of the control and financial investment in the corporation reside on the farm or are actively engaging in farming;

(vi) the authorized farm corporation, directly or indirectly, owns or otherwise has an interest, whether legal, beneficial, or otherwise, in any title to no more than 1,500 acres of real estate used for farming or capable of being used for farming in this state; and

(vii) formed for the production of livestock, excluding the production of milk or milk products, by natural persons or family farm corporations that provide 66-2/3 percent or more of the capital investment."

Page 3, lines 32 and 33, reinstate the stricken language

Page 3, line 35, reinstate the stricken "(4)" and delete "(3)"

Page 4, lines 2, 6, 9, and 14, reinstate the stricken language and delete the new language

Page 4, line 33, delete "following" and after "standards" insert "in clause (1) or (2)"

Page 4, after line 33, insert:

"(1)(i) its members do not exceed five in number;"

Page 4, line 34, delete "(1)" and insert "(ii)"

Page 4, line 36, delete "(2)" and insert "(iii)"

Page 5, line 2, delete "(3)" and insert "(iv)"

Page 5, line 6, delete "(4)" and insert "(v)"

Page 5, line 11, delete "(5)" and insert "(vi)"

Page 5, line 16, before the period, insert "; or

(2)(i) it is engaged in the production of livestock, excluding the production of milk or milk products, and not engaged in farming activities otherwise prohibited under this section;

(ii) all its members, other than an estate, are natural persons;

(iii) its revenues from rent, royalties, dividends, interest, and annuities does not exceed 20 percent of its gross receipts;

(iv) members holding 66-2/3 percent or more of both the governance rights

and financial rights in the limited liability company reside on the farm or are actively engaging in farming;

(v) a member of the authorized farm limited liability company is not a member in one or more other authorized farm limited liability companies that directly or indirectly in combination with the authorized farm limited liability company own more than 1,500 acres of real estate used for farming or capable of being used for farming in this state; and

(vi) formed for the production of livestock, excluding the production of milk or milk products, by natural persons livestock, excluding the production of milk or milk products or family farm corporations that provide 66-2/3 percent or more of the capital investment"

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

Mr. Bertram from the Committee on Agriculture and Rural Development, to which was referred

S.F. No. 2038: A bill for an act relating to agriculture; modifying certain provisions relating to wheat and barley promotion orders and the payment and refund of checkoff fees; amending Minnesota Statutes 1992, sections 17.53, subdivisions 2, 8, and 13; 17.59, subdivision 2; and 17.63.

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

Page 3, delete section 4

Page 4, line 7, delete "is" and insert "must be"

Page 4, line 12, delete "eligible to obtain a refund" and insert "exempt from payment" and delete everything after the period

Page 4, delete lines 13 to 21 and insert "*The commissioner, in consultation with the wheat research and promotion council and barley research and promotion council, shall determine jurisdictions outside of Minnesota which collect a checkoff fee or fee that serves a comparable purpose. In order to qualify for the exemption, the producer must demonstrate to the first purchaser that a checkoff fee or fee has been paid to such a jurisdiction.*"

Sec. 5. [EFFECTIVE DATE.]

This act is effective the day following final enactment."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 6, delete "17.59, subdivision 2;"

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

Mr. Bertram from the Committee on Agriculture and Rural Development, to which was referred

S.F. No. 1813: A bill for an act relating to agriculture; regulating the dissemination of false and defamatory statements about certain agricultural

products and producers; imposing a penalty; proposing coding for new law as Minnesota Statutes, chapter 34A.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Judiciary. Report adopted.

Mr. Bertram from the Committee on Agriculture and Rural Development, to which was referred

S.F. No. 1970: A bill for an act relating to agriculture; appropriating money for wheat scab research and soybean improvement research.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Environment and Natural Resources. Report adopted.

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

S.F. No. 1845: A bill for an act relating to crime prevention; juvenile justice; providing for presumptive certification to adult court for juveniles alleged to have committed prison-level felonies; authorizing the court or the prosecutor to designate a juvenile a serious youthful offender; authorizing adult felony sentences for serious youthful offenders; extending juvenile court jurisdiction to age 23 for serious youthful offenders; limiting certification to adult court to felony offenses; extending a right to jury trial to serious youthful offenders; requiring that a juvenile have an in-person consultation with counsel before waiving right to counsel; requiring appointment of counsel or standby counsel for juveniles charged with gross misdemeanors or felonies or when out-of-home placement is proposed; establishing a task force on juvenile justice programming evaluation and planning; requiring that the department of corrections provide programming for serious and repeat juvenile offenders; appropriating money; amending Minnesota Statutes 1992, sections 242.31, subdivision 1; 242.32; 260.115, subdivision 1; 260.125; 260.131, by adding a subdivision; 260.155, subdivision 2; 260.161, subdivision 2; 260.181, subdivision 4; 260.185, subdivision 3; 260.211, subdivision 1; 260.215, subdivision 1; 260.291; 609.055, subdivision 2; 611.15; 611.19; 611.25, subdivision 1; and 611A.02, by adding a subdivision; Minnesota Statutes 1993 Supplement, sections 260.155, subdivision 1; 299C.65, subdivision 1; and 401.065, subdivisions 1, 2, and 4; proposing coding for new law in Minnesota Statutes, chapter 260; repealing Minnesota Statutes 1992, section 260.125, subdivision 3.

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

Delete everything after the enacting clause and insert:

“Section 1. [126.25] [COMMUNITY-BASED TRUANCY ACTION PROJECTS.]

Subdivision 1. [ESTABLISHMENT.] The commissioner of education shall establish demonstration projects to reduce truancy rates in schools by early identification of students with school absenteeism problems and providing appropriate interventions based on each student's underlying issues that are contributing to the truant behavior.

Subd. 2. [PROGRAM COMPONENTS.] (a) Projects eligible for grants under this section shall be community-based and must include cooperation between at least one school and one community agency and provide coordinated intervention, prevention, and educational services. Services may include:

(1) assessment for underlying issues that are contributing to the child's truant behavior;

(2) referral to community-based services for the child and family which includes, but is not limited to, individual or family counseling, educational testing, psychological evaluations, tutoring, mentoring, and mediation;

(3) transition services to integrate the child back into school and to help the child succeed once there;

(4) culturally sensitive programming and staffing; and

(5) increased school response including in-school suspension, better attendance monitoring and enforcement, after-school study programs, and in-service training for teachers and staff.

(b) Priority will be given to grants that include:

(1) local law enforcement;

(2) elementary and middle schools;

(3) multiple schools and multiple community agencies;

(4) parent associations; and

(5) neighborhood associations.

Subd. 3. [EVALUATION.] Grant recipients must report to the commissioner of education by September 1 of each year on the services and programs provided, the number of children served, the average daily attendance for the school year, and the number of habitual truancy and educational neglect petitions referred for court intervention.

Sec. 2. Minnesota Statutes 1992, section 126.78, is amended by adding a subdivision to read:

Subd. 5. [REPORT.] A report detailing the costs and results of programs funded under this section must be submitted to the chairs of the committees in the senate and house of representatives with jurisdiction over crime prevention funding and criminal justice policy by February 15 each year.

Sec. 3. Minnesota Statutes 1992, section 242.31, is amended to read:

242.31 [RESTORATION OF CIVIL RIGHTS; POSSESSION OF FIRE-ARMS.]

Subdivision 1: Whenever a person who has been committed to the custody of the commissioner of corrections upon conviction of a crime following ~~reference for prosecution~~ certification to district court under the provisions of section 260.125 is finally discharged by order of the commissioner, that discharge shall restore the person to all civil rights and, if so ordered by the commissioner of corrections, also shall have the effect of setting aside the conviction, nullifying it and purging the person of it. The commissioner shall file a copy of the order with the district court of the county in which the

conviction occurred; upon receipt, the court shall order the conviction set aside. *An order setting aside a conviction for a crime of violence as defined in section 624.712, subdivision 5, must provide that the person is not entitled to ship, transport, possess, or receive a firearm until ten years have elapsed since the order was entered and during that time the person was not convicted of any other crime of violence. A person whose conviction was set aside under this section and who thereafter has received a relief of disability under United States Code, title 18, section 925, shall not be subject to the restrictions of this subdivision.*

Subd. 2. Whenever a person described in subdivision 1 has been placed on probation by the court pursuant to section 609.135 and, after satisfactory fulfillment of it, is discharged from probation, the court shall issue an order of discharge pursuant to *subdivision 2a* and section 609.165. On application of the defendant or on its own motion and after notice to the county attorney, the court in its discretion may also order that the defendant's conviction be set aside with the same effect as a court order under subdivision 1.

These orders restore the defendant to civil rights and purge and free the defendant from all penalties and disabilities arising from the defendant's conviction and the conviction shall not thereafter be used against the defendant, except in a criminal prosecution for a subsequent offense if otherwise admissible therein. In addition, the record of the defendant's conviction shall be sealed and may be opened only upon court order for purposes of a criminal investigation, prosecution, or sentencing. Upon request by law enforcement, prosecution, or corrections authorities, the court or the department of public safety shall notify the requesting party of the existence of the sealed record and the right to seek a court order to open it pursuant to this section.

Subd. 2a. [CRIMES OF VIOLENCE; INELIGIBILITY TO POSSESS FIREARMS.] The order of discharge must provide that a person who has been convicted of a crime of violence, as defined in section 624.712, subdivision 5, is not entitled to ship, transport, possess, or receive a firearm until ten years have elapsed since the person was restored to civil rights and during that time the person was not convicted of any other crime of violence. Any person who has received such a discharge and who thereafter has received a relief of disability under United States Code, title 18, section 925, shall not be subject to the restrictions of this subdivision.

Subd. 3. The commissioner of corrections shall file a copy of the order with the district court of the county in which the conviction occurred; upon receipt, the court shall order the conviction set aside and all records pertinent to the conviction sealed. These records shall only be reopened in the case of a judicial criminal proceeding instituted at a later date or upon court order, for purposes of a criminal investigation, prosecution, or sentencing, in the manner provided in subdivision 2.

The term "records" includes, but is not limited to, all matters, files, documents and papers incident to the arrest, indictment, information, complaint, trial, appeal, dismissal and discharge, which relate to the conviction for which the order was issued.

Sec. 4. Minnesota Statutes 1992, section 242.32, is amended to read:

242.32 [CONSTRUCTIVE PROGRAMS; COOPERATION, ~~OTHER~~ AGENCIES SECURE PLACEMENT.]

Subdivision 1. [COMMUNITY-BASED PROGRAMMING.] The commissioner of corrections shall be charged with the duty of developing constructive programs for the prevention and decrease of delinquency and crime among youth and. To that end, the commissioner shall cooperate with counties and existing agencies and to encourage the establishment of new agencies programming, both local and statewide, having as their object the prevention and decrease of delinquency and crime among youth; and to provide a continuum of services for serious and repeat juvenile offenders who do not require secure placement. The commissioner shall assist local authorities of any county or municipality when so requested by the governing body thereof, in planning, developing and coordinating their educational, welfare, recreational and health activities or other constructive community programs, which have as their object the conservation of youth work jointly with the commissioner of human services and counties and municipalities to develop and provide community-based services for residential placement of juvenile offenders and community-based services for nonresidential programming for juvenile offenders and their families.

Subd. 2. [SECURE PLACEMENT OF JUVENILE OFFENDERS.] The commissioner shall license several small regional facilities providing secure capacity programming for juveniles who have been adjudicated delinquent or convicted as serious youthful offenders and require secure placement. The programming shall be tailored to the types of juveniles being served, including their offense history, age, gender, cultural and ethnic heritage, mental health and chemical dependency problems, and other characteristics. Services offered shall include but not be limited to:

- (1) intensive general educational programs, with an individual educational plan for each juvenile;
- (2) specific educational components in the management of anger and nonviolent conflict resolution;
- (3) treatment for chemical dependency;
- (4) mental health screening, assessment, and treatment; and
- (5) programming to educate offenders about sexuality and address issues specific to victims and perpetrators of sexual abuse.

The facilities shall collaborate with facilities providing nonsecure residential programming and with community-based aftercare programs.

Subd. 3. [LICENSURE.] The commissioner shall adopt rules establishing licensing criteria for secure placement programming for juvenile offenders. The criteria must ensure that the programming is distributed throughout the state. The commissioner is authorized to license long-term residential secure programming up to a maximum of 100 beds statewide in addition to those licensed as of the date of enactment of this section.

Sec. 5. Minnesota Statutes 1992, section 257.3571, is amended by adding a subdivision to read:

Subd. 2a. [COMPLIANCE GRANTS.] The commissioner shall establish direct grants to an Indian child welfare defense corporation, as defined in section 611.216, subdivision 1a, to promote statewide compliance with the Indian family preservation act and the Indian Child Welfare Act, United States Code, title 25, section 1901 et seq. The commissioner shall give priority

consideration to applicants with demonstrated capability of providing legal advocacy services statewide.

Sec. 6. Minnesota Statutes 1992, section 257.3571, subdivision 3, is amended to read:

Subd. 3. [REQUEST FOR PROPOSALS.] The commissioner shall request proposals for ~~primary support for Indian child welfare programs and special focus programs~~ grants under subdivisions 1 ~~and, 2, and 2a~~, and specify the information and criteria required.

Sec. 7. Minnesota Statutes 1992, section 257.3572, is amended to read:

257.3572 [GRANT APPLICATIONS.]

A tribe or Indian organization may apply for primary support grants under section 257.3571, subdivision 1. A local social service agency, tribe, Indian organization, or other social service organization may apply for special focus grants under section 257.3571, subdivision 2. *Civil legal service organizations eligible for grants under section 257.3571, subdivision 2a, may apply for grants under that section.* Application may be made alone or in combination with other tribes or Indian organizations.

Sec. 8. Minnesota Statutes 1992, section 257.3579, is amended to read:

257.3579 [AMERICAN INDIAN CHILD WELFARE ADVISORY COUNCIL.]

The commissioner shall appoint an American Indian advisory council to help formulate policies and procedures relating to Indian child welfare services and to make recommendations regarding approval of grants provided under section 257.3571, subdivisions 1 ~~and, 2, and 2a~~. The council shall consist of 17 members appointed by the commissioner and must include representatives of each of the 11 Minnesota reservations who are authorized by tribal resolution, one representative from the Duluth Urban Indian Community, three representatives from the Minneapolis Urban Indian Community, and two representatives from the St. Paul Urban Indian Community. Representatives from the urban Indian communities must be selected through an open appointments process under section 15.0597. The terms, compensation, and removal of American Indian child welfare advisory council members shall be as provided in section 15.059.

Sec. 9. Minnesota Statutes 1992, section 260.115, subdivision 1, is amended to read:

Subdivision 1. Except where a juvenile court has ~~referred~~ *certified* an alleged violation to a ~~prosecuting authority~~ *district court* in accordance with the provisions of section 260.125 or a court has original jurisdiction of a child who has committed a minor traffic offense, as defined in section 260.193, subdivision 1, clause (c), a court other than a juvenile court shall immediately transfer to the juvenile court of the county the case of a minor who appears before the court on a charge of violating any state or local law or ordinance and who is under 18 years of age or who was under 18 years of age at the time of the commission of the alleged offense.

Sec. 10. Minnesota Statutes 1992, section 260.125, is amended to read:

260.125 [REFERENCE FOR PROSECUTION CERTIFICATION TO DISTRICT COURT.]

Subdivision 1. When a child is alleged to have violated a state or local law or ordinance committed, after becoming 14 years of age, an offense that would be a felony if committed by an adult, the juvenile court may enter an order referring certifying the alleged violation proceeding to the appropriate prosecuting authority district court for action under the criminal laws in force governing the commission of and punishment for violations of statutes or local laws or ordinances. The prosecuting authority to whom the matter is referred shall within the time specified in the order of reference, which time shall not exceed 90 days, file with the court making the order of reference notice of intent to prosecute or not to prosecute. If the prosecuting authority files notice of intent not to prosecute or fails to act within the time specified, the court shall proceed as if no order of reference had been made. If such prosecuting authority files with the court notice of intent to prosecute the jurisdiction of the juvenile court in the matter is terminated.

Subd. 2. [ORDER OF REFERENCE CERTIFICATION; REQUIREMENTS.] Except as provided in subdivision 3a or 3b, the juvenile court may order a reference certification to district court only if:

(a) (1) a petition has been filed in accordance with the provisions of section 260.131;

(b) (2) a motion for certification has been filed by the prosecuting authority;

(3) notice has been given in accordance with the provisions of sections 260.135 and 260.141;

(c) (4) a hearing has been held in accordance with the provisions of section 260.155 within 30 days of the filing of the reference certification motion, unless good cause is shown by the prosecution or the child as to why the hearing should not be held within this period in which case the hearing shall be held within 90 days of the filing of the motion; and

(d) (5) the court finds that

(4) there is probable cause, as defined by the rules of criminal procedure promulgated pursuant to section 480.059, to believe the child committed the offense alleged by delinquency petition; and

(e) (2) (6) the court finds either:

(i) that the presumption of certification created by subdivision 2a applies and the child has not rebutted the presumption by clear and convincing evidence demonstrating that retaining the proceeding in the juvenile court serves public safety; or

(ii) that the presumption of certification does not apply and the prosecuting authority has demonstrated by clear and convincing evidence that the child is not suitable to treatment or that the retaining the proceeding in the juvenile court does not serve public safety is not served under the provisions of laws relating to juvenile courts. If the court finds that the prosecutor has not demonstrated by clear and convincing evidence that retaining the proceeding in juvenile court does not serve public safety, the court shall retain the proceeding in juvenile court.

Subd. 2a. [PRESUMPTION OF CERTIFICATION.] It is presumed that a

proceeding involving an offense committed by a child will be certified to district court if:

- (1) the child was 16 or 17 years old at the time of the offense; and
- (2) the delinquency petition alleges that the child committed murder in the first degree or an offense that would result in a presumptive commitment to prison under the sentencing guidelines and applicable statutes.

If the court determines that probable cause exists to believe the child committed the alleged offense, the burden is on the child to rebut this presumption by demonstrating by clear and convincing evidence that retaining the proceeding in the juvenile court serves public safety. If the court finds that the child has not rebutted the presumption by clear and convincing evidence, the court shall certify the child to district court.

Subd. 2b. [PUBLIC SAFETY.] In determining whether the public safety is served by certifying a child to district court, the court shall consider the following factors:

- (1) the seriousness of the alleged offense in terms of community protection, including the existence of any aggravating factors recognized by the sentencing guidelines, the use of a firearm, and the impact on any victim;
- (2) the culpability of the child in committing the alleged offense, including the level of the child's participation in planning and carrying out the offense and the existence of any mitigating factors recognized by the sentencing guidelines;
- (3) the child's prior record of delinquency;
- (4) the child's programming history, including the child's past willingness to participate meaningfully in available programming; and
- (5) the dispositional options available for the child.

Subd. 3. [PRIMA FACIE CASE.] A prima facie case that the public safety is not served or that the child is not suitable for treatment shall have been established if the child was at least 16 years of age at the time of the alleged offense and:

- (1) is alleged by delinquency petition to have committed an aggravated felony against the person and (a) in committing the offense, the child acted with particular cruelty or disregard for the life or safety of another; or (b) the offense involved a high degree of sophistication or planning by the juvenile; or (c) the juvenile, at the time of the offense, used, whether by brandishing, displaying, threatening with, or otherwise employing, a firearm; or
- (2) is alleged by delinquency petition to have committed murder in the first degree; or
- (3) is alleged by delinquency petition (a) to have committed the delinquent act of escape from confinement to a state juvenile correctional facility or a local juvenile correctional facility and (b) to have committed an offense as part of, or subsequent to, escape from custody that would be a felony listed in section 609.11, subdivision 9, if committed by an adult; or
- (4) has been found by the court, pursuant to an admission in court or after trial, to have committed an offense within the preceding 24 months which

would be a felony if committed by an adult and is alleged by delinquency petition to have committed murder in the second or third degree, manslaughter in the first degree, criminal sexual conduct in the first degree or assault in the first degree; or

(5) has been found by the court, pursuant to an admission in court or after trial, to have committed two offenses, not in the same behavioral incident, within the preceding 24 months which would be felonies if committed by an adult, and is alleged by delinquency petition to have committed manslaughter in the second degree, kidnapping, criminal sexual conduct in the second degree, arson in the first degree, aggravated robbery, or assault in the second degree; or

(6) has been found by the court, pursuant to an admission in court or after trial, to have committed two offenses, not in the same behavioral incident, within the preceding 24 months, one or both of which would be the felony of burglary of a dwelling if committed by an adult, and the child is alleged by the delinquency petition to have committed another burglary of a dwelling. For purposes of this subdivision, "dwelling" means a building which is, in whole or in part, usually occupied by one or more persons living there at night; or

(7) has previously been found by the court, pursuant to an admission in court or after trial, to have committed three offenses, none in the same behavioral incident, within the preceding 24 months which would be felonies if committed by an adult, and is alleged by delinquency petition to have committed any felony other than those described in clause (2), (4), or (5); or

(8) is alleged by delinquency petition to have committed an aggravated felony against the person, other than a violation of section 609.713, in furtherance of criminal activity by an organized gang; or

(9) has previously been found by the court, pursuant to an admission in court or after trial, to have committed an offense which would be a felony if committed by an adult, and is alleged by delinquency petition to have committed a felony-level violation of chapter 152 involving the unlawful sale or possession of a schedule I or II controlled substance, while in a park zone or a school zone as defined in section 152.01, subdivisions 12a and 14a. This clause does not apply to a juvenile alleged to have unlawfully possessed a controlled substance in a private residence located within the school zone or park zone; or

(10) is alleged by delinquency petition to have committed a violation of section 624.713, subdivision 1, clause (a); and has been previously found by the court, pursuant to an admission in court or after trial, to have committed a violation of section 624.713, subdivision 1, clause (a).

For the purposes of this subdivision, "aggravated felony against the person" means a violation of any of the following provisions: section 609.185; 609.19; 609.195; 609.20; subdivision 1 or 2; 609.221; 609.222; 609.223; 609.245; 609.25; 609.342; 609.343; 609.344; subdivision 1, clause (e) or (f); 609.345; subdivision 1, clause (e) or (f); 609.561; 609.582; subdivision 1, clause (b) or (c); or 609.713.

For the purposes of this subdivision, an "organized gang" means an association of five or more persons, with an established hierarchy, formed to encourage members of the association to perpetrate crimes or to provide support to members of the association who do commit crimes.

Subd. 3a. [~~PRIOR REFERENCE CERTIFICATION; EXCEPTION.~~] Notwithstanding the provisions of subdivisions 2, ~~and 3 2a, and 2b~~, the court shall order a ~~reference certification~~ in any felony case ~~where~~ if the prosecutor shows that the child has been previously ~~referred for prosecution~~ prosecuted on a felony charge by an order of ~~reference certification~~ issued pursuant to either a hearing held under subdivision 2 or pursuant to the waiver of the right to such a hearing, other than a prior ~~reference certification~~ in the same case.

This subdivision only applies if the child is convicted of the offense or offenses for which the child was prosecuted pursuant to the order of ~~reference certification~~ or of a ~~lesser included~~ lesser-included offense which is a felony.

This subdivision does not apply to juvenile offenders who are subject to criminal court jurisdiction under section 609.055.

Subd. 3b. [~~ADULT CHARGED WITH JUVENILE OFFENSE.~~] *The juvenile court has jurisdiction to hold a certification hearing on motion of the prosecuting authority to certify the matter to district court if:*

(1) *an adult is alleged to have committed an offense before the adult's 18th birthday; and*

(2) *a petition is filed under section 260.131 before expiration of the time for filing under section 628.26.*

The court may not certify the matter to district court under this subdivision if the adult demonstrates that the delay was purposefully caused by the state in order to gain an unfair advantage.

Subd. 4. [~~EFFECT OF ORDER.~~] When the juvenile court enters an order ~~referring certifying~~ an alleged violation to a ~~prosecuting authority district court~~, the prosecuting authority shall proceed with the case as if the jurisdiction of the juvenile court had never attached.

Subd. 5. [~~WRITTEN FINDINGS; OPTIONS.~~] *The court shall decide whether to order certification to district court within 15 days after the certification hearing was completed; unless additional time is needed, in which case the court may extend the period up to another 15 days. If the juvenile court orders a ~~reference for prosecution certification~~, and the presumption described in subdivision 2a does not apply, the order shall contain in writing, findings of fact and conclusions of law as to why ~~the child is not suitable to treatment or the public safety is not served under~~ by retaining the provisions of laws relating to proceeding in the juvenile courts court. If the juvenile court, after a hearing conducted pursuant to subdivision 2, decides not to order a ~~reference for prosecution certification to district court~~, the decision shall contain, in writing, findings of fact and conclusions of law as to why a ~~reference for prosecution certification~~ is not ordered. If the juvenile court decides not to order certification in a case in which the presumption described in subdivision 2a applies, the court shall designate the proceeding a serious youthful offender prosecution and include in its decision written findings of fact and conclusions of law as to why the retention of the proceeding in juvenile court serves public safety, with specific reference to the factors listed in subdivision 2b. If the court decides not to order certification in a case in which the presumption described in subdivision 2a does not apply, the court may designate the proceeding a serious youthful offender prosecution.*

Subd. 6. [FIRST-DEGREE MURDER.] When a motion for certification has been filed in a case in which the petition alleges that the child committed murder in the first degree, the prosecuting authority shall present the case to the grand jury for consideration of indictment under chapter 628 within 14 days after the petition was filed.

Sec. 11. [260.126] [SERIOUS YOUTHFUL OFFENDER PROSECUTIONS.]

Subdivision 1. [DESIGNATION.] A proceeding involving a child alleged to have committed a felony offense is a serious youthful offender prosecution if:

(1) the child was 14 to 17 years old at the time of the alleged offense, a certification hearing was held, and the court designated the proceeding a serious youthful offender prosecution;

(2) the child was 16 or 17 years old at the time of the alleged offense, the prosecutor has designated in the delinquency petition that the child will be prosecuted as a serious youthful offender, and the offense:

(1) is first-degree murder;

(2) would result in a presumptive commitment to prison under the sentencing guidelines and applicable statutes; or

(3) is a violation of the provisions of any of the following:

(i) section 609.222, second-degree assault;

(ii) 609.223, subdivision 1, third-degree assault;

(iii) 609.235, use of drugs to injure or facilitate crime;

(iv) 609.24, simple robbery;

(v) 609.343, subdivision 1, paragraphs (a), (b), and (g), second-degree criminal sexual conduct, underage complainant;

(vi) 609.344, subdivision 1, paragraph (b) or (f), third-degree criminal sexual conduct, underage complainant;

(vii) 609.345, subdivision 1, paragraph (c), (d), or (g), fourth-degree criminal sexual conduct, force or coercion, helpless victim, victim between 16 and 18; and

(viii) 609.498, subdivision 1, first-degree witness tampering; or

(3) the child was 14 to 17 years old at the time of the alleged offense, the prosecutor requested that the proceeding be designated a serious youthful offender prosecution, a hearing was held on the issue of designation, and the court designated the proceeding a serious youthful offender prosecution.

Subd. 2. [PROCEEDINGS.] A child who is the subject of a serious youthful offender prosecution has the right to a trial by jury and to the effective assistance of counsel, as described in section 260.155, subdivision 2.

Subd. 3. [HEARING ON PROSECUTOR'S REQUEST.] When a prosecutor requests that a proceeding be designated a serious youthful offender prosecution, the court shall hold a hearing under section 260.155 to consider the request. The hearing must be held within 30 days of the filing of the request for designation, unless good cause is shown by the prosecution or the child as

to why the hearing should not be held within this period in which case the hearing shall be held within 90 days of the filing of the request. If the prosecutor shows by clear and convincing evidence that designating the proceeding a serious youthful offender prosecution serves public safety, the court shall grant the request for designation. In determining whether public safety is served, the court shall consider the factors specified in section 260.125, subdivision 2b. The court shall decide whether to designate the proceeding a serious youthful offender prosecution within 15 days after the designation hearing is completed, unless additional time is needed, in which case the court may extend the period up to another 15 days.

Subd. 4. [DISPOSITION.] (a) If a serious youthful offender prosecution results in a guilty plea or finding of guilt, the court shall:

(1) impose one or more juvenile dispositions under section 260.185; and

(2) impose an adult criminal sentence, the execution of which shall be stayed on the condition that the offender not violate the provisions of the disposition order and not commit a new offense.

(b) If a child prosecuted as a serious youthful offender after designation by the prosecutor in the delinquency petition is convicted of an offense after trial that is neither first-degree murder nor an offense that would result in a presumptive commitment to prison under the sentencing guidelines and applicable statutes, the court shall adjudicate the child delinquent and order a disposition under section 260.185. If the serious youthful offender proceeding results in a guilty plea for an offense not described in subdivision 1, clause (2), the court may impose an adult sentence under this subdivision if the juvenile consents. If the juvenile does not consent, the court may impose an adult sentence under this subdivision if the state shows public safety would not be served by retaining the juvenile in the juvenile system using the criteria described in section 260.125, subdivision 2b.

Subd. 5. [EXECUTION OF ADULT SENTENCE.] When it appears that a person convicted as a serious youthful offender has violated the conditions of the stayed sentence, or is alleged to have committed a new offense, the court may, without notice, revoke the stay and probation and direct that the offender be taken into immediate custody. The court shall notify the offender in writing of the reasons alleged to exist for revocation of the stay of execution of the adult sentence. If the offender challenges the reasons, the court shall hold a summary hearing on the issue at which the offender is entitled to be heard and represented by counsel. After the hearing, if the court finds that reasons exist to revoke the stay of execution of sentence, the court shall treat the offender as an adult and order any of the adult sanctions authorized by section 609.14, subdivision 3.

Sec. 12. Minnesota Statutes 1992, section 260.131, is amended by adding a subdivision to read:

Subd. 4. [DELINQUENCY PETITION; SERIOUS YOUTHFUL OFFENDER.] When a prosecutor files a delinquency petition alleging that a child committed a felony offense after reaching the age of 16 years, the prosecutor shall indicate in the petition whether the prosecutor designates the proceeding a serious youthful offender prosecution. When a prosecutor files a delinquency petition alleging that a child aged 14 to 17 years committed a felony offense, the prosecutor may request that the court designate the proceeding a serious youthful offender prosecution.

Sec. 13. Minnesota Statutes 1992, section 260.145, is amended to read:

260.145 [FAILURE TO OBEY SUMMONS OR SUBPOENA; CONTEMPT, ARREST.]

If any person personally served with summons or subpoena fails, without reasonable cause, to appear or bring the ~~minor child~~, or if any custodial parent or guardian fails, without reasonable cause, to accompany the child to a hearing as required under section 260.155, subdivision 4b, the person may be proceeded against for contempt of court or the court may issue a warrant for the person's arrest, or both. In any case when it appears to the court that the service will be ineffectual, or that the welfare of the ~~minor child~~ requires that the ~~minor child~~ be brought forthwith into the custody of the court, the court may issue a warrant for the ~~minor child~~.

Sec. 14. Minnesota Statutes 1992, section 260.152, is amended to read:

260.152 [MENTAL HEALTH SCREENING OF JUVENILES IN DETENTION.]

Subdivision 1. [ESTABLISHMENT.] The commissioner of human services, in cooperation with the commissioner of corrections, shall establish pilot projects in counties to reduce the recidivism rates of juvenile offenders, by identifying and treating underlying mental health problems that contribute to delinquent behavior and can be addressed through nonresidential services. At least one of the pilot projects must be in the seven-county metropolitan area and at least one must be in greater Minnesota.

Subd. 2. [PROGRAM COMPONENTS.] (a) The commissioner of human services shall, in consultation with the Indian affairs council, the council on affairs of Spanish-speaking people, the council on Black Minnesotans, and the council on Asian-Pacific Minnesotans, provide grants to the counties for the pilot projects. The projects shall build upon the existing service capabilities in the community and must include:

(1) screening for mental health problems of all juveniles admitted before adjudication to a secure detention facility as defined in section 260.015, subdivision 16, and any juvenile alleged to be delinquent as that term is defined in section 260.015, subdivision 5, who is admitted to a shelter care facility, as defined in section 260.015, subdivision 17; children who are alleged or found to be delinquent and all children who are reported as being or found to be in need of protection or services.

(2) (b) The projects must include referral for mental health assessment of all juveniles for whom the screening indicates a need. This assessment is to be provided by the appropriate mental health professional. If the juvenile is of a minority race or minority ethnic heritage, the mental health professional must be skilled in and knowledgeable about the juvenile's racial and ethnic heritage, or must consult with a special mental health consultant who has such knowledge so that the assessment is relevant, culturally specific, and sensitive to the juvenile's cultural needs; and.

(3) (c) Upon completion of the assessment, the project must provide or ensure access to ~~or provision of~~ nonresidential mental health services identified as needed in the assessment.

Subd. 3. [SCREENING TOOL.] The commissioner of human services and the commissioner of corrections shall jointly develop a model screening tool

to screen juveniles ~~held in juvenile detention~~ to determine if a mental health assessment is needed. This tool must contain specific questions to identify potential mental health problems. In implementing a pilot project, a county must either use this model tool or another screening tool approved by the commissioner of human services which meets the requirements of this section.

Subd. 4. [PROGRAM REQUIREMENTS.] To receive funds, the county program proposal shall be a joint proposal with all affected local agencies, resulting in part from consultation with the local coordinating council established under section 245.4873, subdivision 3, and the local mental health advisory council established under section 245.4875, subdivision 5, and shall contain the following:

(1) evidence of interagency collaboration by all publicly funded agencies serving juveniles with emotional disturbances, including evidence of consultation with the agencies listed in this section;

(2) a signed agreement by the local court services and local mental health and county social service agencies to work together on the following: development of a program; development of written interagency agreements and protocols to ensure that the mental health needs of juvenile offenders are identified, addressed, and treated; and development of a procedure for joint evaluation of the program;

(3) a description of existing services that will be used in this program;

(4) a description of additional services that will be developed with program funds, including estimated costs and numbers of juveniles to be served; and

(5) assurances that funds received by a county under this section will not be used to supplant existing mental health funding for which the juvenile is eligible.

The commissioner of human services and the commissioner of corrections shall jointly determine the application form, information needed, deadline for application, criteria for awards, and a process for providing technical assistance and training to counties. The technical assistance shall include information about programs that have been successful in reducing recidivism by juvenile offenders.

Subd. 5. [INTERAGENCY AGREEMENTS.] To receive funds, the county must agree to develop written interagency agreements between local court services agencies and local county mental health agencies within six months of receiving the initial program funds. These agreements shall include a description of each local agency's responsibilities, with a detailed assignment of the tasks necessary to implement the program. The agreement shall state how they will comply with the confidentiality requirements of the participating local agencies.

Subd. 6. [EVALUATION.] The commissioner of human services and the commissioner of corrections shall, in consultation with the Indian affairs council, the council on affairs of Spanish-speaking people, the council on Black Minnesotans, and the council on Asian-Pacific Minnesotans, develop systems and procedures for evaluating the pilot projects. The departments must develop an interagency management information system to track juveniles who receive mental health and chemical dependency services. The system must be designed to meet the information needs of the agencies involved and to provide a basis for evaluating outcome data. The system must

be designed to track the mental health treatment of juveniles released from custody and to improve the planning, delivery, and evaluation of services and increase interagency collaboration. The evaluation protocol must be designed to measure the impact of the program on juvenile recidivism, school performance, and state and county budgets.

Subd. 7. [REPORT.] ~~On~~ By January 1, 1994, and annually after that, each year, the commissioner of corrections and the commissioner of human services shall present a joint report to the legislature on the pilot projects funded under this section. The report shall include information on the following:

(1) the number of ~~juvenile offenders children~~ screened and assessed ~~who are juvenile offenders and the number who were reported as child protection cases;~~

(2) the number of juveniles referred for mental health services, the types of services provided, and the costs;

(3) the number of subsequently adjudicated juveniles that received mental health services under this program; and

(4) the estimated cost savings of the program and the impact on crime *and family reintegration.*

Sec. 15. Minnesota Statutes 1993 Supplement, section 260.155, subdivision 1; is amended to read:

Subdivision 1. [GENERAL.] (a) Except for hearings arising under section 260.261, hearings on any matter shall be without a jury and may be conducted in an informal manner, *except that a child who is a serious youthful offender has the right to a jury trial on the issue of guilt.* The rules of evidence promulgated pursuant to section 480.0591 and the law of evidence shall apply in adjudicatory proceedings involving a child alleged to be delinquent, *a serious youthful offender,* or a juvenile petty offender, and hearings conducted pursuant to section 260.125 except to the extent that the rules themselves provide that they do not apply. In all adjudicatory proceedings involving a child alleged to be in need of protection or services, the court shall admit only evidence that would be admissible in a civil trial. To be proved at trial, allegations of a petition alleging a child to be in need of protection or services must be proved by clear and convincing evidence.

(b) Except for proceedings involving a child alleged to be in need of protection or services and petitions for the termination of parental rights, hearings may be continued or adjourned from time to time. In proceedings involving a child alleged to be in need of protection or services and petitions for the termination of parental rights, hearings may not be continued or adjourned for more than one week unless the court makes specific findings that the continuance or adjournment is in the best interests of the child. If a hearing is held on a petition involving physical or sexual abuse of a child who is alleged to be in need of protection or services or neglected and in foster care, the court shall file the decision with the court administrator as soon as possible but no later than 15 days after the matter is submitted to the court. When a continuance or adjournment is ordered in any proceeding, the court may make any interim orders as it deems in the best interests of the minor in accordance with the provisions of sections 260.011 to 260.301.

(c) *Except as otherwise provided in this paragraph, the court shall exclude the general public from these hearings under this chapter and shall admit only those persons who, in the discretion of the court, have a direct interest in the case or in the work of the court; except that, The court shall open the hearings to the public in delinquency or serious youthful offender proceedings where the child is alleged to have committed an offense or has been proven to have committed an offense that would be a felony if committed by an adult and the child was at least 16 years of age at the time of the offense, except that the court may exclude the public from portions of a certification hearing to discuss psychological material or other evidence that would not be accessible to the public in an adult proceeding.*

(d) In all delinquency cases a person named in the charging clause of the petition as a person directly damaged in person or property shall be entitled, upon request, to be notified by the court administrator in writing, at the named person's last known address, of (1) the date of the ~~reference~~ certification or adjudicatory hearings, and (2) the disposition of the case.

(e) Adoption hearings shall be conducted in accordance with the provisions of laws relating to adoptions.

Sec. 16. Minnesota Statutes 1992, section 260.155, is amended by adding a subdivision to read:

Subd. 4b. [PARENT OR GUARDIAN MUST ACCOMPANY CHILD AT HEARING.] The custodial parent or guardian of a child who is alleged or found to be delinquent, or is prosecuted as a serious youthful offender, must accompany the child at each hearing held during the delinquency or serious youthful offender proceedings, unless the court excuses the parent or guardian from attendance for good cause shown. The failure of a parent or guardian to comply with this duty may be punished as provided in section 260.145.

Sec. 17. Minnesota Statutes 1992, section 260.155, subdivision 2, is amended to read:

Subd. 2. [APPOINTMENT OF COUNSEL.] (a) The minor child, parent, guardian or custodian have the right to effective assistance of counsel in connection with a proceeding in juvenile court. Before a child who is charged by delinquency petition with a misdemeanor offense waives the right to counsel or enters a plea, the child shall consult in person with counsel who shall provide a full and intelligible explanation of the child's rights. The court shall appoint counsel, or stand-by counsel if the child waives the right to counsel, for a child who is:

(1) charged by delinquency petition with a gross misdemeanor or felony offense; or

(2) the subject of a delinquency proceeding in which out-of-home placement has been proposed.

(b) If they desire counsel but are unable to employ it, the court shall appoint counsel to represent the minor child or the parents or guardian in any other case in which it feels that such an appointment is desirable.

Sec. 18. Minnesota Statutes 1993 Supplement, section 260.161, subdivision 1, is amended to read:

Subdivision 1. [RECORDS REQUIRED TO BE KEPT.] (a) The juvenile court judge shall keep such minutes and in such manner as the court deems

necessary and proper. Except as provided in paragraph (b), the court shall keep and maintain records pertaining to delinquent adjudications until the person reaches the age of 23 years and shall release the records on an individual to another juvenile court that has jurisdiction of the juvenile, to a requesting adult court for purposes of sentencing, or to an adult court or juvenile court as required by the right of confrontation of either the United States Constitution or the Minnesota Constitution. The juvenile court shall provide, upon the request of any other juvenile court, copies of the records concerning adjudications involving the particular child. The court shall also keep an index in which files pertaining to juvenile matters shall be indexed under the name of the child. After the name of each file shall be shown the file number and, if ordered by the court, the book and page of the register in which the documents pertaining to such file are listed. The court shall also keep a register properly indexed in which shall be listed under the name of the child all documents filed pertaining to the child and in the order filed. The list shall show the name of the document and the date of filing thereof. The juvenile court legal records shall be deposited in files and shall include the petition, summons, notice, findings, orders, decrees, judgments, and motions and such other matters as the court deems necessary and proper. Unless otherwise provided by law, all court records shall be open at all reasonable times to the inspection of any child to whom the records relate, and to the child's parent and guardian.

(b) The court shall retain records of the court finding that a juvenile committed an act that would be a violation of, or an attempt to violate, section 609.342, 609.343, 609.344, or 609.345, until the offender reaches the age of 25. If the offender commits another violation of sections 609.342 to 609.345 as an adult, *or the court convicts a child as a serious youthful offender*, the court shall retain the juvenile records for as long as the records would have been retained if the offender had been an adult at the time of the juvenile offense. This paragraph does not apply unless the juvenile was ~~represented by an attorney when the petition was admitted or proven~~ *provided counsel as required by section 260.155, subdivision 2.*

Sec. 19. Minnesota Statutes 1992, section 260.161, subdivision 1a, is amended to read:

Subd. 1a. [RECORD OF ADJUDICATIONS; NOTICE TO BUREAU OF CRIMINAL APPREHENSION.] (a) The juvenile court shall forward to the bureau of criminal apprehension the following data on juveniles adjudicated delinquent for having committed ~~an act described in subdivision 1, paragraph (b)~~ *felony-level criminal sexual conduct*:

- (1) the name and birth date of the juvenile;
- (2) the type of act for which the juvenile was adjudicated delinquent and date of the offense; and
- (3) the date and county of the adjudication.

(b) The bureau shall retain data on a juvenile until the offender reaches the age of 25. If the offender commits another violation of sections 609.342 to 609.345 as an adult, the bureau shall retain the data for as long as the data would have been retained if the offender had been an adult at the time of the juvenile offense.

(c) *The juvenile court shall forward to the bureau the following data on individuals convicted as serious youthful offenders:*

- (1) *the name and birthdate of the offender;*
- (2) *the crime committed by the offender and the date of the crime; and*
- (3) *the date and county in which the offender was convicted.*

The bureau shall retain the serious youthful offender data for as long as the data would have been retained if the offender had been an adult at the time of the offense.

Sec. 20. Minnesota Statutes 1992, section 260.161, subdivision 2, is amended to read:

Subd. 2. Except as provided in this subdivision and in subdivision 1, and except for legal records arising from proceedings or portions of proceedings that are public under section 260.155, subdivision 1, none of the records of the juvenile court and none of the records relating to an appeal from a nonpublic juvenile court proceeding, except the written appellate opinion, shall be open to public inspection or their contents disclosed except (a) by order of a court or (b) as required by sections 245A.04, 611A.03, 611A.04, 611A.06, and 629.73. The records of juvenile probation officers and county home schools are records of the court for the purposes of this subdivision. Court services data relating to delinquent acts that are contained in records of the juvenile court may be released as allowed under section 13.84, subdivision 5a. This subdivision applies to all proceedings under this chapter, including appeals from orders of the juvenile court, except that this subdivision does not apply to proceedings under section 260.255, 260.261, or 260.315 when the proceeding involves an adult defendant. The court shall maintain the confidentiality of adoption files and records in accordance with the provisions of laws relating to adoptions. In juvenile court proceedings any report or social history furnished to the court shall be open to inspection by the attorneys of record and the guardian ad litem a reasonable time before it is used in connection with any proceeding before the court.

When a judge of a juvenile court, or duly authorized agent of the court, determines under a proceeding under this chapter that a child has violated a state or local law, ordinance, or regulation pertaining to the operation of a motor vehicle on streets and highways, except parking violations, the judge or agent shall immediately report the violation to the commissioner of public safety. The report must be made on a form provided by the department of public safety and must contain the information required under section 169.95.

Sec. 21. Minnesota Statutes 1992, section 260.181, subdivision 4, is amended to read:

Subd. 4. [TERMINATION OF JURISDICTION.] (a) The court may dismiss the petition or otherwise terminate its jurisdiction on its own motion or on the motion or petition of any interested party at any time. Unless terminated by the court, and except as otherwise provided in this subdivision, the jurisdiction of the court shall continue until the individual becomes 19 years of age if the court determines it is in the best interest of the individual to do so. Court jurisdiction under section 260.015, subdivision 2a, clause (12), may not continue past the child's 17th birthday.

(b) *The jurisdiction of the court over a serious youthful offender, with respect to the offense for which the individual was convicted as a serious youthful offender, extends until the offender becomes 21 years of age, unless the court terminates jurisdiction before that date.*

(c) *The juvenile court has jurisdiction to designate the proceeding a serious youthful offender prosecution, or to conduct a trial, receive a plea, or impose a disposition under section 11, subdivision 4, if:*

(1) *an adult is alleged to have committed an offense before the adult's 18th birthday; and*

(2) *a petition is filed under section 260.131 before expiration of the time for filing under section 628.26 and before the adult's 21st birthday.*

The juvenile court lacks jurisdiction under this paragraph if the adult demonstrates that the delay was purposefully caused by the state in order to gain an unfair advantage.

(d) *The district court has original and exclusive jurisdiction over a proceeding:*

(1) *that involves an adult who is alleged to have committed an offense before the adult's 18th birthday; and*

(2) *in which a criminal complaint is filed before expiration of the time for filing under section 628.26 and after the adult's 21st birthday.*

The juvenile court retains jurisdiction if the adult demonstrates that the delay in filing a criminal complaint was purposefully caused by the state in order to gain an unfair advantage.

(e) *The juvenile court has jurisdiction over a person who has been adjudicated delinquent until the person's 21st birthday if the person fails to appear at any juvenile court hearing or fails to appear at or absconds from any placement under a juvenile court order. The juvenile court has jurisdiction over a convicted serious youthful offender who fails to appear at any juvenile court hearing or fails to appear at or absconds from any placement under section 11, subdivision 4. The juvenile court lacks jurisdiction under this paragraph if the adult demonstrates that the delay was purposefully caused by the state in order to gain an unfair advantage.*

Sec. 22. Minnesota Statutes 1992, section 260.185, subdivision 3, is amended to read:

Subd. 3. [CONTINUANCE.] When it is in the best interests of the child to do so and when the child has admitted the allegations contained in the petition before the judge or referee, or when a hearing has been held as provided for in section 260.155 and the allegations contained in the petition have been duly proven but, in either case, before a finding of delinquency has been entered, the court may continue the case for a period not to exceed 90 days on any one order. Such a continuance may be extended for one additional successive period not to exceed 90 days and only after the court has reviewed the case and entered its order for an additional continuance without a finding of delinquency. During this continuance the court may enter an order in accordance with the provisions of subdivision 1, clauses (a) or (b) or enter an order to hold the child in detention for a period not to exceed 15 days on any one order for the purpose of completing any consideration, or any investiga-

tion or examination ordered in accordance with the provisions of section 260.151. *This subdivision does not apply to a serious youthful offender proceeding.*

Sec. 23. Minnesota Statutes 1992, section 260.185, is amended by adding a subdivision to read:

Subd. 6. [OUT-OF-STATE PLACEMENTS.] A court may not place an adjudicated delinquent or a convicted serious youthful offender in a residential facility outside Minnesota unless the commissioner of corrections has certified within the past 12 months that the facility:

(1) meets or exceeds the standards for Minnesota residential treatment programs set forth in rules adopted by the commissioner of human services and the standards for juvenile detention facilities set forth in rules adopted by the commissioner of corrections; and

(2) will provide education, health, dental, and other necessary care equivalent to that which the child would receive if placed in a Minnesota facility licensed by the commissioner of corrections or commissioner of human services.

Sec. 24. Minnesota Statutes 1992, section 260.185, is amended by adding a subdivision to read:

Subd. 7. [PLACEMENT IN JUVENILE FACILITY.] A person who has reached the age of 20 may not be kept in a residential facility licensed by the commissioner of corrections together with persons under the age of 20. The commissioner may adopt criteria for allowing exceptions to this prohibition.

Sec. 25. Minnesota Statutes 1992, section 260.211, subdivision 1, is amended to read:

Subdivision 1. *(a) No adjudication upon the status of any child in the jurisdiction of the juvenile court shall operate to impose any of the civil disabilities imposed by conviction, nor shall any child be deemed a criminal by reason of this adjudication, nor shall this adjudication be deemed a conviction of crime, except as otherwise provided in this section a serious youthful offender conviction shall be treated in the same manner as an adult felony criminal conviction for purposes of the sentencing guidelines. The disposition of the child or any evidence given by the child in the juvenile court shall not be admissible as evidence against the child in any case or proceeding in any other court, except that an adjudication may later be used to determine a proper sentence, nor shall the disposition or evidence disqualify the child in any future civil service examination, appointment, or application.*

(b) A person who was adjudicated delinquent for, or convicted as a serious youthful offender of, a crime of violence as defined in section 624.712, subdivision 5, is not entitled to ship, transport, possess, or receive a firearm until ten years have elapsed since the person was discharged and during that time the person was not convicted of any other crime of violence. A person who has received a relief of disability under United States Code, title 18, section 925, is not subject to the restrictions of this subdivision.

Sec. 26. Minnesota Statutes 1992, section 260.215, subdivision 1, is amended to read:

Subdivision 1. A violation of a state or local law or ordinance by a child before becoming 18 years of age is not a crime unless the juvenile court:

(1) ~~refers~~ certifies the matter to the appropriate prosecuting authority district court in accordance with the provisions of section 260.125; or

(2) transfers the matter to a court in accordance with the provisions of section 260.193.

Sec. 27. Minnesota Statutes 1992, section 260.291, is amended to read:

260.291 [APPEAL.]

Subdivision 1. [PERSONS ENTITLED TO APPEAL; PROCEDURE.] (a) An appeal may be taken by the aggrieved person from a final order of the juvenile court affecting a substantial right of the aggrieved person, including but not limited to an order adjudging a child to be in need of protection or services, neglected and in foster care, delinquent, or a juvenile traffic offender. The appeal shall be taken within 30 days of the filing of the appealable order. The court administrator shall notify the person having legal custody of the minor of the appeal. Failure to notify the person having legal custody of the minor shall not affect the jurisdiction of the appellate court. The order of the juvenile court shall stand, pending the determination of the appeal, but the reviewing court may in its discretion and upon application stay the order.

(b) An appeal may be taken by an aggrieved person from an order of the juvenile court on the issue of certification of a child to district court. Certification appeals shall be expedited as provided by applicable rules.

Subd. 2. [APPEAL.] The appeal from a juvenile court is taken to the court of appeals as in other civil cases, except as provided in subdivision 1.

Sec. 28. Minnesota Statutes 1993 Supplement, section 299A.35, subdivision 1, is amended to read:

Subdivision 1. [PROGRAMS.] The commissioner shall, in consultation with the chemical abuse prevention resource council, administer a grant program to fund community-based programs that are designed to enhance the community's sense of personal security and to assist the community in its crime control efforts. Examples of qualifying programs include, but are not limited to, the following:

(1) programs to provide security systems for residential buildings serving low-income persons, elderly persons, and persons who have physical or mental disabilities;

(2) community-based programs designed to discourage young people from involvement in unlawful drug or street gang activities;

(3) neighborhood block clubs and innovative community-based crime watch programs;

(4) community-based programs designed to enrich the educational, cultural, or recreational opportunities of at-risk elementary or secondary school age youth, including programs designed to keep at-risk youth from dropping out of school and encourage school dropouts to return to school;

(5) support services for a municipal curfew enforcement program including, but not limited to, rent for drop-off centers, staff, supplies, equipment, and the referral of children who may be abused or neglected; ~~and~~

(6) *programs that are proven successful at increasing the rate of graduation from secondary school and the rate of post-secondary education attendance for high-risk students; and*

~~(6)~~ (7) other community-based crime prevention programs that are innovative and encourage substantial involvement by members of the community served by the program.

Sec. 29. Minnesota Statutes 1993 Supplement, section 299C.65, subdivision 1, is amended to read:

Subdivision 1. [ESTABLISHING GROUP.] The criminal and juvenile information policy group consists of the chair of the sentencing guidelines commission, the commissioner of corrections, the commissioner of public safety, and the state court administrator.

The policy group shall study and make recommendations to the governor, the supreme court, and the legislature on:

(1) a framework for integrated criminal justice information systems, including the development and maintenance of a community data model for state, county, and local criminal justice information;

(2) the responsibilities of each entity within the criminal and juvenile justice systems concerning the collection, maintenance, dissemination, and sharing of criminal justice information with one another;

(3) actions necessary to ensure that information maintained in the criminal justice information systems is accurate and up-to-date;

(4) the development of an information system containing criminal justice information on *gross misdemeanor-level and felony-level* juvenile offenders that is part of the integrated criminal justice information system framework;

(5) the development of an information system containing criminal justice information on misdemeanor arrests, prosecutions, and convictions that is part of the integrated criminal justice information system framework;

(6) comprehensive training programs and requirements for all individuals in criminal justice agencies to ensure the quality and accuracy of information in those systems;

(7) continuing education requirements for individuals in criminal justice agencies who are responsible for the collection, maintenance, dissemination, and sharing of criminal justice data;

(8) a periodic audit process to ensure the quality and accuracy of information contained in the criminal justice information systems;

(9) the equipment, training, and funding needs of the state and local agencies that participate in the criminal justice information systems;

(10) the impact of integrated criminal justice information systems on individual privacy rights; ~~and~~

(11) the impact of proposed legislation on the criminal justice system,

including any fiscal impact, need for training, changes in information systems, and changes in processes;

(12) *the collection of data on race and ethnicity in criminal justice information systems;*

(13) *the development of a tracking system for domestic abuse orders for protection;*

(14) *processes for expungement, correction of inaccurate records, destruction of records, and other matters relating to the privacy interests of individuals; and*

(15) *the development of a data base for serious youthful offender records and whether the records should be public or private and how long they should be retained.*

Sec. 30. Minnesota Statutes 1993 Supplement, section 401.065, subdivision 1, is amended to read:

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

(1) *a person, including a child under the jurisdiction of the juvenile court, is an "offender" means a person who if:*

(i) *the person is charged with, or probable cause exists to charge the person with, a felony, gross misdemeanor, or misdemeanor crime, other than a crime against the person, but who the person has not yet entered a plea in the proceedings;*

(ii) *the person has not previously been convicted as an adult in Minnesota or any other state of any crime against the person; and*

(iii) *the person has not previously been charged with a crime participated as an adult in Minnesota in a pretrial diversion program, including a program that existed before July 1, 1994, and then had charges dismissed or not filed as part of a diversion that program, including a program that existed before July 1, 1994; and*

(2) *"pretrial diversion" means the decision of a prosecutor to refer an offender to a diversion program on condition that the criminal charges against the offender will be dismissed after a specified period of time, or the case will not be charged, if the offender successfully completes the program.*

Sec. 31. Minnesota Statutes 1993 Supplement, section 401.065, subdivision 2, is amended to read:

Subd. 2. [ESTABLISHMENT OF PROGRAM.] By July 1, 1994, every county attorney of a county participating in the community corrections act shall establish a pretrial diversion program for adult offenders. By July 1, 1995, every county attorney of a county participating in the community corrections act shall establish a pretrial diversion program for juvenile offenders. If the county attorney's county participates in the community corrections act as part of a group of counties under section 401.02, the county attorney may establish a pretrial diversion program in conjunction with other county attorneys in that group of counties. The program must be designed and operated to further the following goals:

(1) to provide eligible offenders with an alternative to confinement and a

criminal conviction, or in the case of juvenile offenders, an alternative to adjudication that emphasizes restorative justice;

(2) to reduce the costs and caseload burdens on district courts and the criminal justice system;

(3) to minimize recidivism among diverted offenders;

(4) to promote the collection of restitution to the victim of the offender's crime; ~~and~~

(5) to develop responsible alternatives to the criminal justice system for eligible offenders; and

(6) for a juvenile pretrial diversion program, to develop collaborative use of demonstrated successful culturally specific programming where appropriate.

Sec. 32. Minnesota Statutes 1993 Supplement, section 401.065, subdivision 4, is amended to read:

Subd. 4. [REPORTS.] By January 1, 1995, and biennially thereafter, each county attorney shall report to the department of corrections and the legislature on the operation of ~~a~~ an adult pretrial diversion program required by this section. By January 1, 1996, and biennially thereafter, each county attorney shall report to the department of corrections and the legislature on the operation of adult and juvenile pretrial diversion programs required by this section. The report shall include a description of the program, the number of adult and juvenile offenders participating in the program, the number and characteristics of the adult and juvenile offenders who successfully complete the program, the number and characteristics of the adult and juvenile offenders who fail to complete the program, and an evaluation of the program's effect on the operation of the criminal justice system in the county.

Sec. 33. Minnesota Statutes 1992, section 609.055, subdivision 2, is amended to read:

Subd. 2. [ADULT PROSECUTION.] Children of the age of 14 years or over but under 18 years may be prosecuted for a ~~criminal~~ felony offense if the alleged violation is duly ~~referred~~ certified to the ~~appropriate prosecuting authority~~ district court or may be designated a serious youthful offender in accordance with the provisions of chapter 260. A child who is 16 years of age or older but under 18 years of age is capable of committing a crime and may be prosecuted for a felony if:

(1) the child has been previously ~~referred for prosecution~~ certified to the district court on a felony charge by an order of reference issued pursuant to a hearing under section 260.125, subdivision 2, or pursuant to the waiver of the right to such a hearing, or prosecuted pursuant to this subdivision; and

(2) the child was convicted of the felony offense or offenses for which the child was prosecuted or of a lesser included felony offense.

Sec. 34. Minnesota Statutes 1992, section 609.49, is amended by adding a subdivision to read:

Subd. 1a. [JUVENILE OFFENDERS.] (a) A person who intentionally fails to appear for a juvenile court disposition is guilty of a felony if:

(1) the person was prosecuted in juvenile court for an offense that would have been a felony if committed by an adult;

(2) *the juvenile court made findings pursuant to an admission in court or after trial;*

(3) *the person was released from custody on condition that the person appear in the juvenile court for a disposition in connection with the offense; and*

(4) *the person was notified that failure to appear is a criminal offense.*

(b) *A person who violates the provisions of this subdivision is guilty of a felony and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both.*

Sec. 35. Minnesota Statutes 1992, section 609.49, subdivision 3, is amended to read:

Subd. 3. [AFFIRMATIVE DEFENSE.] If proven by a preponderance of the evidence, it is an affirmative defense to a violation of subdivision 1, *1a*, or 2 that the person's failure to appear in court as required was due to circumstances beyond the person's control.

Sec. 36. Minnesota Statutes 1992, section 611.15, is amended to read:

611.15 [NOTIFICATION OF RIGHT TO REPRESENTATION.]

In every criminal case or proceeding, *including a juvenile delinquency or serious youthful offender proceeding*, in which any person entitled by law to representation by counsel shall appear without counsel, the court shall advise such person of the right to be represented by counsel and that counsel will be appointed to represent the person if the person is financially unable to obtain counsel.

Sec. 37. Minnesota Statutes 1992, section 611.19, is amended to read:

611.19 [WAIVER OF APPOINTMENT OF COUNSEL.]

Where counsel is waived by a defendant, the waiver shall in all instances be made in writing, signed by the defendant, except that in such situation if the defendant refuses to sign the written waiver, then the court shall make a record evidencing such refusal of counsel. *Waiver of counsel by a child who is the subject of a delinquency or serious youthful offender proceeding is governed by section 260.155, subdivisions 2 and 8.*

Sec. 38. Minnesota Statutes 1992, section 611.25, subdivision 1, is amended to read:

Subdivision 1. [REPRESENTATION.] (a) The state public defender shall represent, without charge,:

(1) a defendant or other person appealing from a conviction of a felony or gross misdemeanor. ~~The state public defender shall represent, without charge,;~~

(2) 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; and

(3) a child who is appealing from a delinquency adjudication or from a serious youthful offender conviction.

(b) 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.

(c) 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 assign the representation to any district public defender.

Sec. 39. Minnesota Statutes 1992, section 611A.02, is amended by adding a subdivision to read:

Subd. 3. [NOTICE OF THE RIGHTS OF VICTIMS IN JUVENILE COURT.] (a) The crime victim and witness advisory council shall develop a notice of the rights of victims in juvenile court that explains:

- (1) the rights of victims in the juvenile court;*
- (2) when a juvenile matter is public;*
- (3) the procedures to be followed in juvenile court proceedings; and*
- (4) other relevant matters.*

(b) The juvenile court shall distribute a copy of the notice to each victim of juvenile crime who attends a juvenile court proceeding, along with a notice of services for victims available in that judicial district.

Sec. 40. Minnesota Statutes 1992, section 611A.77, subdivision 1, is amended to read:

Subdivision 1. [GRANTS.] The state court administrator shall award grants to nonprofit organizations to create or expand mediation programs for crime victims and offenders. For purposes of this section, "offender" means an adult charged with a nonviolent crime or, a juvenile with respect to whom a petition for delinquency has been filed in connection with a nonviolent offense, or a juvenile alleged to have committed or detained for committing a nonviolent offense, and "nonviolent crime" and "nonviolent offense" exclude any offense in which the victim is a family or household member, as defined in section 518B.01, subdivision 2.

Sec. 41. Minnesota Statutes 1993 Supplement, section 624.713, subdivision 1, is amended to read:

Subdivision 1. [INELIGIBLE PERSONS.] The following persons shall not be entitled to possess a pistol or semiautomatic military-style assault weapon:

- (a) a person under the age of 18 years except that a person under 18 may carry or possess a pistol or semiautomatic military-style assault weapon (i) in the actual presence or under the direct supervision of the person's parent or guardian, (ii) for the purpose of military drill under the auspices of a legally

recognized military organization and under competent supervision, (iii) for the purpose of instruction, competition, or target practice on a firing range approved by the chief of police or county sheriff in whose jurisdiction the range is located and under direct supervision; or (iv) if the person has successfully completed a course designed to teach marksmanship and safety with a pistol or semiautomatic military-style assault weapon and approved by the commissioner of natural resources;

(b) a person who has been convicted *of, or adjudicated delinquent or convicted as a serious youthful offender for committing*, in this state or elsewhere ~~of~~, a crime of violence unless ten years have elapsed since the person has been restored to civil rights or the sentence or disposition has expired, whichever occurs first, and during that time the person has not been convicted of any other crime of violence. For purposes of this section, crime of violence includes crimes in other states or jurisdictions which would have been crimes of violence as herein defined if they had been committed in this state;

(c) a person who is or has ever been confined or committed in Minnesota or elsewhere as a "mentally ill," "mentally retarded," or "mentally ill and dangerous to the public" person as defined in section 253B.02, to a treatment facility, unless the person possesses a certificate of a medical doctor or psychiatrist licensed in Minnesota, or other satisfactory proof that the person is no longer suffering from this disability;

(d) a person who has been convicted in Minnesota or elsewhere of a misdemeanor or gross misdemeanor violation of chapter 152, or a person who is or has ever been hospitalized or committed for treatment for the habitual use of a controlled substance or marijuana, as defined in sections 152.01 and 152.02, unless the person possesses a certificate of a medical doctor or psychiatrist licensed in Minnesota, or other satisfactory proof, that the person has not abused a controlled substance or marijuana during the previous two years;

(e) a person who has been confined or committed to a treatment facility in Minnesota or elsewhere as "chemically dependent" as defined in section 253B.02, unless the person has completed treatment. Property rights may not be abated but access may be restricted by the courts;

(f) a peace officer who is informally admitted to a treatment facility pursuant to section 253B.04 for chemical dependency, unless the officer possesses a certificate from the head of the treatment facility discharging or provisionally discharging the officer from the treatment facility. Property rights may not be abated but access may be restricted by the courts;

(g) a person, *including a person under the jurisdiction of the juvenile court*, who has been charged with committing a crime of violence and has been placed in a pretrial diversion program by the court before disposition, until the person has completed the diversion program and the charge of committing the crime of violence has been dismissed; or

(h) a person who has been convicted in another state of committing an offense similar to the offense described in section 609.224, subdivision 3, against a family or household member, unless three years have elapsed since the date of conviction and, during that time, the person has not been convicted of any other violation of section 609.224, subdivision 3, or a similar law of another state.

A person who issues a certificate pursuant to this subdivision in good faith is not liable for damages resulting or arising from the actions or misconduct with a firearm committed by the individual who is the subject of the certificate.

Sec. 42. Minnesota Statutes 1993 Supplement, section 624.713, subdivision 3, is amended to read:

Subd. 3. [NOTICE.] (a) When a person is convicted of, or adjudicated delinquent or convicted as a serious youthful offender for committing, a crime of violence as defined in section 624.712, subdivision 5, the court shall inform the defendant that the defendant is prohibited from possessing a pistol or semiautomatic military-style assault weapon for a period of ten years after the person was restored to civil rights or since the sentence or disposition has expired, whichever occurs first, and that it is a felony offense to violate this prohibition. The failure of the court to provide this information to a defendant does not affect the applicability of the pistol or semiautomatic military-style assault weapon possession prohibition or the felony penalty to that defendant.

(b) When a person, including a person under the jurisdiction of the juvenile court, is charged with committing a crime of violence and is placed in a pretrial diversion program by the court before disposition, the court shall inform the defendant that: (1) the defendant is prohibited from possessing a pistol or semiautomatic military-style assault weapon until the person has completed the diversion program and the charge of committing a crime of violence has been dismissed; (2) it is a gross misdemeanor offense to violate this prohibition; and (3) if the defendant violates this condition of participation in the diversion program, the charge of committing a crime of violence may be prosecuted. The failure of the court to provide this information to a defendant does not affect the applicability of the pistol or semiautomatic military-style assault weapon possession prohibition or the gross misdemeanor penalty to that defendant.

Sec. 43. [JUDICIAL DISTRICT DELINQUENCY DISPOSITION PRINCIPLES.]

By January 1, 1996, the chief judge in each judicial district shall publish the written criteria used by judges in the district in determining juvenile delinquency dispositions. The judges of the district shall develop the written criteria in consultation with local county attorneys, public defenders, local corrections personnel, victim advocates, and the public. Each chief judge shall submit a copy of the written criteria to the head of the conference of chief judges by September 1, 1995, who shall submit copies of the criteria to the chairs of the senate crime prevention committee and the house judiciary committee by November 1, 1995.

Sec. 44. [USE OF SERIOUS YOUTHFUL OFFENDER ADJUDICATIONS AS ADULT CRIMINAL HISTORY POINTS.]

The sentencing guidelines commission shall modify the guidelines to take effect August 1, 1995, to provide that a serious youthful offender conviction is treated under the guidelines in the same manner as a felony conviction of an adult.

Sec. 45. [TASK FORCE ON JUVENILE PROGRAMMING EVALUATION AND PLANNING.]

Subdivision 1. [DUTIES; REPORT.] The task force on juvenile programming evaluation and planning shall report to the chairs of the senate committee on crime prevention and the house committee on judiciary and the legislative auditor by November 30, 1994, concerning the results of the tasks described in this section.

Subd. 2. [SURVEY OF PROGRAMMING.] (a) The commissioners of corrections and human services shall conduct a comprehensive survey of existing juvenile programming available across the state and report its findings to the task force. For purposes of the survey, juvenile programming includes all out-of-home placement and nonresidential programs in which juveniles are placed as part of a diversion from juvenile court or as the result of a juvenile court delinquency or serious youthful offender proceeding or children in need of protection or services proceeding.

(b) The survey shall determine for each program: whether juveniles were placed there through a child protection proceeding, a juvenile delinquency or serious youthful offender proceeding, or through diversion; whether payment is by the state, a local government entity, the child's family, or another source; the extent to which the program provides family and community reintegration services; the extent to which the program provides mental health screening or assessment of each child and develops a treatment plan to address the child's mental health needs; the extent to which the program provides a comprehensive educational assessment of each child and an educational plan to address the child's educational needs during the placement and after reentry into the community, including critical skill thinking and conflict resolution; and the extent to which aftercare is provided.

(c) The survey shall determine for each program: the race and sex of juveniles placed there; the race and sex of staff members; the number of juveniles requiring special services; and the cultural appropriateness of the programming.

(d) The survey shall determine for each program the availability of special services including but not limited to: programming for juvenile female offenders; resources for sex offenders; chemical dependency services; mental health assessments and services; suicide prevention services; services for abuse victims; and services for the developmentally disabled.

Subd. 3. [TASK FORCE DUTIES.] The task force shall make recommendations concerning:

(1) a full continuum of programming to fulfill the service needs identified by the survey conducted under subdivision 2 for serious youthful offenders and adjudicated juveniles and the cost of providing those services;

(2) the location of secure juvenile capacity recommended by the supreme court advisory task force on the juvenile justice system and rules establishing criteria for secure placement of juvenile offenders;

(3) existing programs that counties and the state should not continue to fund and a specific list of priorities to be used at the state and county level in evaluating programs for juvenile offenders;

(4) the appropriate financial responsibility for serious youthful offenders and adjudicated juveniles placed out of their homes, the need for additional programming, and the circumstances, if any, under which the state should be responsible for the costs of programming;

(5) a planning process and time line to implement a full range of programming and services for adjudicated juveniles and serious youthful offenders;

(6) necessary changes in state rules, statutes, and licensing requirements, including changes in statutes and rules relating to the dispositional and discharge authority of the commissioner of corrections that are needed to implement the serious youthful offender category; and

(7) funding needs, including the short- and long-range costs to the following of implementing this act and the recommendations of the supreme court advisory task force on the juvenile justice system:

- (i) the probation and correctional systems;
- (ii) the public defender system;
- (iii) the judiciary; and
- (iv) other governmental entities.

Subd. 4. [MEMBERSHIP.] The task force consists of individuals who are representatives or designees of the following and have demonstrated experience in the juvenile justice field; appointed by the chairs of the senate crime prevention committee and the house judiciary committee, in consultation with the lead members of those committees from the minority party:

- (1) the commissioner of corrections;
- (2) the commissioner of human services;
- (3) the commissioner of education;
- (4) the office of drug policy and violence prevention;
- (5) probation officers;
- (6) community corrections officers;
- (7) public defenders;
- (8) prosecutors;
- (9) juvenile corrections specialists;
- (10) law enforcement officials;
- (11) chemical dependency counselors;
- (12) mental health experts;
- (13) children's services providers;
- (14) victim advocates;
- (15) district court judges;
- (16) the council on Black Minnesotans;
- (17) the council on the affairs of Spanish-speaking people;
- (18) the council on Asian-Pacific Minnesotans;
- (19) the Indian affairs council;

- (20) the association of counties;
- (21) the council on disabilities; and
- (22) parents of youthful offenders.

Sec. 46. [LEGISLATIVE AUDITOR.]

Subdivision 1. [EVALUATION OF CORRECTIONS PROGRAMMING.] The legislative audit commission is requested to direct the legislative auditor to conduct an evaluation of programming at existing state-run facilities serving youthful offenders, including those at Sauk Centre, St. Cloud, Thistledeew, and Red Wing and report to the legislature by January 1, 1995, concerning its findings. The evaluation of the programming shall focus on the following factors:

- (1) recidivism;
- (2) participation by youthful offenders;
- (3) subjective effectiveness among probation officials;
- (4) subjective effectiveness among youthful offenders; and
- (5) comparison with programming operating effectively in other states.

Subd. 2. [EVALUATION OF REPORT OF TASK FORCE ON JUVENILE PROGRAMMING EVALUATION AND PLANNING.] The legislative audit commission is requested to direct the legislative auditor to receive and analyze the report of the task force on juvenile programming evaluation and planning submitted under section 45. The evaluation of the task force recommendations shall include a comprehensive independent assessment of relevant factors, including but not limited to those enumerated in section 45, subdivision 3. If the commission undertakes this evaluation, the legislative auditor shall report to the chairs of the senate committee on crime prevention and the house judiciary committee by February 15, 1995.

Subd. 3. [EVALUATION OF FOUR EXISTING PROGRAMS.] The legislative audit commission is requested to direct the legislative auditor to evaluate four programs comprising the largest number of court-ordered out-of-home placements of children in Minnesota. The four programs shall be selected in consultation with the commissioner of corrections and the commissioner of human services. If undertaken by the legislative auditor, the auditor shall report the results of the evaluation to the chairs of the senate committee on crime prevention and the house of representatives committee on judiciary by January 1, 1995. The evaluation shall focus on the five factors listed in subdivision 1.

Sec. 47. [SUPREME COURT.]

Subdivision 1. [DATA COLLECTION.] The supreme court shall develop a sentencing form for use in serious youthful offender proceedings and a procedure for data collection to ensure that serious youthful offender data will be compatible with other criminal justice data. The supreme court shall consult with the criminal and juvenile information policy group in carrying out this duty.

Subd. 2. [TRAINING.] By August 1, 1994, the supreme court shall prepare and conduct a training course for judges and members of their staffs concerning the provisions of this act. In particular, the course shall inform

judges of the juvenile disposition options available, the procedural requirements of serious youthful offender proceedings, and the sentencing form to be used in those proceedings to ensure that serious youthful offender data will be compatible with other criminal justice data.

Sec. 48. [COMMUNITY PROJECT IN JUVENILE CRIME PREVENTION.]

The commissioner of jobs and training shall fund a pilot project for a program of early intervention initiatives designed to serve juvenile offenders and probationers. The pilot project shall include the following initiatives:

(1) a peer tutoring project designed for juvenile offenders required to perform community services;

(2) specialized group home services for juvenile probationers who have been suspended from school;

(3) social services and counseling for female juvenile offenders and their mothers;

(4) training in cognitive skill-building and in creative arts;

(5) an entrepreneurship program designed to operate on a self-supporting basis; and

(6) a mentoring program designed to match juveniles with positive adult role models. The county community corrections department shall prepare a model training manual based on these initiatives for use by other governmental and nonprofit agencies in developing crime prevention programs in their communities. The manual shall be submitted to the commissioner as part of the final report and evaluation of the project for distribution to appropriate agencies.

The primary purpose of this project shall be to provide a network of community services for juvenile offenders and probationers. The project shall operate from January 1, 1995, to December 31, 1996. The funding provided by the commissioner must be matched at 20 percent by the local community, either through county funding, or in-kind services, such as volunteer time, space, or transportation. The commissioner, in consultation with the grantee, shall develop evaluation protocols designed to assess the impact of project components on deterring juvenile crime in the communities where the project operates. The commissioner shall report to the legislature by January 15, 1997, on the effectiveness of the program initiatives, with recommendations regarding expansion of the pilot project.

Sec. 49. [APPROPRIATIONS.]

Subdivision 1. [APPROPRIATIONS.] The sums shown in the column marked "APPROPRIATIONS" are appropriated from the general fund to the agencies and for the purposes specified in this article, to be available for the fiscal year ending June 30, 1995.

	APPROPRIATIONS
GENERAL FUND TOTAL	\$ 13,135,000
Subd. 2. [CORRECTIONS.]	
Total General Fund Appropriation	\$ 265,000

Of this appropriation, \$100,000 is for a plan for serious youthful offenders to provide programming that is culturally sensitive to the juveniles who are served and implements restorative justice principles.

Of this appropriation, \$15,000 is for the work of the task force on juvenile programming evaluation and planning.

Of this appropriation, \$50,000 is to conduct the survey of existing juvenile programming, jointly with the commissioner of human services.

Of this appropriation, \$100,000 is for monitoring out-of-state juvenile facilities.

Subd. 3. [STATE BOARD OF PUBLIC DEFENSE.]

Total General Fund Appropriation

\$ 4,000,000

For the statewide provision of counsel for juveniles charged with delinquency and for the provision of appellate services for juveniles. Of this appropriation, \$1.7 million is for the provision of counsel for juveniles charged with delinquency in the first, fifth, seventh, ninth, and tenth judicial districts.

Subd. 4. [EDUCATION.]

Total General Fund Appropriation

\$ 4,470,000

Of this appropriation, \$1,000,000 is for violence prevention education grants under Minnesota Statutes, section 126.78. One hundred percent of this appropriation must be paid according to the process established in Minnesota Statutes, section 124.195, subdivision 9. Up to five percent of this appropriation may be used for auditing, monitoring, and administration of the programs funded by this appropriation.

Of this appropriation, \$50,000 is for the antigun violence curriculum

Of this appropriation, \$20,000 is for a special population survey of juvenile detention and youth corrections facilities, alternative learning facilities, and residential treatment facilities.

Of this appropriation, \$3,000,000 is for high risk youth violence prevention

grants. Up to five percent of this appropriation may be used for administration and evaluation of the programs funded in this subdivision. These grants may be for periods of up to two years.

Of this appropriation, \$200,000 is for grants to organizations representing communities of color, neighborhoods, or small nonprofits to assist in local, grass-roots collaboration efforts. Up to 2.5 percent of this appropriation may be used for administration of the programs funded in this subdivision.

Of this appropriation, \$200,000 is for implementation of the community-based truancy action projects which shall be equitably distributed throughout the state. Of this amount, \$50,000 is for the model school for chronic truants in Blue Earth county. Funds shall not be used to replace existing funding, but may be used to supplement it.

Subd. 5. [PUBLIC SAFETY.]

Total General Fund Appropriation \$ 3,250,000

Of this appropriation, \$3,000,000 is for community crime reduction grants under Minnesota Statutes, section 299A.35. Up to five percent of this appropriation may be used for administration and evaluation of the programs funded by this appropriation. These grants may be for periods of up to two years.

Of this appropriation, \$250,000 is appropriated to the commissioner of public safety, bureau of criminal apprehension, from the general fund for the costs of performing initial analysis and design work for the juvenile criminal history system, including serious youthful offender data, the statewide misdemeanor system, including violent and enhanceable crimes, and the domestic abuse orders for protection tracking system.

Subd. 6. [SUPREME COURT.]

Total General Fund Appropriation \$ 345,000

Of this appropriation, \$245,000 is for the costs of performing initial analysis and design work for the juvenile criminal history system, including serious youthful

offender data, the statewide misdemeanor system, and the tracking system for domestic abuse orders for protection.

Of this appropriation, \$100,000 is for the costs of conducting multidisciplinary training, concerning the serious youthful offender category and related juvenile law matters, of criminal justice professionals and other interested individuals, including but not limited to judges, educators, probation officers, prosecutors, defense lawyers, public defenders, and law enforcement officials.

Subd. 7. [HUMAN SERVICES.]

Total General Fund Appropriation

\$ 785,000

Of this appropriation, \$50,000 is for the survey of existing juvenile programming.

Of this appropriation, \$15,000 is for the work of the task force on juvenile programming evaluation and planning.

Of this appropriation, \$100,000 is to provide grants to agencies that conduct interdisciplinary training of criminal justice officials who deal with victims and perpetrators of violence; including training in interviewing children who report being sexually abused or perpetrators of violence.

Of this appropriation, \$70,000 is for a grant to an Indian child welfare defense corporation to promote compliance with the Indian family preservation act and the Indian Child Welfare Act under Minnesota Statutes, section 257.3571, subdivision 2a.

Of this appropriation, \$500,000 is for the mental health screening of juveniles under Minnesota Statutes, section 260.152.

Of this appropriation, \$50,000 is for a grant to a nonprofit, statewide child abuse prevention organization whose primary focus is parent self-help and support.

Subd. 8. [JOBS AND TRAINING.]

Total General Fund Appropriation

\$ 20,000

For the pilot project through a community corrections department for early intervention to serve juvenile offenders.

Sec. 50. [REPEALER.]

Minnesota Statutes 1992, section 260.125, subdivision 3, is repealed.

Sec. 51. [EFFECTIVE DATE.]

Sections 1 to 10, 13, 14, 16, 17, 20 to 22, 25 to 27, and 33 to 42, are effective August 1, 1994, and apply to violations occurring on or after that date. Sections 11, 12, 15, 18, 19, and 22 are effective August 1, 1995, and apply to violations occurring on or after that date. Section 23 is effective July 1, 1994, and applies to out-of-home placements after that date."

Delete the title and insert:

"A bill for an act relating to crime prevention; juvenile justice; providing for presumptive certification to adult court for juveniles alleged to have committed prison-level felonies; authorizing the court or the prosecutor to designate a juvenile a serious youthful offender; authorizing adult felony sentences for serious youthful offenders; extending juvenile court jurisdiction to age 21 for serious youthful offenders; limiting certification to adult court to felony offenses; extending a right to jury trial to serious youthful offenders; requiring that a juvenile have an in-person consultation with counsel before waiving right to counsel; requiring appointment of counsel or standby counsel for juveniles charged with gross misdemeanors or felonies or when out-of-home placement is proposed; establishing a task force on juvenile justice programming evaluation and planning; requiring that the department of corrections provide programming for serious and repeat juvenile offenders; appropriating money; amending Minnesota Statutes 1992, sections 126.78, by adding a subdivision; 242.31; 242.32; 257.3571, subdivision 3, and by adding a subdivision; 257.3572; 257.3579; 260.115, subdivision 1; 260.125; 260.131, by adding a subdivision; 260.145; 260.152; 260.155, subdivision 2, and by adding a subdivision; 260.161, subdivisions 1a and 2; 260.181, subdivision 4; 260.185, subdivision 3, and by adding subdivisions; 260.211, subdivision 1; 260.215, subdivision 1; 260.291; 609.055, subdivision 2; 609.49, subdivision 3, and by adding a subdivision; 611.15; 611.19; 611.25, subdivision 1; 611A.02, by adding a subdivision; and 611A.77, subdivision 1; Minnesota Statutes 1993 Supplement, sections 260.155, subdivision 1; 260.161, subdivision 1; 299A.35, subdivision 1; 299C.65, subdivision 1; 401.065, subdivisions 1, 2, and 4; and 624.713, subdivisions 1 and 3; proposing coding for new law in Minnesota Statutes, chapters 126; and 260; repealing Minnesota Statutes 1992, section 260.125, subdivision 3."

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

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

S.F. No. 2086: A bill for an act relating to health; extending dispensing authority to physician assistants and advanced practice nurses; amending Minnesota Statutes 1992, sections 147.34, subdivision 1; 149.235, by adding a subdivision; and 151.37, subdivisions 2 and 2a; Minnesota Statutes 1993 Supplement, section 151.01, subdivision 23.

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

Page 2, line 34, delete "149.235" and insert "148.235"

Page 3, line 11, reinstate the stricken language

Page 3, line 12, delete the first comma and insert "*For purposes of section 151.461, "practitioner" also means*"

Page 4, line 9, after the period, insert "*Any person other than a licensed practitioner with the authority to prescribe, dispense, and administer a legend drug under paragraph (a) shall not dispense for profit.*"

Amend the title as follows:

Page 1, line 5, delete "149.235" and insert "148.235"

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Mr. Vickerman from the Committee on Veterans and General Legislation, to which was referred

S.F. No. 1718: A bill for an act relating to capital improvements; appropriating money for Mower county to acquire the historic Grand Meadow chert quarry; authorizing the sale of state bonds.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Jobs, Energy and Community Development. Report adopted.

Mr. Vickerman from the Committee on Veterans and General Legislation, to which was re-referred

S.F. No. 1962: A bill for an act relating to capital improvements; appropriating money to the department of administration for a grant to the city of Hopkins for a performing arts center; authorizing the sale of state bonds.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Finance. Report adopted.

Mr. Bertram from the Committee on Agriculture and Rural Development, to which was referred

S.F. No. 1999: A bill for an act relating to agriculture; changing certain pesticide posting requirements; amending Minnesota Statutes 1992, section 18B.07, subdivision 3.

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

Page 1, line 8, reinstate the stricken "(a)"

Page 1, line 13, after the stricken period, insert "*All fields receiving applications of pesticides bearing the label statement "Notify workers of the application by warning them orally and by posting signs at entrances to treated areas" must be posted in accordance with labeling and rules adopted under this chapter.*"

Page 1, line 14, reinstate the stricken "(b)"

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

Mr. Marty from the Committee on Ethics and Campaign Reform, to which was re-referred

S.F. No. 2015: A bill for an act relating to metropolitan government; establishing an elected metropolitan council; providing for a regional administrator and a management team; imposing organizational requirements; imposing duties; clarifying existing provisions and making conforming changes; amending Minnesota Statutes 1992, sections 6.76; 15.0597, subdivision 1; 15A.081, subdivision 7; 16B.58, subdivision 7; 116.16, subdivision 2; 116.182, subdivision 1; 161.173; 161.174; 169.781, subdivision 1; 169.791, subdivision 5; 169.792, subdivision 11; 204B.32, subdivision 2; 221.022; 221.041, subdivision 4; 221.071, subdivision 1; 221.295; 297B.09, subdivision 1; 352.03, subdivision 1; 352.75; 353D.01, subdivision 2; 422A.01, subdivision 9; 422A.101, subdivision 2a; 471A.02, subdivision 8; 473.121, subdivisions 5a and 24; 473.123, subdivisions 1, 2a, 4, and by adding subdivisions; 473.129; 473.13, subdivision 4; 473.146, subdivisions 1 and 4; 473.149, subdivision 3; 473.1623, subdivision 2; 473.164; 473.168, subdivision 2; 473.173, subdivisions 3 and 4; 473.223; 473.303, subdivisions 2, 3a, 4, 4a, 5, and 6; 473.371, subdivision 1; 473.375, subdivisions 11, 12, 13, 14, and 15; 473.382; 473.384, subdivisions 1, 3, 4, 5, 6, 7, and 8; 473.385; 473.386, subdivisions 1, 2, 3, 4, 5, and 6; 473.387, subdivisions 2, 3, and 4; 473.388, subdivisions 2, 3, 4, and 5; 473.39, subdivisions 1, 1a, 1b, and by adding a subdivision; 473.391; 473.392; 473.394; 473.399, as amended; 473.405, subdivisions 1, 3, 4, 5, 9, 10, 12, and 15; 473.408, subdivisions 1, 2, 2a, 4, 6, and 7; 473.409; 473.411, subdivisions 3 and 4; 473.415, subdivisions 1, 2, and 3; 473.416; 473.418; 473.42; 473.436, subdivisions 2, 3, and 6; 473.446, subdivisions 1, 1a, 2, 3, and 7; 473.448; 473.449; 473.504, subdivisions 4, 5, 6, 9, 10, 11, and 12; 473.511, subdivisions 1, 2, 3, and 4; 473.512, subdivision 1; 473.513; 473.515, subdivisions 1, 2, and 3; 473.5155, subdivisions 1 and 3; 473.516, subdivisions 2, 3, 4, and 5; 473.517, subdivisions 1, 2, 3, 6, and 9; 473.519; 473.521, subdivisions 1, 2, 3, and 4; 473.523, subdivisions 1 and 2; 473.535; 473.541, subdivision 2; 473.542; 473.543, subdivisions 1, 2, 3, and 4; 473.545; 473.547; 473.549; 473.553, subdivisions 1, 2, 4, 5, and by adding subdivisions; 473.561; 473.595, subdivision 3; 473.605, subdivision 2; 473.823, subdivision 3; and 473.852, subdivisions 8 and 10; Minnesota Statutes 1993 Supplement, sections 10A.01, subdivision 18; 15A.081, subdivision 1; 115.54; 174.32, subdivision 2; 216C.15, subdivision 1; 221.025; 221.031, subdivision 3a; 275.065, subdivisions 3 and 5a; 352.01, subdivisions 2a and 2b; 352D.02, subdivision 1; 353.64, subdivision 7a; 400.08, subdivision 3; 473.123, subdivision 3a; 473.13, subdivision 1; 473.1623, subdivision 3; 473.167, subdivision 1; 473.386, subdivision 2a; 473.3994, subdivision 10; 473.3997; 473.4051; 473.407, subdivisions 1, 2, 3, 4, 5, and 6; 473.411, subdivision 5; 473.446, subdivision 8; and 473.516, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 473; repealing Minnesota Statutes 1992, sections 115A.03, subdivision 20; 115A.33; 174.22, subdivision 4; 473.121, subdivisions 14a, 15, and 21; 473.122; 473.123, subdivisions 3, 5, and 6; 473.141, as amended; 473.146, subdivisions 2, 2a, 2b, and 2c; 473.153; 473.161; 473.163; 473.181, subdivision 3; 473.325, subdivision 5; 473.373, as amended; 473.375, subdivisions 1, 2, 3, 4, 5, 6, 7, 10, 16, 17, and 18; 473.377; 473.38; 473.384, subdivision 9; 473.388, subdivision 6; 473.404, as amended; 473.405, subdivisions 2, 6, 7, 8, 11, 13, and 14; 473.417; 473.435; 473.436, subdivision 7; 473.445, subdivisions 1 and 3; 473.501, subdivision 2; 473.503; 473.504, subdivisions 1, 2, 3, 7, and 8; 473.511, subdivision 5; 473.517, subdivision 8; 473.535; 473.543, subdivision 5; and 473.553,

subdivision 4a; Minnesota Statutes 1993 Supplement, sections 473.3996, subdivisions 1 and 2.

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

Pages 2 and 3, delete section 1

Page 4, delete section 3 and insert:

“Sec. 2. Minnesota Statutes 1992, section 15A.082, subdivision 3, is amended to read:

Subd. 3. [SUBMISSION OF RECOMMENDATIONS.] (a) By May 1 in each odd-numbered year, the compensation council shall submit to the speaker of the house of representatives and the president of the senate salary recommendations for constitutional officers, legislators, justices of the supreme court, and judges of the court of appeals, district court, county court, and county municipal court. The recommended salary for each office must take effect on July 1 of the next odd-numbered year, with no more than one adjustment, to take effect on July 1 of the year after that. The salary recommendations for legislators, judges, and constitutional officers take effect if an appropriation of money to pay the recommended salaries is enacted after the recommendations are submitted and before their effective date. Recommendations may be expressly modified or rejected. The salary recommendations for legislators are subject to additional terms that may be adopted according to section 3.099, subdivisions 1 and 3.

(b) *The council shall also submit to the speaker of the house of representatives and the president of the senate recommendations for the salaries of members of the metropolitan council. The recommended salary takes effect July 1 of that year, with no more than one adjustment, to take effect on July 1 of the year after that, unless modified or rejected by law before its effective date.*”

Pages 7 and 8, delete section 5

Page 8, line 22, reinstate the stricken language and delete the new language

Page 8, line 23, after the period, insert “*Each council member must reside in the council district represented. Each council district must be represented by one member of the council.*”

Page 8, line 24, strike from “are” through page 8, line 30, to “January” and insert “*end with the term of the governor*”

Page 8, line 31, after the period, insert “*A member serves at the pleasure of the governor.*”

Page 8, lines 32, 34, 35, and 36, reinstate the stricken language

Page 8, line 33, delete the new language and reinstate the stricken language

Page 9, lines 1 and 2, reinstate the stricken language

Page 9, line 3, reinstate the stricken language and delete the new language

Page 9, delete lines 4 and 5

Pages 9 and 10, delete sections 8 to 10

Page 11, line 6, delete "*as authorized by the metropolitan council*" and insert "*a salary as set by the compensation council under section 15A.082*"

Page 11, line 18, delete "*elected*" and insert "*appointed*"

Page 11, line 20, before "*council*" insert "*compensation*"

Page 11, line 21, delete "*473.123*" and insert "*15A.082*"

Page 11, delete section 13

Page 12, delete line 5 and insert:

"This article is"

Page 12, line 6, delete everything after the period

Page 12, delete line 7

Renumber the sections of article 1 in sequence

Amend the title as follows:

Page 1, line 8, after "7;" insert "15A.082, subdivision 3;"

Page 1, line 12, delete "204B.32, subdivision 2;"

Page 1, lines 14 and 15, delete "353D.01, subdivision 2;"

Page 1, line 18, delete everything before the first semicolon and insert "and 4"

Page 2, line 8, delete everything after "3;"

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

Mr. Berg from the Committee on Gaming Regulation, to which was referred

S.F. No. 935: A bill for an act relating to the state lottery; regulating advertising; amending Minnesota Statutes 1992, section 349A.09, subdivision 2.

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

Delete everything after the enacting clause and insert:

"Section 1. [3.9215] [INDIAN TRIBES; GAMING ADVERTISING RESTRICTED.]

All forms of advertising or promotion of class II gaming or class III gaming, except advertising and promotion published or disseminated solely on Indian lands, is prohibited.

For purposes of this section, "class II gaming" or "class III gaming" and "Indian lands" have the meaning given those terms in the Indian Gaming Regulatory Act, Public Law Number 100-497, as amended.

The attorney general shall enforce compliance with this section and in doing so has the powers set forth in section 8.31.

Sec. 2. [240.125] [ADVERTISING RESTRICTED.]

All forms of advertising and promotion of horse racing on which pari-mutuel betting is conducted, except advertising and promotion published or disseminated solely at a licensed racetrack, is prohibited. The racing commission shall take all necessary steps to ensure that all advertising and promotion of horse racing on which pari-mutuel betting is conducted is consistent with this subdivision.

The attorney general shall enforce compliance with this section and in doing so has the powers set forth in section 8.31.

Sec. 3. [349.192] [ADVERTISING RESTRICTED.]

All forms of lawful gambling advertising and promotion, except advertising and promotion published or disseminated solely on the premises where lawful gambling is conducted, is prohibited. The board shall take all necessary action to ensure that all advertising and promotion for lawful gambling is consistent with this section.

The attorney general shall enforce compliance with this section and in doing so has the powers set forth in section 8.31.

Sec. 4. Minnesota Statutes 1992, section 349A.06, is amended by adding a subdivision to read:

Subd. 4a. [RESTRICTIONS.] Notwithstanding subdivisions 1 to 3 or other law to the contrary, all forms of lottery advertising and promotion, except advertising and promotion published or disseminated solely on the premises of lottery retailers, is prohibited. The director shall take all necessary action to ensure that all advertising and promotion for lottery games is consistent with this subdivision.

The attorney general shall enforce compliance with this section and in doing so has the powers set forth in section 8.31.

Sec. 5. [EFFECTIVE DATE.]

Sections 1 to 4 are effective August 1, 1994, for contracts entered into or renewed after April 1, 1994."

Delete the title and insert:

"A bill for an act relating to gambling; restricting advertising and promotion; amending Minnesota Statutes 1992, section 349A.06, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 3; 240; and 349."

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

Mr. Berg from the Committee on Gaming Regulation, to which was referred

S.F. No. 1643: A bill for an act relating to lotteries; proposing a constitutional amendment to prohibit the legislature from authorizing a lottery operated by the state; providing for conforming legislation if the amendment is adopted by the people.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Rules and Administration. Mr. Merriam questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Ms. Piper from the Committee on Family Services, to which was referred

S.F. No. 1735: A bill for an act relating to children; modifying certain provisions concerning foster care and adoption; amending Minnesota Statutes 1993 Supplement, sections 257.072, subdivision 7; and 259.255.

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

Pages 1 and 2, delete section 1 and insert:

“Section 1. Minnesota Statutes 1993 Supplement, section 245A.03, subdivision 2, is amended to read:

Subd. 2. [EXCLUSION FROM LICENSURE.] Sections 245A.01 to 245A.16 do not apply to:

(1) residential or nonresidential programs that are provided to a person by an individual who is related *unless the residential program is a foster care placement made by a licensed child placing agency*, except as provided in subdivision 2a;

(2) nonresidential programs that are provided by an unrelated individual to persons from a single related family;

(3) residential or nonresidential programs that are provided to adults who do not abuse chemicals or who do not have a chemical dependency, a mental illness, mental retardation or a related condition, a functional impairment, or a physical handicap;

(4) sheltered workshops or work activity programs that are certified by the commissioner of jobs and training;

(5) programs for children enrolled in kindergarten to the 12th grade and prekindergarten special education in a school as defined in section 120.101, subdivision 4, and programs serving children in combined special education and regular prekindergarten programs that are operated or assisted by the commissioner of education;

(6) nonresidential programs primarily for children that provide care or supervision, without charge for ten or fewer days a year, and for periods of less than three hours a day while the child's parent or legal guardian is in the same building as the nonresidential program or present within another building that is directly contiguous to the building in which the nonresidential program is located;

(7) nursing homes or hospitals licensed by the commissioner of health except as specified under section 245A.02;

(8) board and lodge facilities licensed by the commissioner of health that provide services for five or more persons whose primary diagnosis is mental illness who have refused an appropriate residential program offered by a county agency. This exclusion expires on July 1, 1990;

(9) homes providing programs for persons placed there by a licensed agency for legal adoption, unless the adoption is not completed within two years;

(10) programs licensed by the commissioner of corrections;

(11) recreation programs for children or adults that operate for fewer than 40 calendar days in a calendar year;

(12) programs whose primary purpose is to provide, for adults or school-age children, including children who will be eligible to enter kindergarten within not more than four months, social and recreational activities, such as scouting, boys clubs, girls clubs, sports, or the arts; except that a program operating in a school building is not excluded unless it is approved by the district's school board;

(13) head start nonresidential programs which operate for less than 31 days in each calendar year;

(14) noncertified boarding care homes unless they provide services for five or more persons whose primary diagnosis is mental illness or mental retardation;

(15) nonresidential programs for nonhandicapped children provided for a cumulative total of less than 30 days in any 12-month period;

(16) residential programs for persons with mental illness, that are located in hospitals, until the commissioner adopts appropriate rules;

(17) the religious instruction of school-age children; Sabbath or Sunday schools; or the congregate care of children by a church, congregation, or religious society during the period used by the church, congregation, or religious society for its regular worship;

(18) camps licensed by the commissioner of health under Minnesota Rules, chapter 4630;

(19) mental health outpatient services for adults with mental illness or children with emotional disturbance;

(20) residential programs serving school-age children whose sole purpose is cultural or educational exchange, until the commissioner adopts appropriate rules;

(21) unrelated individuals who provide out-of-home respite care services to persons with mental retardation or related conditions from a single related family for no more than 90 days in a 12-month period and the respite care services are for the temporary relief of the person's family or legal representative;

(22) respite care services provided as a home and community-based service to a person with mental retardation or a related condition, in the person's primary residence; or

(23) community support services programs as defined in section 245.462, subdivision 6, and family community support services as defined in section 245.4871, subdivision 17.

For purposes of clause (6), a building is directly contiguous to a building in which a nonresidential program is located if it shares a common wall with the building in which the nonresidential program is located or is attached to that building by skyway, tunnel, atrium, or common roof.

Sec. 2. Minnesota Statutes 1993 Supplement, section 245A.03, subdivision 2a, is amended to read:

Subd. 2a. [LICENSING OF AN INDIVIDUAL RELATED TO A QUAL

~~IFYING CHILD.]~~ Notwithstanding subdivision 2, clause (1), the commissioner ~~may~~ *must* license an individual who is related to a ~~qualifying~~ child, as defined in title IV-E of the Social Security Act, to provide foster care for that ~~qualifying~~ child. The commissioner may issue such a license retroactive to the date the ~~qualifying~~ child was placed in the applicant's home, so long as no more than 90 days have elapsed since the placement. If more than 90 days have elapsed since the placement, the commissioner may issue the license retroactive 90 days. *The granting of a license to an individual who is related to a child shall be according to standards set forth by foster care rule. The commissioner shall consider the importance of maintaining the child's relationship to family as an additional significant factor in determining whether to set aside a licensing disqualifier under subdivision 3b, or to grant a variance of licensing requirements under subdivision 9.*

Sec. 3. Minnesota Statutes 1993 Supplement, section 257.071, subdivision 3, is amended to read:

Subd. 3. [REVIEW OF VOLUNTARY PLACEMENTS.] Except as provided in subdivision 4, if the child has been placed in a residential facility pursuant to a voluntary release by the parent or parents, and is not returned home within six months after initial placement in the residential facility, the social service agency responsible for the placement shall:

(1) return the child to the home of the parent or parents; or

(2) file an appropriate petition pursuant to section 260.131, ~~subdivision 1,~~ or 260.231.

The case plan must be updated when a petition is filed and must include a specific plan for permanency.

Sec. 4. Minnesota Statutes 1993 Supplement, section 257.072, subdivision 9, is amended to read:

Subd. 9. [RULES.] The commissioner of human services shall adopt rules to establish standards for ~~relative foster care placement~~, conducting relative searches, and recruiting foster and adoptive families of the same racial or ethnic heritage as the child."

Page 3, after line 32, insert:

"Sec. 6. Minnesota Statutes 1992, section 260.141, subdivision 1, is amended to read:

Subdivision 1. (a) Service of summons or notice required by section 260.135 or 260.191, *subdivision 3b*, shall be made upon the following persons in the same manner in which personal service of summons in civil actions is made:

(1) in all delinquency matters, upon the person having custody or control of the child and upon the child; and

(2) in all other matters, upon the person having custody or control of the child, and upon the child if more than 12 years of age.

Personal service shall be effected at least 24 hours before the time of the hearing; however, it shall be sufficient to confer jurisdiction if service is made at any time, before the day fixed in the summons or notice for the hearing, except that the court, if so requested, shall not proceed with the hearing earlier

than the second day after the service. If personal service cannot well be made within the state, a copy of the summons or notice may be served on the person to whom it is directed by delivering a copy thereof to such person personally outside the state. Such service if made personally outside the state shall be sufficient to confer jurisdiction; providing however it be made at least five days before the date fixed for hearing in such summons or notice.

(b) If the court is satisfied that personal service of the summons or notice cannot well be made, it shall make an order providing for the service of summons or notice by certified mail addressed to the last known addresses of such persons, and by one weeks published notice as provided in section 645.11. A copy of the notice shall be sent by certified mail at least five days before the time of the hearing or 14 days if mailed to addresses outside the state.

(c) Notification to the county welfare board required by section 260.135, subdivision 3, shall be in such manner as the court may direct.

Sec. 7. Minnesota Statutes 1993 Supplement, section 260.191, subdivision 3b, is amended to read:

Subd. 3b. [REVIEW OF COURT ORDERED PLACEMENTS; PERMANENT PLACEMENT DETERMINATION.] (a) If the court places a child in a residential facility, as defined in section 257.071, subdivision 1, the court shall conduct a hearing to determine the permanent status of the child not later than 12 months after the child was placed out of the home of the parent. Not later than 30 ten days prior to this hearing, the responsible social service agency shall file pleadings to establish the basis for the permanent placement determination. Notice of the hearing and copies of the pleadings must be provided pursuant to sections 260.135 and section 260.141. If a termination of parental rights petition is filed before the date required for the permanency planning determination, no hearing need be conducted under this section. The court shall determine whether the child is to be returned home or, if not, what permanent placement is consistent with the child's best interests. The "best interests of the child" means all relevant factors to be considered and evaluated.

If the child is not returned to the home, the dispositions available for permanent placement determination are:

(1) permanent legal and physical custody to a relative, pursuant to the standards and procedures applicable under chapter 257 or 518. The social service agency may petition on behalf of the proposed custodian;

(2) termination of parental rights and adoption, or permanent; the social service agency shall file a petition for termination of parental rights under section 260.231 and all the requirements of sections 260.221 to 260.245 remain applicable; or

(3) long-term foster care; transfer of legal custody and adoption are preferred permanency options for a child who cannot return home. The court may order a child into permanent long-term foster care only if it finds that neither an award of legal and physical custody to a relative, nor termination of parental rights; nor adoption is in the child's best interests. Further, the court may only order long-term foster care for the child under this section if it finds the following:

(i) the child has reached age 12 and is not adoptable; or

(ii) *the child is a sibling of a child who has reached age 12 determined not adoptable and the siblings have a significant positive relationship and are ordered into the same long-term foster care home.*

(b) The court may extend the time period for determination of permanent placement to 18 months after the child was placed in a residential facility if:

(1) there is a substantial probability that the child will be returned home within the next six months;

(2) the agency has not made reasonable, or, in the case of an Indian child, active efforts, to correct the conditions that form the basis of the out-of-home placement; or

(3) extraordinary circumstances exist precluding a permanent placement determination, in which case the court shall make written findings documenting the extraordinary circumstances and order ~~one subsequent review after six months continuing periodic reviews~~ to determine permanent placement. *A court finding that extraordinary circumstances exist precluding a permanent placement determination must be supported by detailed factual findings regarding those circumstances.*

~~(c) If the court determines that an adoptive placement is in the best interests of the child, the social service agency shall file a petition for termination of parental rights under section 260.231. Nothing in this subdivision waives the requirements of sections 260.221 to 260.245 with respect to termination of parental rights.~~

~~(d) (c)~~ In ordering a permanent placement of a child, the court must be governed by the best interests of the child, including a review of the relationship between the child and relatives and the child and other important persons with whom the child has resided or had significant contact.

~~(e) (d)~~ Once a permanent placement determination has been made and permanent placement has been established, further reviews are only necessary if otherwise required by federal law, an adoption has not yet been finalized, or there is a disruption of the permanent *or long-term* placement. ~~These~~ *If required*, reviews must take place no less frequently than every six months.

~~(f) (e)~~ An order under this subdivision must include the following detailed findings:

(1) how the child's best interests are served by the order;

(2) the nature and extent of the responsible social service agency's reasonable efforts, or, in the case of an Indian child, active efforts, to reunify the child with the parent or parents;

(3) the parent's or parents' efforts and ability to use services to correct the conditions which led to the out-of-home placement;

(4) whether the conditions which led to the out-of-home placement have been corrected so that the child can return home; and

(5) if the child cannot be returned home, whether there is a substantial probability of the child being able to return home in the next six months.

~~If the court orders the child placed in permanent foster care, the court shall make findings that neither an award of legal and physical custody to a relative, termination of parental rights, nor adoption is in the child's best interests.~~

(f) An order for permanent legal and physical custody of a child may be modified under sections 518.18 and 518.185. The social service agency is a party to the proceeding and must receive notice. An order for long-term foster care is reviewable upon motion and a showing by the parent of a substantial change in the parent's circumstances such that the parent could provide appropriate care for the child and that removal of the child from the child's permanent placement and the return to the parent's care would be in the best interest of the child.

A court finding that extraordinary circumstances exist precluding a permanent placement determination must be supported by detailed factual findings regarding those circumstances."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, after "amending" insert "Minnesota Statutes 1992, section 260.141, subdivision 1;"

Page 1, line 4, delete "257.072," and insert "245A.03, subdivisions 2 and 2a; 257.071, subdivision 3; 257.072, subdivision 9;"

Page 1, line 5, delete "subdivision 7; and" and before the period, insert "; and 260.191, subdivision 3b"

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

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

S.F. No. 1758: A bill for an act relating to welfare reform; requiring pregnant and parenting minors to live with their parents in order to receive aid to families with dependent children (AFDC); providing an exception to the AFDC overpayment statute; allowing start work offset to AFDC recipients in the first month of work; broadening the scope of the employment and training statute by requiring more AFDC recipients to participate in job search; limiting post-secondary education while on AFDC to two years; allowing vendor emergency assistance payments for delinquent rent and damage deposit; providing required workers' compensation insurance for community work experience program workers; expanding cost-neutral fraud prevention programs; allowing emergency assistance damage deposit be returned to the county; allowing the county to pay monthly general assistance differently; making general assistance and work readiness lump-sum criteria the same as the AFDC lump-sum criteria; making the emergency general assistance criteria the same as the aid to families with dependent children-emergency assistance criteria; requiring a study to expand the parent's fair share pilot project statewide; requiring the departments of human services and revenue to design and implement a plan which supports working families; directing the commissioner of human services to seek several waivers from the federal government which support and promote moving off welfare and becoming self-sufficient; expanding the parent's fair share pilot project into Ramsey county; expanding state support for basic sliding fee day care program; appropriating money; amending Minnesota Statutes 1992, sections 256.73, by adding subdivisions; 256.737, by adding a subdivision; 256.81; 256.979, by adding a subdivision; 256.983, subdivision 1; 256D.05, subdivision 6; 256D.09, by adding a subdivision; 256H.05, subdivision 1b; and 268.672,

subdivision 6; Minnesota Statutes 1993 Supplement, sections 256.031, subdivision 3; 256.73, subdivision 8; and 256.736, subdivisions 10 and 14; proposing coding for new law in Minnesota Statutes, chapters 256; and 256D; repealing Minnesota Statutes 1993 Supplement, section 256.734.

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

Page 3, delete lines 22 to 25 and insert:

"(8) a pregnant woman, if it has been medically verified that the child is expected to be born within the next six months."

Page 4, line 2, after "project" insert "under section 25"

Page 6, line 32, after "HOURS" insert "; PAST EMPLOYMENT HISTORY; AND 30-DAY WAITING PERIOD"

Page 6, line 35, after the period, insert *"The applicant is not required to demonstrate past employment history or 30 days of prior unemployment to be eligible for AFDC-unemployed parent."*

Page 6, line 36, before "federal" insert "applicable" and delete "regulation barring" and insert "regulations"

Page 7, line 1, delete everything before "and"

Page 9, delete lines 2 to 5 and insert:

"(g) This subdivision is effective until the request to waive the federal exceptions is granted, except for persons in the control group. After the waiver is granted, this subdivision is applicable only to persons in the control group, which is necessary to evaluate the effect of the federal waiver."

Page 10, line 21, after "5a" insert ", except for persons in the control group under subdivision 5a, clause (g)."

Page 14, line 18, delete "case manager" and insert "county agency"

Page 16, line 35, after the first "the" insert "job search program, but is not required to participate in the"

Page 17, line 1, delete everything after the comma

Page 17, line 2, delete everything before "under"

Page 18, line 16, delete "WORKERS' COMPENSATION INSURANCE FOR" and insert "CLAIMS ARISING FROM"

Page 19, after line 24, insert:

"(e) A claim is not valid for purposes of this subdivision if the local agency responsible for supervising the work cannot verify:

(1) that appropriate safety training and information is provided to all persons being supervised by the agency under this subdivision; and

(2) that all programs involving work by those persons comply with federal Occupational Safety and Health Administration and state department of labor and industry safety standards. A claim that is not valid because of failure to verify safety training or compliance with safety standards will not be paid by the department of human services or through the legislative claims process

and must be heard, decided, and paid, if appropriate, by the local government unit responsible for supervising the work of the claimant."

Page 25, after line 33, insert:

"Sec. 23. [PARENTS' FAIR SHARE; MANDATORY COMMUNITY WORK EXPERIENCE.]

The parents' fair share (PFS) program shall include a mandatory community work experience component for participants who fail to comply with other program requirements."

Page 26, line 1, delete "*subdivisions 2 to 6*" and insert "*this section*"

Page 26, line 23, delete "*from deeming parental*" and insert "*to disregard all parental income if the parent is on AFDC with other children; and if the parent is not on AFDC with other children, to disregard 150 percent of the federal poverty guideline and deem the remainder of income under*"

Page 26, line 24, delete "*income,*"

Page 26, line 25, delete everything after the comma and insert "*provided the parental income does not exceed 150 percent of poverty*"

Page 26, line 26, delete everything before the period

Page 29, line 1, delete "*County*" and insert "*county*"

Page 29, line 33, delete "*meet*" and insert "*take into account*"

Page 31, line 33, after "*section*" insert "*, except for subdivision 13,*"

Page 32, line 2, delete "*\$400,000*" and insert "*\$500,000*"

Page 32, after line 12, insert:

"(c) \$100,000 for costs associated with the mandatory community work experience component of the parents' fair share program."

Page 32, line 13, delete "*\$.....*" and insert "*\$9,981,000*"

Page 32, line 16, delete "*\$.....*" and insert "*\$1,924,000*"

Page 32, line 19, delete "*\$.....*" and insert "*\$113,000*"

Page 32, line 20, delete everything before "*CWEP,*" and insert "*costs associated with the claims arising from*"

Page 32, line 22, delete "*\$.....*" and insert "*\$330,000*"

Page 32, line 25, delete "*\$1,809,389*" and insert "*\$1,021,000*"

Page 32, line 28, delete "*\$.....*" and insert "*\$250,000*"

Page 32, line 31, delete "*\$.....*" and insert "*\$266,000*"

Page 32, delete lines 34 to 36

Page 33, line 1, delete "*11*" and insert "*10*" and delete "*\$.....*" and insert "*\$22,000*"

Page 33, line 2, after "*additional*" insert "*employment and training*"

Page 33, line 4, delete "*12*" and insert "*11*"

Page 33, after line 6, insert:

"Subd. 12. [HUMAN SERVICES ADMINISTRATION.] \$616,000 is appropriated to pay for administrative costs.

Subd. 13. [WAGE SUBSIDY.] \$100,000 is appropriated from the general fund to the commissioner of jobs and training and is available for the fiscal year ending June 30, 1995, for wage subsidies associated with the immediate job search pilot project."

Page 33, line 11, delete "1, 3, 4, 5, and 6" and insert "4, 6, 7, 8, and 13"

Page 33, line 12, delete "in section 23"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 9, delete "limiting"

Page 1, delete line 10

Page 1, line 12, delete "delinquent rent and"

Page 1, line 20, after "criteria" insert ", with some exceptions" and delete everything after the semicolon

Page 1, delete lines 21 and 22

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

SECOND READING OF SENATE BILLS

S.F. Nos. 1692, 2073, 2052, 2241, 2262, 2038, 2086, 1999, 2015, 935 and 1758 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. No. 1885 was read the second time.

MOTIONS AND RESOLUTIONS

Mr. Murphy moved that the name of Ms. Pappas be added as a co-author to S.F. No. 1678. The motion prevailed.

Ms. Berglin moved that the names of Messrs. Pogemiller and Moe, R.D. be added as co-authors to S.F. No. 1711. The motion prevailed.

Mr. Vickerman moved that the name of Mr. Chmielewski be added as a co-author to S.F. No. 1814. The motion prevailed.

Mr. Hottinger moved that the name of Mr. Dille be added as a co-author to S.F. No. 2101. The motion prevailed.

Mr. Pogemiller moved that the name of Ms. Berglin be added as a co-author to S.F. No. 2204. The motion prevailed.

Mr. Pogemiller moved that the name of Ms. Berglin be added as a co-author to S.F. No. 2276. The motion prevailed.

Ms. Reichgott Junge moved that the name of Mr. Finn be added as a co-author to S.F. No. 2309. The motion prevailed.

Mr. Vickerman moved that the names of Messrs. Johnson, D.E.; Frederickson; Beckman and Ms. Lesewski be added as co-authors to S.F. No. 2352. The motion prevailed.

Mr. Stevens moved that the name of Mr. Solon be added as a co-author to S.F. No. 2425. The motion prevailed.

Ms. Berglin moved that the names of Messrs. Finn, Hottinger and Sams be added as co-authors to S.F. No. 2455. The motion prevailed.

Mr. Janezich moved that the names of Mr. Finn, Meses. Berglin and Hanson be added as co-authors to S.F. No. 2494. The motion prevailed.

Mr. Solon moved that the name of Mr. Kroening be added as a co-author to S.F. No. 2497. The motion prevailed.

Mr. Chandler moved that the name of Ms. Runbeck be added as a co-author to S.F. No. 2499. The motion prevailed.

Mr. Kelly moved that the names of Ms. Pappas, Mr. Cohen and Ms. Anderson be added as co-authors to S.F. No. 2500. The motion prevailed.

Ms. Runbeck moved that S.F. No. 1515 be withdrawn from the Committee on Commerce and Consumer Protection and re-referred to the Committee on Health Care. The motion prevailed.

Ms. Wiener moved that S.F. No. 2108 be withdrawn from the Committee on Metropolitan and Local Government and re-referred to the Committee on Environment and Natural Resources. The motion prevailed.

Ms. Flynn moved that S.F. No. 2358 be withdrawn from the Committee on Jobs, Energy and Community Development and re-referred to the Committee on Governmental Operations and Reform. The motion prevailed.

Mr. Mondale moved that S.F. No. 2072 be withdrawn from the Committee on Finance and re-referred to the Committee on Agriculture and Rural Development. The motion prevailed.

Mr. Hottinger moved that S.F. No. 2454 be withdrawn from the Committee on Ethics and Campaign Reform and re-referred to the Committee on Health Care. The motion prevailed.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Ms. Krentz introduced—

S.F. No. 2503: A bill for an act relating to highways; conforming powers held by counties over county highways to those powers held by counties over county state-aid highways; amending Minnesota Statutes 1992, section 163.11, subdivision 3.

Referred to the Committee on Transportation and Public Transit.

Mr. Moe, R.D. introduced—

S.F. No. 2504: A bill for an act relating to education; authorizing a fund transfer for independent school district No. 38, Red Lake.

Referred to the Committee on Education.

Mr. Moe, R.D. introduced—

S.F. No. 2505: A bill for an act relating to education; authorizing a retroactive increase in the amount of indebtedness authorized by the electors of independent school district No. 38, Red Lake.

Referred to the Committee on Education.

Mr. Knutson introduced—

S.F. No. 2506: A bill for an act relating to government data practices; providing for a protective order; amending Minnesota Statutes 1992, section 13.03, by adding a subdivision.

Referred to the Committee on Judiciary.

Mr. Knutson introduced—

S.F. No. 2507: A bill for an act relating to government data practices; providing for a classification of research data; amending Minnesota Statutes 1992, section 13.37, subdivisions 1 and 2.

Referred to the Committee on Judiciary.

Mr. Betzold introduced—

S.F. No. 2508: A bill for an act relating to workers' compensation; expanding access to certain health care providers; amending Minnesota Statutes 1992, sections 176.1351, by adding a subdivision; and 176.83, subdivision 5.

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

Mr. Betzold introduced—

S.F. No. 2509: A bill for an act relating to crime; appropriating money for the Northwest Community Law Enforcement Project.

Referred to the Committee on Crime Prevention.

Ms. Ranum, Messrs. Pogemiller and Langseth introduced—

S.F. No. 2510: A bill for an act relating to traffic regulations; regulating use and operation of Head Start school buses; amending Minnesota Statutes 1992, sections 169.01, by adding a subdivision; 169.28, subdivision 1; 169.441, subdivisions 2 and 4; 169.442, subdivision 5; 169.443, subdivisions 5 and 6; 169.447; 169.448, subdivisions 1 and 3; 169.451; 169.64, subdivision 8; 169.781, subdivision 1; 169.87, subdivision 3; 171.01; by adding a subdivision; 171.3215; 221.011, subdivision 21; and 631.40, subdivision 1a; Minnesota Statutes 1993 Supplement, sections 171.321, subdivision 2; 221.025; and 221.031, subdivision 3b.

Referred to the Committee on Transportation and Public Transit.

Ms. Reichgott Junge introduced—

S.F. No. 2511: A bill for an act relating to crime prevention; criminal sexual conduct; requiring a sexual assault victim advocacy plan for each judicial district; modifying the definition of consent for purposes of the criminal sexual conduct prosecutions; requiring the collection of data; amending Minnesota Statutes 1992, section 609.341, subdivision 4.

Referred to the Committee on Crime Prevention.

Ms. Pappas, Messrs. Riveness, Novak and Betzold introduced—

S.F. No. 2512: A bill for an act relating to the metropolitan waste control commission; clarifying the powers and duties of the board, the chief administrator, and the agency; requiring the commission to follow the bidding requirements of the uniform municipal contracting law; allowing the commission to hire the state auditor or a certified public accountant; amending Minnesota Statutes 1992, sections 473.501, by adding subdivisions; 473.503; 473.523; 473.535; and 473.543, subdivision 5; proposing coding for new law in Minnesota Statutes, chapter 473.

Referred to the Committee on Metropolitan and Local Government.

Messrs. Neuville and Day introduced—

S.F. No. 2513: A bill for an act relating to waters; declaring legislative intent and requiring a specified level for Lake Frances in Le Sueur county.

Referred to the Committee on Environment and Natural Resources.

Mr. Betzold introduced—

S.F. No. 2514: A bill for an act relating to human services; modifying coordinating team membership for seniors' agenda for independent living projects; amending Minnesota Statutes 1993 Supplement, section 256B.0917, subdivision 2.

Referred to the Committee on Health Care.

Messrs. Samuelson and Betzold introduced—

S.F. No. 2515: A bill for an act relating to human services; modifying provisions concerning certain allowable plant and maintenance costs for nursing care facilities; amending Minnesota Statutes 1992, section 256B.431, by adding a subdivision.

Referred to the Committee on Health Care.

Mr. Merriam introduced—

S.F. No. 2516: A bill for an act relating to public administration; state general obligation bond authorizations; allowing the commissioner of finance to cancel miscellaneous bond authorizations when projects are completed or abandoned; proposing coding for new law in Minnesota Statutes, chapter 16A.

Referred to the Committee on Finance.

Mr. Lessard introduced—

S.F. No. 2517: A bill for an act relating to education; independent school district No. 319, Nashwauk-Keewatin; permitting full amount of health and safety aid to be expended in fiscal year 1993, 1994, or 1995; providing for a variance for the use of health and safety revenue.

Referred to the Committee on Education.

Messrs. Sams, Bertram, Langseth, Day and Lessard introduced—

S.F. No. 2518: A bill for an act relating to the environment; providing for a wastewater treatment facility effluent standard compliance period; authorizing the sale of bonds; proposing coding for new law in Minnesota Statutes, chapter 115.

Referred to the Committee on Environment and Natural Resources.

Mr. Metzen introduced—

S.F. No. 2519: A bill for an act relating to retirement; South St. Paul police relief association; clarifying probationary employment for purposes of relief association service credit for certain members.

Referred to the Committee on Governmental Operations and Reform.

Mr. Price introduced—

S.F. No. 2520: A bill for an act relating to the environment; providing for evaluation of motor vehicle salvage facilities by the pollution control agency; providing for a report to the legislature; reallocating money; proposing coding for new law in Minnesota Statutes, chapter 116.

Referred to the Committee on Environment and Natural Resources.

Mr. Sams introduced—

S.F. No. 2521: A bill for an act relating to human services; modifying the compliance system for public assistance programs; appropriating money; amending Minnesota Statutes 1992, section 256.017, subdivision 1.

Referred to the Committee on Family Services.

Mr. Sams introduced—

S.F. No. 2522: A bill for an act relating to Wadena county; permitting the consolidation of the offices of auditor and treasurer.

Referred to the Committee on Metropolitan and Local Government.

Messrs. Merriam; Lessard; Johnson, D.E.; Mrs. Pariseau and Mr. Morse introduced—

S.F. No. 2523: A bill for an act relating to the environment; reestablishing the office of waste management as the office of environmental assistance; transferring environmental assistance programs from the pollution control agency to the office; transferring waste management and policy planning from the metropolitan council to the office; amending Minnesota Statutes 1992, sections 115A.03, by adding a subdivision; 115A.055; 115A.06, subdivision 2; 115A.072; 115A.12; 115A.14, subdivision 4; 115A.15, subdivision 5;

115A.411, subdivision 1; 115A.42; 115A.5501, subdivision 2; 115A.84, subdivision 3; 115A.86, subdivision 2; 115A.912, subdivision 1; 115A.96, subdivision 2; 116.96, subdivision 4; 116.97, subdivision 1; 116F.02, subdivision 2; 473.149, subdivisions 1, 3, 5, and by adding a subdivision; 473.8011; 473.803, subdivisions 2 and 4; and 473.823, subdivision 5; Minnesota Statutes 1993 Supplement, sections 115A.551, subdivision 4; 115A.96, subdivisions 3 and 4; 115A.981, subdivision 3; 473.149, subdivision 6; 473.803, subdivision 3; and 473.846; repealing Minnesota Statutes 1992, sections 115A.81, subdivision 3; 115A.914, subdivision 1; 115A.952; 116.96, subdivision 2; 116F.06, subdivisions 2, 3, 4, and 5; 116F.08; 473.181, subdivision 4; and 473.803, subdivision 1b; Minnesota Statutes 1993 Supplement, section 473.149, subdivision 4.

Referred to the Committee on Environment and Natural Resources.

Messrs. Hottinger, Finn and Langseth introduced—

S.F. No. 2524: A bill for an act relating to labor relations; revising the system for choosing grievance arbitrators for labor agreements with the state university system faculty; proposing coding for new law in Minnesota Statutes, chapter 179A.

Referred to the Committee on Governmental Operations and Reform.

Messrs. Hottinger, Finn, Langseth, Mrs. Benson, J.E. and Mr. Kelly introduced—

S.F. No. 2525: A bill for an act relating to state government; providing new impasse procedures for labor agreements involving faculty in the state university system; proposing coding for new law in Minnesota Statutes, chapter 179A.

Referred to the Committee on Governmental Operations and Reform.

Mr. Hottinger introduced—

S.F. No. 2526: A bill for an act relating to the city of Mankato; allowing the city to exercise the powers of a port authority; proposing coding for new law in Minnesota Statutes, chapter 469.

Referred to the Committee on Metropolitan and Local Government.

Messrs. Knutson, Belanger, Stevens, Larson and Mrs. Pariseau introduced—

S.F. No. 2527: A bill for an act relating to landlords and tenants; providing penalties for residential tenants who intentionally abscond without paying rent due; proposing coding for new law in Minnesota Statutes, chapter 504.

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

Messrs. Knutson, Belanger, Larson and Mrs. Pariseau introduced—

S.F. No. 2528: A bill for an act relating to government data practices; prohibiting the use of motor vehicle registration data and driver's license data in certain mass mailings; amending Minnesota Statutes 1992, section 13.03, by adding a subdivision.

Referred to the Committee on Judiciary.

Mses. Reichgott Junge and Olson introduced—

S.F. No. 2529: A bill for an act relating to education; allowing a public higher education institution to sponsor a charter school; increasing the permitted number of charter schools; changing requirements for converting an existing school; allowing the state board of education to assign sponsorship; amending Minnesota Statutes 1993 Supplement, section 120.064, subdivisions 3, 4, 4a, 8, and 21.

Referred to the Committee on Education.

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

S.F. No. 2530: A bill for an act relating to education; delaying the supplemental revenue reduction for school districts with negative net unappropriated operating fund balances; amending Minnesota Statutes 1993 Supplement, section 124A.22, subdivisions 8 and 9.

Referred to the Committee on Education.

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

S.F. No. 2531: A bill for an act relating to capital improvements; appropriating money for capital improvements at Mesabi Community College; authorizing the sale of bonds.

Referred to the Committee on Education.

Messrs. Riveness; Metzen; Moe, R.D.; Sams and Ms. Wiener introduced—

S.F. No. 2532: A bill for an act relating to state government; placing limits on consultant contracts entered into by executive branch state agencies.

Referred to the Committee on Governmental Operations and Reform.

Ms. Lesewski, Messrs. Oliver, Frederickson and Kelly introduced—

S.F. No. 2533: A bill for an act relating to workers' compensation; making changes of a technical and housekeeping nature; establishing a fraud investigation unit; modifying provisions relating to compensation and procedures; amending Minnesota Statutes 1992, sections 13.69, subdivision 1; 13.82, subdivision 1; 168.012, subdivision 1; 175.16; 176.011, subdivision 16; 176.041, subdivision 1; 176.081, subdivision 1; 176.101, subdivisions 3a, 3e, 3i, and 3p; 176.102, subdivisions 3a, 11, and 14; 176.103, subdivisions 2 and 3; 176.104, subdivision 1; 176.106, subdivision 7; 176.136, subdivisions 1a and 2; 176.138; 176.178; 176.181, subdivision 8; 176.191, by adding a subdivision; 176.215, by adding a subdivision; 176.238, subdivision 6; 176.261; 176.2615, subdivision 7; 176.275, subdivision 1; 176.281; 176.285; 176.291; 176.305, subdivision 1a; 176.645; 176.83, subdivision 5; 299C.46, subdivision 2; 626.11; and 626.84, subdivision 1; Minnesota Statutes 1993 Supplement, sections 176.041, subdivision 1a; 176.136, subdivision 1b; 626.05, subdivision 2; and 626.13; proposing coding for new law in Minnesota Statutes, chapter 176; repealing Minnesota Statutes 1992, sections 176.103, subdivision 2a; and 176.86.

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

Ms. Lesewski, Messrs. Johnson, D.E.; Murphy; Vickerman and Larson introduced—

S.F. No. 2534: A bill for an act relating to capital improvements; appropriating money to Southwest State University to complete construction and furnishing of its recreation center; authorizing the sale of state bonds.

Referred to the Committee on Education.

Mses. Lesewski, Kiscaden, Mr. Larson, Mrs. Benson, J.E. and Mr. Neuville introduced—

S.F. No. 2535: A bill for an act relating to health; MinnesotaCare; providing a grace period for overdue premium payments; amending Minnesota Statutes 1993 Supplement, section 256.9356, subdivision 3.

Referred to the Committee on Health Care.

Mr. Finn, Mses. Piper, Flynn and Mr. Price introduced—

S.F. No. 2536: A bill for an act relating to alcoholic beverages; increasing the sales tax rate on alcoholic beverages; providing for the dedication of a portion of the revenues from the sales tax on alcoholic beverages to the chemical dependency treatment account; eliminating requirements for a sliding fee schedule for persons eligible for chemical dependency fund services; amending Minnesota Statutes 1992, sections 254B.02, subdivision 1; 254B.04, subdivision 1; 297A.02, subdivision 3; and 297A.44, subdivision 1; repealing Minnesota Statutes 1992, section 254B.04, subdivision 3.

Referred to the Committee on Commerce and Consumer Protection.

Ms. Johnson, J.B.; Messrs. Finn and Laidig introduced—

S.F. No. 2537: A bill for an act relating to youth and young adult corps; authorizing insurance and education awards to members and former members; amending Minnesota Statutes 1992, section 84.0887, by adding subdivisions.

Referred to the Committee on Environment and Natural Resources.

Messrs. Betzold and Luther introduced—

S.F. No. 2538: A bill for an act relating to the city of Brooklyn Park; authorizing the city's economic development authority to make certain small business loans.

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

Mses. Lesewski, Runbeck, Messrs. Belanger and Dille introduced—

S.F. No. 2539: A bill for an act relating to utilities; eliminating duplicate reporting relating to energy demand forecasting information by public utilities; amending Minnesota Statutes 1992, sections 116C.57, subdivision 3; 216B.241, subdivision 1a; and 216C.17, subdivision 2; Minnesota Statutes 1993 Supplement, sections 216B.2422, by adding a subdivision; and 216C.17,

subdivision 3; repealing Minnesota Statutes 1993 Supplement, section 116C.54.

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

Mses. Lesewski, Runbeck, Messrs. Belanger and Dille introduced—

S.F. No. 2540: A bill for an act relating to energy; classifying and requiring information on applications for the municipal energy conservation investment loan program; amending Minnesota Statutes 1992, sections 13.99, by adding a subdivision; 216C.37, subdivision 3, and by adding subdivisions; Minnesota Statutes 1993 Supplement, section 216C.37, subdivision 1; repealing Minnesota Statutes 1992, section 216C.37, subdivision 8.

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

Mses. Lesewski, Runbeck and Mr. Belanger introduced—

S.F. No. 2541: A bill for an act relating to motor fuels; specifying ten-county area as carbon monoxide control area; requiring annual registration of oxygenate blenders; specifying records that must be maintained by oxygenate blenders and allowing for audits; making technical amendments relating to regulation of oxygenated fuels; amending Minnesota Statutes 1992, sections 239.05, subdivisions 6a and 10b; and 239.791, subdivisions 3, 4, 5, 7, and by adding a subdivision; Minnesota Statutes 1993 Supplement, section 239.791, subdivision 8; repealing Minnesota Statutes 1993 Supplement, section 239.791, subdivision 6.

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

Mses. Ranum, Reichgott Junge and Pappas introduced—

S.F. No. 2542: A bill for an act relating to education; changing school district transportation formulas for excess nonregular transportation revenue and the late activity bus levy; amending Minnesota Statutes 1993 Supplement, section 124.225, subdivision 7e; and 124.226, subdivision 9.

Referred to the Committee on Education.

Messrs. Hottinger and Samuelson introduced—

S.F. No. 2543: A bill for an act relating to human services; modifying certain provisions relating to moratorium exceptions for nursing homes; amending Minnesota Statutes 1992, section 256B.431, subdivision 17.

Referred to the Committee on Health Care.

Messrs. Janezich and Johnson, D.J. introduced—

S.F. No. 2544: A bill for an act relating to education; repealing the supplemental revenue reduction; amending Minnesota Statutes 1993 Supplement, sections 124A.03, subdivision 1c; and 124A.22, subdivision 8; repealing Minnesota Statutes 1993 Supplement, sections 124A.03, subdivision 3b; and 124A.22, subdivision 9.

Referred to the Committee on Education.

Messrs. Johnson, D.J. and Janezich introduced—

S.F. No. 2545: A bill for an act relating to taxation; increasing certain mineral related taxes; amending Minnesota Statutes 1992, sections 273.165, subdivision 1; and 298.26.

Referred to the Committee on Taxes and Tax Laws.

Mses. Pappas, Krentz, Ranum and Mr. Beckman introduced—

S.F. No. 2546: A bill for an act relating to education; authorizing a sexuality and family life education evaluation; appropriating money.

Referred to the Committee on Education.

Messrs. Kelly, Cohen, Spear, Neuville and Morse introduced—

S.F. No. 2547: A bill for an act relating to public safety; creating a statewide witness and victim protection fund under the administration of the commissioner of public safety; appropriating money; amending Minnesota Statutes 1992, section 299C.065, subdivision 4; and Minnesota Statutes 1993 Supplement, section 299C.065, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 299C; repealing Minnesota Statutes 1992, section 299C.065, subdivision 3a.

Referred to the Committee on Crime Prevention.

Mses. Lesewski, Runbeck, Messrs. Benson, D.D.; Hottinger and Novak introduced—

S.F. No. 2548: A bill for an act relating to employment; modifying provisions relating to payment of wages; amending Minnesota Statutes 1992, sections 181.032; 181.13; and 181.14.

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

Mr. Betzold introduced—

S.F. No. 2549: A bill for an act relating to crime; defining transit zones and enhancing penalties for crimes involving drugs and firearms in these zones; providing that certain contact occurring in public transit vehicles or facilities is criminal sexual conduct in the fifth degree; clarifying and enhancing penalties for crimes against public transit vehicles, facilities, operators, and passengers; amending Minnesota Statutes 1992, sections 152.01, subdivision 17, and by adding a subdivision; 152.021, subdivision 1; 152.024, subdivision 1; 609.321, subdivision 12; 609.3451, subdivision 1; 609.66, subdivision 1; and 609.855; Minnesota Statutes 1993 Supplement, sections 152.022, subdivision 1; 152.023, subdivision 2; 609.66, subdivision 1a; and 609.713, subdivision 1.

Referred to the Committee on Crime Prevention.

Ms. Flynn, Messrs. Mondale, Murphy, Mses. Runbeck and Wiener introduced—

S.F. No. 2550: A bill for an act relating to metropolitan government; providing for appointment of metropolitan area soil and water conservation supervisors by metropolitan counties; amending Minnesota Statutes 1992,

section 103C.305, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 103C.

Referred to the Committee on Metropolitan and Local Government.

Messrs. Solon and Johnson, D.J. introduced—

S.F. No. 2551: A bill for an act relating to the city of Duluth; establishing the powers and duties of the board of directors of trusts of Miller-Dwan Hospital in the establishment, administration, management, maintenance, improvement, and financing of the hospital; amending Laws 1969, chapter 224, sections 1, 2, and 3.

Referred to the Committee on Metropolitan and Local Government.

Messrs. Spear and Cohen introduced—

S.F. No. 2552: A bill for an act relating to courts; increasing the number of trial court judgeships; extending the deadline for compliance with case disposition time standards; appropriating money; amending Minnesota Statutes 1992, sections 2.722, subdivision 1; and 631.021.

Referred to the Committee on Judiciary.

Messrs. Price and Kelly introduced—

S.F. No. 2553: A bill for an act relating to taxation; altering the rental motor vehicle tax; imposing a fee on motor vehicle rentals; providing for retention of the fee by motor vehicle lessors to compensate for motor vehicle registration fees paid by lessors; amending Minnesota Statutes 1992, section 297A.135.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Benson, D.D. and Sams introduced—

S.F. No. 2554: A bill for an act relating to taxation; providing that certain sales to veterinarians are exempt from the sales tax; amending Minnesota Statutes 1992, section 297A.25, subdivision 9.

Referred to the Committee on Taxes and Tax Laws.

Ms. Johnston introduced—

S.F. No. 2555: A bill for an act relating to traffic regulations; applying inspection requirements for commercial motor vehicles to school buses; amending Minnesota Statutes 1992, section 169.781, subdivision 1.

Referred to the Committee on Transportation and Public Transit.

Ms. Johnston introduced—

S.F. No. 2556: A bill for an act relating to transportation; increasing money set aside from the county state-aid highway and municipal state-aid street funds to the disaster accounts and research accounts; changing composition of disaster account boards; providing that remaining money from research accounts lapse to the appropriate funds after two years; amending Minnesota

Statutes 1992, sections 162.06, subdivisions 3 and 4; and 162.12, subdivisions 3 and 4.

Referred to the Committee on Transportation and Public Transit.

Mr. Langseth introduced—

S.F. No. 2557: A bill for an act relating to boilers and engines; modifying provisions relating to hobby boilers and show engines; amending Minnesota Statutes 1992, section 183.411, subdivision 2; repealing Minnesota Statutes 1992, section 183.411, subdivision 1a.

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

Ms. Berglin, Messrs. Janezich and Johnson, D.J. introduced—

S.F. No. 2558: A bill for an act relating to taxation; increasing the rate of tax on the income of certain individuals, estates, and trusts; abolishing the tax on hospitals and health care providers; appropriating the revenue from the rate increase to the health care access fund; amending Minnesota Statutes 1992, sections 290.06, subdivisions 2c and 2d; and 290.62; Minnesota Statutes 1993 Supplement, sections 62P.04, subdivision 1; 214.16, subdivision 3; and 270B.01, subdivision 8; repealing Minnesota Statutes 1992, sections 295.50, as amended; 295.52, as amended; and 295.55, as amended; Minnesota Statutes 1993 Supplement, sections 144.1484, subdivision 2; 295.51, subdivision 1; 295.53; 295.54; 295.57; 295.58; 295.582; and 295.59.

Referred to the Committee on Taxes and Tax Laws.

Mr. Lessard introduced—

S.F. No. 2559: A bill for an act relating to education; authorizing a fund transfer; allowing independent school district No. 698, Floodwood, to expend health and safety revenue on new construction.

Referred to the Committee on Education.

Mr. Lessard introduced—

S.F. No. 2560: A bill for an act relating to rural development finance authorities; authorizing a city-county rural development finance authority in Koochiching county; repealing Laws 1987, chapter 182.

Referred to the Committee on Agriculture and Rural Development.

Mr. Lessard introduced—

S.F. No. 2561: A bill for an act relating to state lands; authorizing the department of natural resources to sell certain state land in the counties of Itasca and St. Louis.

Referred to the Committee on Environment and Natural Resources.

Mr. Lessard introduced—

S.F. No. 2562: A bill for an act relating to state lands; authorizing public sale of certain tax-forfeited land that borders public water in Itasca county.

Referred to the Committee on Environment and Natural Resources.

Mr. Lessard introduced—

S.F. No. 2563: A bill for an act relating to capital improvements; natural resources; authorizing a grant to the city of Deer River for the White Oak Fur Post tourism and education facility; authorizing the issuance of bonds; appropriating money.

Referred to the Committee on Environment and Natural Resources.

Mr. Pogemiller, Ms. Krentz, Mr. Janezich, Mses. Pappas and Ranum introduced—

S.F. No. 2564: A bill for an act relating to education; increasing the number of school breakfasts served; increasing the state reimbursement for some free and reduced price breakfasts served; appropriating money; amending Minnesota Statutes 1992, section 124.6472, subdivision 1; Minnesota Statutes 1993 Supplement, section 124.6469, subdivision 3.

Referred to the Committee on Education.

Mr. Mondale introduced—

S.F. No. 2565: A bill for an act relating to occupations and professions; requiring licensure or certification of geologists; adding geologists to the board of architecture, engineering, land surveying, landscape architecture, and interior design; providing for certain duties for the board; amending Minnesota Statutes 1992, sections 103I.205, subdivision 4; 103I.601, subdivision 2; 214.01, subdivision 3; 214.04, subdivision 3; 319A.02, subdivision 2; 326.02, subdivisions 1, 4, 4a, and by adding a subdivision; 326.03, subdivisions 1 and 4; 326.04; 326.05; 326.06; 326.07; 326.08, subdivision 2; 326.09; 326.10, subdivisions 1, 2, and 7; 326.11, subdivision 1; 326.12; 326.13; and 326.14; Minnesota Statutes 1993 Supplement, sections 82B.035, subdivision 3; and 326.111, subdivisions 1, 2, 3, 4, and 6.

Referred to the Committee on Commerce and Consumer Protection.

Mr. Solon introduced—

S.F. No. 2566: A bill for an act relating to workers' compensation; self-insurers; regulating the self-insurers' security fund; prescribing a penalty; amending Minnesota Statutes 1992, sections 79A.01, subdivision 4; 79A.02, subdivisions 1 and 2; 79A.04, subdivision 9; and 79A.15; Minnesota Statutes 1993 Supplement, section 79A.04, subdivision 2.

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

Ms. Ranum, Messrs. Kelly, McGowan, Mses. Anderson and Piper introduced—

S.F. No. 2567: A bill for an act relating to public safety; allowing an order for protection to exclude the abusing party from the area surrounding a dwelling; allowing use of pact acts of domestic abuse occurring outside of Minnesota to fulfill statutory requirements for conviction of murder in the first degree; amending Minnesota Statutes 1992, section 609.185; Minnesota Statutes 1993 Supplement, section 518B.01, subdivision 6.

Referred to the Committee on Crime Prevention.

Mr. Kelly introduced—

S.F. No. 2568: A bill for an act relating to criminal procedure; changing the order of final argument in criminal cases; amending Minnesota Statutes 1992, section 631.07.

Referred to the Committee on Crime Prevention.

Mr. Kelly introduced—

S.F. No. 2569: A bill for an act relating to capital improvements; authorizing the sale of bonds and appropriating money for the neighborhood land trust program.

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

Messrs. Oliver, Terwilliger, McGowan, Mrs. Pariseau and Ms. Runbeck introduced—

S.F. No. 2570: A bill for an act relating to economic development; providing a new general system of law and insurance provisions for the compensation of employment related injuries; transferring the jurisdiction and personnel of the workers' compensation court of appeals; providing rights, duties, and remedies; providing for the restructuring of certain public assistance programs; providing for the creation of enterprise zones; authorizing expenditures from the housing trust fund account; authorizing pilot projects and an urban homesteading program; appropriating money; amending Minnesota Statutes 1992, sections 161.123; 256.73, by adding a subdivision; 256.74, by adding a subdivision; 256.98, subdivision 8; 256D.09, by adding a subdivision; 290.06, by adding a subdivision; 297A.15, by adding a subdivision; 297A.25, by adding a subdivision; 462A.201, by adding a subdivision; 473.375, by adding a subdivision; 473.387, by adding a subdivision; 473.388, subdivision 2; and 473.405, by adding a subdivision; Minnesota Statutes 1993 Supplement, sections 256.031, subdivision 3; 256.734; 256.87, subdivisions 1, 1a, and 5; and 462A.222, subdivision 3; proposing coding for new law in Minnesota Statutes, chapters 176C; 176D; 256; 469; and 473; repealing Minnesota Statutes 1992, sections 79.01; 79.074; 79.081; 79.085; 79.095; 79.096; 79.10; 79.253; 79.50; 79.52; 79.53; 79.531; 79.54; 79.55; 79.56; 79.57; 79.58; 79.59; 79.60; 79.61; 79.62; 176.001; 176.011, subdivisions 1, 2, 3, 4, 5, 6, 7, 7a, 8, 9a, 11a, 12, 14, 15, 16, 17, 18, 20, 21, 22, 23, 24, 25, 26, and 27; 176.021; 176.031; 176.041, subdivisions 1, 2, 3, 4, 5a, and 6; 176.051; 176.061; 176.071; 176.081; 176.095; 176.101; 176.1011; 176.102; 176.1021; 176.103; 176.104; 176.1041; 176.105; 176.106; 176.111, subdivisions 1, 2, 3, 4, 6, 7, 8, 9a, 10, 12, 14, 15, 16, 17, 18, 20, and 21; 176.121; 176.129; 176.130; 176.1311; 176.132; 176.1321; 176.133; 176.135; 176.1351; 176.136, subdivisions 1, 1a, 1c, 2, and 3; 176.1361; 176.137; 176.139; 176.141; 176.145; 176.151; 176.155; 176.161; 176.165; 176.171; 176.175; 176.178; 176.179; 176.181; 176.182; 176.183; 176.184; 176.185; 176.186; 176.191; 176.192; 176.194; 176.195; 176.201; 176.205; 176.211; 176.215; 176.221; 176.222; 176.225; 176.231; 176.232; 176.234; 176.235; 176.238; 176.239; 176.245; 176.251; 176.253; 176.261; 176.2615; 176.271; 176.275; 176.281; 176.291; 176.295; 176.301; 176.305; 176.306; 176.307; 176.311; 176.312; 176.321; 176.322; 176.325; 176.331; 176.341; 176.351; 176.361; 176.371; 176.381; 176.391; 176.401; 176.411; 176.421; 176.442; 176.451; 176.461; 176.471;

176.481; 176.491; 176.511; 176.521, subdivisions 2a and 3; 176.522; 176.531; 176.540; 176.541; 176.551; 176.561; 176.571; 176.572; 176.581; 176.591; 176.603; 176.611; 176.641; 176.645; 176.651; 176.66; 176.669; 176.82; 176.83; 176.84; 176.85; 176.86; 504.33, subdivisions 1, 2, 4, 6, and 8; and 504.34, subdivisions 3, 4, 5, and 6; Minnesota Statutes 1993 Supplement, sections 79.211; 79.251; 79.252; 79.255; 79.361; 79.362; 79.363; 79.371; 79.51; 176.011, subdivision 10; 176.041, subdivision 1a; 176.091; 176.092; 176.111, subdivision 5; 176.136, subdivision 1b; 176.521, subdivisions 1 and 2; 176.5401; 504.33, subdivisions 3, 5, and 7; and 504.34, subdivisions 1 and 2.

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

Mr. Oliver, Ms. Robertson, Mr. Terwilliger, Ms. Kiscaden and Mr. McGowan introduced—

S.F. No. 2571: A bill for an act relating to taxation; property; changing the class rates applied to residential homesteads; amending Minnesota Statutes 1992, section 273.13, subdivision 22; Minnesota Statutes 1993 Supplement, section 273.1398, subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Ms. Krentz, Mrs. Benson, J.E.; Mr. Stevens and Ms. Piper introduced—

S.F. No. 2572: A bill for an act relating to human services; clarifying the effect of a record of conviction of certain crimes on disqualification in connection with certain human services licenses; strengthening provisions concerning residential treatment programs; modifying certain child abuse reporting requirements; amending Minnesota Statutes 1992, sections 245A.04, subdivision 3a; 245A.12, subdivision 8; 245A.13, subdivisions 1, 3c, and by adding a subdivision; 256.0361, by adding a subdivision; 626.556, subdivisions 3 and 7; Minnesota Statutes 1993 Supplement, sections 13.46, subdivision 4; 245A.04, subdivisions 3 and 3b; 626.556, subdivision 10; and Laws 1993, chapter 171, section 6.

Referred to the Committee on Health Care.

Messrs. McGowan, Neuville, Spear and Marty introduced—

S.F. No. 2573: A bill for an act relating to crimes; imposing increased penalties on persons who operate a snowmobile or motorboat while intoxicated and who have previously been convicted of driving a motor vehicle while intoxicated; amending Minnesota Statutes 1992, sections 84.91, subdivision 5; and 86B.331, subdivision 5.

Referred to the Committee on Crime Prevention.

Mr. Moe, R.D. introduced—

S.F. No. 2574: A bill for an act relating to medical assistance; establishing a one-time payment adjustment for nursing facilities to provide employee health care coverage; amending Minnesota Statutes 1992, section 256B.431, by adding a subdivision.

Referred to the Committee on Health Care.

Ms. Runbeck and Mr. Solon introduced—

S.F. No. 2575: A bill for an act relating to marriage dissolution; requiring accounting for child support or assistance; amending Minnesota Statutes 1992, section 518.57, by adding a subdivision.

Referred to the Committee on Judiciary.

Ms. Anderson introduced—

S.F. No. 2576: A bill for an act relating to commerce; requiring a study of the credit needs of women-owned businesses; appropriating money.

Referred to the Committee on Commerce and Consumer Protection.

Ms. Anderson, Mr. Finn, Ms. Reichgott Junge and Mr. Spear introduced—

S.F. No. 2577: A bill for an act relating to the human rights act; protecting independent contractors from unfair discriminatory actions in employment; amending Minnesota Statutes 1992, section 363.01, subdivision 16.

Referred to the Committee on Judiciary.

Messrs. Knutson; Oliver; Johnson, D.E.; Meses. Olson and Runbeck introduced—

S.F. No. 2578: A bill for an act relating to education; safe schools; requiring students who transfer and school officials to transmit students' education records; allowing peace officers to disseminate certain information to schools and social service agencies; expanding the definition of directory information to include published photographs; expanding antiviolence programs in schools; establishing grant programs to develop curricula on ethics and parenting skills; precluding disruptive students from participating in the open enrollment program; making possession of a firearm or engaging in dangerous, disruptive, or violent behavior in a school zone grounds for immediate dismissal from school; providing for criminal prosecution of juveniles alleged to have possessed a firearm in a school zone; expanding the crime of possessing a dangerous weapon on school property to include the possession of replica firearms and the possession of weapons within 300 feet of school property; extending the juvenile court's continuing jurisdiction to a minor's 23rd birthday; expanding the crime of contributing to the delinquency of a minor to include parents and guardians who fail to provide reasonable supervision or control over their minor children; establishing a school-related crime hotline; increasing the limit on parental liability for personal injury torts committed by a minor; encouraging school districts to create alternative programs for disruptive students; appropriating money; amending Minnesota Statutes 1992, sections 120.062, subdivision 7; 120.101, by adding a subdivision; 124.912, by adding a subdivision; 126.77, subdivision 1; 126.78; 127.03, subdivision 3; 127.29, subdivision 1, and by adding a subdivision; 127.30, by adding a subdivision; 127.31, by adding a subdivision; 127.35; 127.38; 260.015, subdivision 5; 260.111, by adding a subdivision; 260.125, by adding a subdivision; 260.161, by adding a subdivision; 260.181, subdivision 4; 260.315; and 609.055, subdivision 2; Minnesota Statutes 1993 Supplement, sections 13.32, subdivision 5; 120.101, subdivision 5; 121.831, subdivision 9; 260.161, subdivision 3; 540.18, subdivision 1; and 609.66, subdivision 1d; proposing coding for new law in Minnesota Statutes, chapter 299A.

Referred to the Committee on Education.

Mr. Chandler introduced—

S.F. No. 2579: A bill for an act relating to commerce; restraint of trade; providing a civil remedy for injury to business reputation or dilution of quality of a mark; providing grounds for injunctive relief; proposing coding for new law in Minnesota Statutes, chapter 325D.

Referred to the Committee on Commerce and Consumer Protection.

Messrs. Chmielewski, Samuelson, Janezich, Stumpf and Day introduced—

S.F. No. 2580: A bill for an act relating to insurance; accident and health; regulating assignments of benefits; amending Minnesota Statutes 1992, section 72A.201, subdivisions 3 and 4.

Referred to the Committee on Commerce and Consumer Protection.

Mr. Vickerman and Ms. Lesewski introduced—

S.F. No. 2581: A bill for an act relating to education; establishing a joint program between the University of Minnesota and Southwest State University to offer graduate nursing education in southwestern Minnesota; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 136.

Referred to the Committee on Education.

Ms. Reichgott Junge introduced—

S.F. No. 2582: A bill for an act relating to insurance; extending to contract for deed vendors the protections contained in the mortgage clause of the standard fire insurance policy; amending Minnesota Statutes 1992, section 65A.01, subdivision 3.

Referred to the Committee on Commerce and Consumer Protection.

Mses. Anderson, Ranum and Mr. Spear introduced—

S.F. No. 2583: A bill for an act relating to crime prevention; expanding the duties of the office of drug policy and violence prevention; requiring the office to monitor and report annually on expenditures for crime prevention programs and to develop a strategy for coordinating the funding and evaluation of these programs; amending Minnesota Statutes 1992, section 299A.30, subdivision 2.

Referred to the Committee on Crime Prevention.

Ms. Anderson, Mr. Mondale, Ms. Johnson, J.B. and Mr. Riveness introduced—

S.F. No. 2584: A bill for an act relating to state parks; allowing handicapped persons to receive a special permit; amending Minnesota Statutes 1992, section 85.053, subdivision 7.

Referred to the Committee on Environment and Natural Resources.

Ms. Anderson, Messrs. Marty, Spear and Ms. Ranum introduced—

S.F. No. 2585: A bill for an act relating to crime prevention; firearms; prohibiting the possession and transfer of pistols over .44 caliber; amending Minnesota Statutes 1992, section 609.67, as amended; proposing coding for new law in Minnesota Statutes, chapter 624.

Referred to the Committee on Crime Prevention.

Ms. Ranum, Messrs. Finn, Knutson and Betzold introduced—

S.F. No. 2586: A bill for an act relating to child custody; providing for presumptive custody in grandparents in certain circumstances; proposing coding for new law in Minnesota Statutes, chapter 518.

Referred to the Committee on Judiciary.

Messrs. Merriam, Kelly, Mses. Ranum, Runbeck and Mr. Chandler introduced—

S.F. No. 2587: A bill for an act relating to education; establishing a metropolitan magnet school facilities grant; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 124C.

Referred to the Committee on Education.

Messrs. Lessard and Janezich introduced—

S.F. No. 2588: A bill for an act relating to public lands; exempting public lands from certain road dedication provisions; changing notice requirements for sales of tax-forfeited lands; modifying a provision relating to leasing of tax-forfeited lands; amending Minnesota Statutes 1992, sections 160.05, by adding a subdivision; and 282.02; Minnesota Statutes 1993 Supplement, section 282.04, subdivision 1.

Referred to the Committee on Environment and Natural Resources.

Mr. Solon introduced—

S.F. No. 2589: A bill for an act relating to education; exempting school districts with negative net unappropriated operating fund balances from the contract deadline penalty; amending Minnesota Statutes 1992, section 124A.22, subdivision 2a.

Referred to the Committee on Education.

Messrs. Beckman; Merriam; Johnson, D.J.; Luther and Frederickson introduced—

S.F. No. 2590: A bill for an act relating to criminal justice; providing for public defense services; providing for public defense of persons charged with misdemeanors; providing for a reduction in aid to counties equal to public defense costs assumed by the state; providing for certain disclosure of data; appropriating money; amending Minnesota Statutes 1992, sections 477A.012, by adding a subdivision; and 611.26, subdivision 6; Minnesota Statutes 1993 Supplement, sections 611.17; 611.20, subdivision 2; and 611.27, subdivision 4.

Referred to the Committee on Crime Prevention.

Ms. Runbeck introduced—

S.F. No. 2591: A bill for an act relating to government data; classifying certain data obtained by the department of trade and economic development as nonpublic; amending Minnesota Statutes 1992, section 13.76, by adding a subdivision.

Referred to the Committee on Judiciary.

Messrs. Novak, Metzen and Ms. Anderson introduced—

S.F. No. 2592: A bill for an act relating to human services; providing funding for the Head Start program; appropriating money.

Referred to the Committee on Family Services.

Ms. Anderson, Messrs. Novak and Metzen introduced—

S.F. No. 2593: A bill for an act relating to state government; permitting employees of Minnesota Project Innovation, Inc. to participate in certain state employee benefit programs; amending Minnesota Statutes 1992, section 116O.04, subdivision 2.

Referred to the Committee on Governmental Operations and Reform.

MEMBERS EXCUSED

Mrs. Adkins was excused from the Session of today.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 8:00 a.m., Thursday, March 17, 1994. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

SEVENTY-SECOND DAY

St. Paul, Minnesota, Thursday, March 17, 1994

The Senate met at 8:00 a.m. and was called to order by the President.

CALL OF THE SENATE

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

Prayer was offered by the Chaplain, Bishop David W. Preus.

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

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

The President declared a quorum present.

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

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communication was received and referred to the committee indicated.

March 11, 1994

The Honorable Allan H. Spear
President of the Senate

Dear Sir:

The following appointments are hereby respectfully submitted to the Senate for confirmation as required by law:

HIGHER EDUCATION BOARD

Archie D. Chelseth, 509 Chestnut St., Cloquet, Carlton County, has been appointed by me, effective July 1, 1994, for a term expiring on June 30, 2000.

David T. Erickson, 8143 – 89th St. N., Mahtomedi, Washington County, has been appointed by me, effective July 1, 1994, for a term expiring on June 30, 2000.

Christine Fritsche, Rt. 4, Box 79, Marshall, Lyon County, has been appointed by me, effective July 1, 1994, for a term expiring on June 30, 2000.

John C. Mulder, 3126 Fox Hollow Ct. S.W., Rochester, Olmsted County, has been appointed by me, effective July 1, 1994, for a term expiring on June 30, 2000.

(Referred to the Committee on Education.)

Warmest regards,
Arne H. Carlson, Governor

REPORTS OF COMMITTEES

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

Mr. Vickerman from the Committee on Veterans and General Legislation, to which was referred

S.F. No. 864: 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.

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

Page 1, delete line 9

Page 3, after line 4, insert:

“Sec. 2. [APPROPRIATION.]

\$. is appropriated from the general fund to the board of animal health to operate and administer the spaying and neutering program provided by section 1. The appropriation is available until expended.”

Page 3, line 5, delete “2” and insert “3”

Page 3, delete lines 7 and 8

Pages 3 to 9, delete sections 1 to 11

Amend the title as follows:

Page 1, line 3, delete from “imposing” through page 1, line 5, to “penalties;”

Page 1, line 6, delete from “; proposing” through page 1, line 7, to “297E”

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

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

H.F. No. 1845 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
		1845		1693	

and that the above Senate File be indefinitely postponed.

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

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

H.F. No. 1956 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
		1956		1926	

and that the above Senate File be indefinitely postponed.

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

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

H.F. No. 2130 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
		2130		2052	

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 2130 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2130 and insert the language after the enacting clause of S.F. No. 2052, the first engrossment; further, delete the title of H.F. No. 2130 and insert the title of S.F. No. 2052, the first engrossment.

And when so amended H.F. No. 2130 will be identical to S.F. No. 2052, and further recommends that H.F. No. 2130 be given its second reading and substituted for S.F. No. 2052, and that the Senate File be indefinitely postponed.

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

SECOND READING OF HOUSE BILLS

H.F. Nos. 1845, 1956 and 2130 were read the second time.

MOTIONS AND RESOLUTIONS

Ms. Berglin moved that her name be stricken as chief author, shown as a co-author, and the name of Ms. Ranum be shown as chief author to S.F. No. 2107. The motion prevailed.

Ms. Ranum moved that her name be stricken as a co-author to S.F. No. 2129. The motion prevailed.

Ms. Piper moved that the name of Ms. Kiscaden be added as a co-author to S.F. No. 2129. The motion prevailed.

Mr. Novak moved that the name of Mr. Hottinger be added as a co-author to S.F. No. 2475. The motion prevailed.

Ms. Ranum moved that the name of Mr. Belanger be added as a co-author to S.F. No. 2510. The motion prevailed.

Mr. Benson, D.D. moved that the name of Mr. Morse be added as a co-author to S.F. No. 2554. The motion prevailed.

Mr. Vickerman moved that S.F. No. 2352 be withdrawn from the Committee on Veterans and General Legislation and re-referred to the Committee on Jobs, Energy and Community Development. The motion prevailed.

Mrs. Pariseau introduced—

Senate Resolution No. 64: A Senate resolution congratulating the Farmington Tigers hockey team from Farmington High School for winning the 1994 State High School Class A Section 1 championship.

Referred to the Committee on Rules and Administration.

SUSPENSION OF RULES

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

CONSENT CALENDAR

S.F. No. 1794: A bill for an act relating to insurance; prohibiting insurers from obtaining or using HIV antibody test results arising out of exposure and

testing for emergency medical service personnel; amending Minnesota Statutes 1992, section 72A.20, subdivision 29.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 1912: A bill for an act relating to insurance; accident and health; permitting short-term coverage; amending Minnesota Statutes 1993 Supplement, section 62A.65, by adding a subdivision.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 1732: A bill for an act relating to conciliation courts; expanding conciliation court jurisdiction over matters involving rental property; allowing nonattorneys to represent condominium and cooperative associations; amending Minnesota Statutes 1993 Supplement, sections 481.02, subdivision 3; 491A.01, subdivision 9; and 491A.02, subdivision 4.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 1911: A bill for an act relating to the secretary of state; changing filing procedures for corporations and certain organizations; providing for service of process on limited partnerships; changing requirements for filings governed by the uniform commercial code; amending Minnesota Statutes 1992, sections 302A.821, subdivision 1; 303.07, subdivision 2; 303.17, subdivisions 2 and 4; 315.23, subdivision 3; 315.44; Minnesota Statutes 1993 Supplement, sections 336.9-403; 336.9-407; 336.9-413; 336A.04, subdivision 3; 336A.09, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 322A.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 1766: A bill for an act relating to attorneys; expanding remedies for the unauthorized practice of law; amending Minnesota Statutes 1992, section 481.02, subdivision 8.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 2118: A bill for an act relating to local government; clarifying that the Moose Lake Fire Protection District is a governmental subdivision for certain purposes; making other clarifications; amending Laws 1987, chapter 402, section 2, subdivisions 2, 3, and by adding a subdivision.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 2070: A bill for an act relating to cities; allowing home rule charter cities to apply law applicable to statutory cities in instances in which the charter is silent, with certain restrictions; proposing coding for new law in Minnesota Statutes, chapter 410.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 1692: A bill for an act relating to contracts; creating the public contractors' performance and payment bond act by amending existing provisions; amending Minnesota Statutes 1992, sections 574.26; 574.261; 574.262, subdivision 1; 574.263, by adding a subdivision; 574.264, subdivision 1; 574.27; 574.28; 574.29; 574.30; 574.31; and 574.32.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 2086: A bill for an act relating to health; extending dispensing authority to physician assistants and advanced practice nurses; amending Minnesota Statutes 1992, sections 147.34, subdivision 1; 148.235, by adding a subdivision; and 151.37, subdivisions 2 and 2a; Minnesota Statutes 1993 Supplement, section 151.01, subdivision 23.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

Anderson	Benson, D.D.	Berglin	Chandler	Day
Beckman	Benson, J.E.	Bertram	Chmielewski	Dille
Belanger	Berg	Betzold	Cohen	Finn

Flynn	Knutson	McGowan	Pariseau	Samuelson
Frederickson	Krentz	Merriam	Piper	Solon
Hanson	Kroening	Metzen	Pogemiller	Spear
Hottinger	Laidig	Moe, R.D.	Price	Stevens
Johnson, D.E.	Langseth	Morse	Ranum	Stumpf
Johnson, D.J.	Larson	Neuville	Reichgott Junge	Terwilliger
Johnson, J.B.	Lesewski	Novak	Rivness	Vickerman
Johnston	Lessard	Oliver	Robertson	Wiener
Kelly	Luther	Olson	Runbeck	
Kiscaden	Marty	Pappas	Sams	

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate revert to the Order of Business of the Calendar. The motion prevailed.

CALENDAR

H.F. No. 1885: A bill for an act relating to financial institutions; regulating administrative hearings on bank applications, certain bank mergers, certain emergency notices, certain credit union accounts, and motor vehicle sales finance contracts; making technical and clarifying changes; amending Minnesota Statutes 1992, sections 46.041, subdivision 4; 47.0153, subdivision 1; 47.0154; 48.47; 48.70; 52.191; 52.24, subdivision 2; 59A.03, subdivision 1; 168.69; Minnesota Statutes 1993 Supplement, sections 47.54, subdivision 4; and 56.155, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 48 and 52; repealing Minnesota Statutes 1992, sections 48.26; and 48.88, subdivision 2; Laws 1982, chapter 429, section 6.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate proceed to the Order of Business of Introduction and First Reading of Senate Bills. The motion prevailed.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Messrs. Hottinger, Sams, Janezich and Ms. Kiscaden introduced—

S.F. No. 2594: A bill for an act relating to taxation; hospital and health care providers gross earnings taxes; exempting certain payments; requiring reporting of certain expenses paid by third-party purchasers; imposing penalties; amending Minnesota Statutes 1993 Supplement, sections 295.53, subdivision 1; and 295.582.

Referred to the Committee on Taxes and Tax Laws.

Mr. Metzen introduced—

S.F. No. 2595: A bill for an act relating to consumer protection; consumer credit sales; allowing a reduction in the installment payments due to the debtor's workers' compensation status; amending Minnesota Statutes 1992, section 325G.16, subdivision 5.

Referred to the Committee on Commerce and Consumer Protection.

Mr. Janezich introduced—

S.F. No. 2596: A bill for an act relating to education; expanding funding for teacher education for teachers of deaf and hard of hearing students; appropriating money.

Referred to the Committee on Education.

Mr. Hottinger introduced—

S.F. No. 2597: A bill for an act relating to occupations and professions; adding chiropractors to those who can supervise athletic trainers; amending Minnesota Statutes 1993 Supplement, sections 148.7802, subdivision 11; and 148.7809, subdivision 4.

Referred to the Committee on Health Care.

Messrs. Pogemiller and Kroening introduced—

S.F. No. 2598: A bill for an act relating to local government; authorizing the park and recreation board of the city of Minneapolis to transfer conveyed land to the Minnesota department of transportation.

Referred to the Committee on Metropolitan and Local Government.

Mr. Beckman introduced—

S.F. No. 2599: A bill for an act relating to education; making permanent an increase in youth service revenue; amending Minnesota Statutes 1993 Supplement, section 124.2713, subdivision 5.

Referred to the Committee on Education.

Mr. Finn introduced—

S.F. No. 2600: A bill for an act relating to human services; authorizing, in Beltrami, Hubbard, Mahnomen, and Clearwater counties, pilot projects relating to the basic sliding fee child care program; proposing coding for new law in Minnesota Statutes, chapter 256H.

Referred to the Committee on Family Services.

Ms. Lesewski introduced—

S.F. No. 2601: A bill for an act relating to economic development; clarifying source for payment of certain administrative expenses by the rural development board; amending Minnesota Statutes 1992, section 116N.08, subdivision 6.

Referred to the Committee on Agriculture and Rural Development.

Ms. Lesewski and Mr. Spear introduced—

S.F. No. 2602: A bill for an act relating to crime prevention; prohibiting installation or use of an observation device inside or outside a private place, without consent of persons entitled to privacy; providing penalties; amending Minnesota Statutes 1992, section 609.746, by adding a subdivision.

Referred to the Committee on Crime Prevention.

Messrs. Moe, R.D. and Dille introduced—

S.F. No. 2603: A bill for an act relating to state departments; prohibiting certain fee setting and adjusting during a certain period of time; amending Minnesota Statutes 1993 Supplement, section 16A.1285, by adding a subdivision.

Referred to the Committee on Finance.

Ms. Johnson, J.B. introduced—

S.F. No. 2604: A bill for an act relating to capital improvements; corrections; appropriating money for study and preparation for constructing a corrections facility; authorizing sale of state bonds.

Referred to the Committee on Crime Prevention.

Ms. Johnson, J.B. introduced—

S.F. No. 2605: A bill for an act relating to the environment; requiring, as part of the environmental review of proposed projects and activities, an analysis of the effect of the projects or activities on total carbon dioxide emissions in the state in order to minimize the burden on existing industry to reduce carbon dioxide emissions; proposing coding for new law in Minnesota Statutes, chapter 116D.

Referred to the Committee on Environment and Natural Resources.

Mr. Samuelson introduced—

S.F. No. 2606: A bill for an act relating to health; nursing home reimbursement; modifying special provisions for moratorium exceptions;

amending Minnesota Statutes 1992, section 256B.431, subdivision 17; Minnesota Statutes 1993 Supplement, section 144A.071, subdivision 4a.

Referred to the Committee on Health Care.

Messrs. Belanger and Vickerman introduced—

S.F. No. 2607: A bill for an act relating to animals; changing procedures concerning certain abandoned animals; amending Minnesota Statutes 1992, section 346.37, subdivision 1.

Referred to the Committee on Veterans and General Legislation.

Mr. Johnson, D.J. introduced—

S.F. No. 2608: A bill for an act relating to state lands; requiring that certain leased lakeshore lots in Cook county be reoffered for public sale.

Referred to the Committee on Environment and Natural Resources.

Mr. Janezich introduced—

S.F. No. 2609: A bill for an act relating to insurance; long-term care; regulating the length of the waiting period for benefits; amending Minnesota Statutes 1992, section 62A.48, subdivision 1.

Referred to the Committee on Commerce and Consumer Protection.

Mr. Metzen introduced—

S.F. No. 2610: A bill for an act relating to insurance; motor vehicles; requiring proof of automobile insurance at time of emission control inspection; amending Minnesota Statutes 1992, sections 116.60, by adding a subdivision; and 116.62, subdivisions 3 and 5.

Referred to the Committee on Commerce and Consumer Protection.

Mr. Luther, Ms. Piper, Messrs. Betzold, Kelly and Vickerman introduced—

S.F. No. 2611: A bill for an act relating to health; increasing funding for the nutritional supplement program known as WIC to expand services; appropriating money.

Referred to the Committee on Family Services.

Ms. Kiscaden, Messrs. Hottinger, Benson, D.D. and Sams introduced—

S.F. No. 2612: A bill for an act relating to human services; modifying provisions relating to long-term care; authorizing studies; creating task forces; amending Minnesota Statutes 1992, sections 144.0721, by adding a subdivision; 256B.0913, by adding a subdivision; and 256B.0917, subdivision 6; Minnesota Statutes 1993 Supplement, sections 256B.0911, subdivision 4; 256B.0913, subdivisions 5 and 12; 256B.0917, subdivisions 1 and 5; and 256B.431, subdivision 2b.

Referred to the Committee on Health Care.

Messrs. Finn; Johnson, D.J.; Janezich and Price introduced—

S.F. No. 2613: A bill for an act relating to taxation; property; providing for dismissal of petitions objecting to property taxes in certain instances; changing the date by which the petitions must be filed; amending Minnesota Statutes 1992, sections 271.06, subdivision 7; 278.05, subdivision 6; Minnesota Statutes 1993 Supplement, section 278.01, subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Mr. Sams introduced—

S.F. No. 2614: A bill for an act relating to retirement; granting service credit in the teachers retirement association for periods of military service; proposing coding for new law in Minnesota Statutes, chapter 354; repealing Minnesota Statutes 1992, section 354.53.

Referred to the Committee on Governmental Operations and Reform.

Messrs. Luther, Janezich, Mondale, Chandler and Frederickson introduced—

S.F. No. 2615: A bill for an act relating to economic development; appropriating money for a study of the feasibility of reestablishing foreign trade offices.

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

Mses. Olson, Krentz, Messrs. Larson, Knutson and Terwilliger introduced—

S.F. No. 2616: A bill for an act relating to education; advancing the final payment dates of school district state aid; amending Minnesota Statutes 1992, section 124.195, subdivisions 3 and 6.

Referred to the Committee on Education.

Ms. Flynn and Mr. Langseth introduced—

S.F. No. 2617: A bill for an act relating to transportation; establishing and providing for appointments to an advisory council on major transportation projects; appropriating money.

Referred to the Committee on Transportation and Public Transit.

Ms. Reichgott Junge, Mr. Johnson, D.J. and Ms. Pappas introduced—

S.F. No. 2618: A bill for an act relating to motor vehicle registration; exempting unmarked police vehicles from registration requirements; amending Minnesota Statutes 1992, section 168.012, subdivision 1.

Referred to the Committee on Transportation and Public Transit.

Mr. Samuelson introduced—

S.F. No. 2619: A bill for an act relating to retirement; purchase of service credit in the public employees retirement association by a Little Falls ex-school board member.

Referred to the Committee on Governmental Operations and Reform.

Messrs. Janezich and Johnson, D.J. introduced—

S.F. No. 2620: A bill for an act relating to health; providing an exception to the nursing home moratorium; amending Minnesota Statutes 1993 Supplement, section 144A.071, subdivision 4a.

Referred to the Committee on Health Care.

Ms. Piper introduced—

S.F. No. 2621: A bill for an act relating to health; clarifying the rights of patients and residents to disclose their presence in certain health care facilities; amending Minnesota Statutes 1993 Supplement, sections 144.651, subdivisions 21 and 26; and 253B.03, subdivisions 3 and 4.

Referred to the Committee on Health Care.

Messrs. Johnson, D.J.; Lessard and Janezich introduced—

S.F. No. 2622: A bill for an act relating to natural resources; appropriating money for snowmobile trail maintenance and construction.

Referred to the Committee on Environment and Natural Resources.

Mr. Moe, R.D. introduced—

S.F. No. 2623: A bill for an act relating to education; establishing a pilot continuing education program in multicultural education for teachers in independent school district No. 38, Red Lake; appropriating money.

Referred to the Committee on Education.

Messrs. Riveness, Metzen and Ms. Wiener introduced—

S.F. No. 2624: A bill for an act relating to state government; requiring use of state lottery terminals to provide citizens with electronic access to state agencies for the purpose of obtaining certain licenses and permits; proposing coding for new law in Minnesota Statutes, chapter 16B.

Referred to the Committee on Governmental Operations and Reform.

Messrs. Riveness, Metzen, Ms. Wiener, Mr. Terwilliger and Ms. Runbeck introduced—

S.F. No. 2625: A bill for an act relating to state government; department of employee relations; establishing a program to promote responsiveness, innovation, productivity, and employee involvement within executive agencies; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 43A.

Referred to the Committee on Governmental Operations and Reform.

Messrs. Luther; Moe, R.D.; Finn; Ms. Reichgott Junge and Mr. Laidig introduced—

S.F. No. 2626: A bill for an act relating to public administration; providing for two women's ice centers; establishing a women's ice centers building account; appropriating money.

Referred to the Committee on Veterans and General Legislation.

Mr. Cohen introduced—

S.F. No. 2627: A bill for an act relating to insurance; automobile; requiring proof of prepaid automobile insurance prior to reinstatement of driver's license revoked for alcohol-related violation; amending Minnesota Statutes 1992, section 169.1261.

Referred to the Committee on Transportation and Public Transit.

Ms. Piper, Messrs. Sams and Samuelson introduced—

S.F. No. 2628: A bill for an act relating to occupations and professions; exempting some social workers employed in a hospital or nursing home from examination; modifying licensure requirements; requiring hospital and nursing home social workers to be licensed; amending Minnesota Statutes 1992, sections 148B.23, subdivisions 1 and 2; 148B.27, subdivision 2; and 148B.60, subdivision 3; repealing Minnesota Statutes 1992, sections 148B.18, subdivisions 4, 5, 6, and 7; 148B.19, subdivision 3; 148B.23, subdivision 1a; and 148B.28, subdivision 6.

Referred to the Committee on Health Care.

Messrs. Riveness; Johnson, D.J.; Mondale and Finn introduced—

S.F. No. 2629: A bill for an act relating to taxation; increasing the subtraction for the elderly and disabled; amending Minnesota Statutes 1992, section 290.0802, subdivision 2.

Referred to the Committee on Taxes and Tax Laws.

Mses. Piper, Ranum, Messrs. Merriam, Finn and Ms. Kiscaden introduced—

S.F. No. 2630: A bill for an act relating to state government; restructuring functions and groups related to ombudspersons for families; amending Minnesota Statutes 1992, sections 257.0761, subdivision 1; 257.0762, subdivision 2; and 257.0768; Minnesota Statutes 1993 Supplement, section 257.0755.

Referred to the Committee on Governmental Operations and Reform.

Messrs. Kroening; Kelly, Ms. Anderson and Mr. Johnson, D.J. introduced—

S.F. No. 2631: A bill for an act relating to employment; establishing the Minnesota youth program; repealing the wage subsidy program; amending Laws 1993, chapter 369, section 5, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 268; repealing Minnesota Statutes 1992, sections 268.551; and 268.552; Minnesota Rules, parts 3300.0100; 3300.0200; 3300.0300; 3300.0400; 3300.0500; 3300.0600; and 3300.0700.

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

Ms. Krentz, Mr. Price and Ms. Pappas introduced—

S.F. No. 2632: A bill for an act relating to education; establishing a cultural exchange program; appropriating money; amending Minnesota Statutes 1992, sections 120.062, subdivision 12, and by adding a subdivision; 124.223, by adding a subdivision; and 125.135, subdivision 2; Minnesota Statutes 1993 Supplement, section 124.225, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 126.

Referred to the Committee on Education.

Ms. Krentz and Mr. Price introduced—

S.F. No. 2633: A bill for an act relating to education; modifying joint powers agreements for facilities; modifying debt service equalization program for a joint powers district; appropriating money; amending Minnesota Statutes 1992, sections 121.155, subdivision 1; and 124.95, subdivision 4; Minnesota Statutes 1993 Supplement, section 124.95, subdivisions 1 and 3; repealing Minnesota Statutes 1992, sections 124.491; 124.492; 124.493; 124.494, as amended; 124.4945; 124.4946; and 124.495, are repealed.

Referred to the Committee on Education.

Mr. Luther introduced—

S.F. No. 2634: A bill for an act relating to economic development; regulating community action agencies; amending Minnesota Statutes 1992, sections 268.53, subdivision 5; and 466.01, subdivision 1.

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

Mr. Terwilliger, Ms. Robertson, Mr. Knutson and Ms. Olson introduced—

S.F. No. 2635: A bill for an act relating to education; restoring intermediate school districts; modifying staff development revenue; repealing limits on referendum revenue; amending Minnesota Statutes 1993 Supplement, sections 124.2727, subdivision 6; 124A.29, subdivision 1; and 298.28, subdivision 4; Laws 1992, chapter 499, article 6, section 39, subdivision 3; repealing Minnesota Statutes 1992, section 124.19, subdivision 1b; Minnesota Statutes 1993 Supplement, sections 120.101, subdivision 5b; and 124A.03, subdivisions 1c and 3b; Laws 1993, chapter 224, article 1, section 37.

Referred to the Committee on Education.

Ms. Anderson, Mr. Frederickson, Ms. Johnson, J.B.; Messrs. Metzen and Johnson, D.J. introduced—

S.F. No. 2636: A bill for an act relating to manufactured housing; requiring a study of state administration, regulation, and enforcement; requiring a report to the legislature.

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

Messrs. Sams, Solon and Luther introduced—

S.F. No. 2637: A bill for an act relating to commerce; authorizing local units of government to license the retail sale of tobacco; requiring a county to license the retail sale of tobacco under certain conditions; providing for regular compliance checks for all licensed vendors; providing for mandatory

penalties against license holders for sales to minors; amending Minnesota Statutes 1992, sections 461.12; 461.13; and 461.15; proposing coding for new law in Minnesota Statutes, chapter 461.

Referred to the Committee on Commerce and Consumer Protection.

Messrs. Sams, Morse, Dille and Day introduced—

S.F. No. 2638: A bill for an act relating to agriculture; appropriating money for legal challenges to the federal milk market order system.

Referred to the Committee on Agriculture and Rural Development.

Mr. Luther introduced—

S.F. No. 2639: A bill for an act relating to education; modifying the referendum allowance reduction; amending Minnesota Statutes 1993 Supplement, section 124A.03, subdivision 3b.

Referred to the Committee on Education.

Mr. Benson, D.D. introduced—

S.F. No. 2640: A bill for an act relating to human services; modifying certain provisions related to medical assistance and general assistance medical care; amending Minnesota Statutes 1992, sections 246.53, subdivision 1; 252.275, subdivisions 3 and 4; 256.015, subdivisions 2 and 7; 256.9365, subdivisions 1 and 3; 256.969, subdivisions 10 and 16; 256B.042, subdivision 2; 256B.056, by adding a subdivision; 256B.059, subdivision 1; 256B.06, subdivision 4; 256B.0625, by adding a subdivision; 256B.15, subdivision 1a; 256B.69, subdivision 4, and by adding a subdivision; 256D.03, subdivisions 3a and 3b; 256D.16; 256D.425, by adding a subdivision; 261.04, subdivision 2; 524.3-803; 524.3-1201; and 528.08; Minnesota Statutes 1993 Supplement, sections 245.492, subdivision 6; 245.493, subdivision 2, and by adding a subdivision; 245.4932, subdivisions 1 and 2; 245.494, subdivision 3; 245.496, subdivision 3, and by adding a subdivision; 256.9685, subdivision 1; 256.969, subdivision 24; 256B.059, subdivisions 3 and 5; 256B.0595, subdivisions 1, 2, 3, and 4; 256B.15, subdivision 2; 256D.03, subdivisions 3 and 4; and 514.981, subdivisions 2 and 5; proposing coding for new law in Minnesota Statutes, chapter 245; repealing Minnesota Statutes 1992, section 252.275, subdivisions 4a and 10; Minnesota Statutes 1993 Supplement, section 501B.89.

Referred to the Committee on Health Care.

Ms. Berglin introduced—

S.F. No. 2641: A bill for an act relating to health; MinnesotaCare; establishing the Minnesota health care administrative simplification act; implementing electronic data interchange standards; creating the Minnesota center for health care electronic data interchange; providing standards for the Minnesota health care identification card; proposing coding for new law in Minnesota Statutes, chapter 62J.

Referred to the Committee on Judiciary.

Mr. Finn and Ms. Reichgott-Junge introduced—

S.F. No. 2642: A bill for an act relating to witnesses; establishing a privilege for certain communications made to licensed social workers; amending Minnesota Statutes 1993 Supplement, section 595.02, subdivision 1.

Referred to the Committee on Judiciary.

Messrs. Janezich and Stumpf introduced—

S.F. No. 2643: A bill for an act relating to education; creating a grant program to encourage cooperation among school districts; proposing coding for new law in Minnesota Statutes, chapter 124C.

Referred to the Committee on Education.

Mr. Stumpf introduced—

S.F. No. 2644: A bill for an act relating to education; increasing the number of instructional days; allowing parents and guardians of students in kindergarten through grade 12 and school districts to provide off-campus learning opportunities; directing the education department to work with school districts in developing a structure for providing off-campus learning opportunities; amending Minnesota Statutes 1992, section 124.19, subdivision 1b; Minnesota Statutes 1993 Supplement, sections 120.101, subdivision 5b; and 124.19, subdivision 1; Laws 1993, chapter 224, article 12, section 32.

Referred to the Committee on Education.

Mr. Terwilliger and Ms. Reichgott Junge introduced—

S.F. No. 2645: A bill for an act relating to crime prevention; providing release conditions for persons charged with crimes against persons; providing for the treatment of the firearms of persons charged; proposing coding for new law in Minnesota Statutes, chapter 629.

Referred to the Committee on Crime Prevention.

MOTIONS AND RESOLUTIONS - CONTINUED

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 1758 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 1758: A bill for an act relating to welfare reform; requiring pregnant and parenting minors to live with their parents in order to receive aid to families with dependent children (AFDC); providing an exception to the AFDC overpayment statute; allowing start work offset to AFDC recipients in the first month of work; broadening the scope of the employment and training statute by requiring more AFDC recipients to participate in job search; allowing vendor emergency assistance payments for damage deposit; providing required workers' compensation insurance for community work experience program workers; expanding cost-neutral fraud prevention programs; allowing emergency assistance damage deposit be returned to the county; allowing the county to pay monthly general assistance differently; making general assistance and work readiness lump-sum criteria the same as the AFDC lump-sum criteria, with some exceptions; requiring a study to expand

the parent's fair share pilot project statewide; requiring the departments of human services and revenue to design and implement a plan which supports working families; directing the commissioner of human services to seek several waivers from the federal government which support and promote moving off welfare and becoming self-sufficient; expanding the parent's fair share pilot project into Ramsey county; expanding state support for basic sliding fee day care program; appropriating money; amending Minnesota Statutes 1992, sections 256.73, by adding subdivisions; 256.737, by adding a subdivision; 256.81; 256.979, by adding a subdivision; 256.983, subdivision 1; 256D.05, subdivision 6; 256D.09, by adding a subdivision; 256H.05, subdivision 1b; and 268.672, subdivision 6; Minnesota Statutes 1993 Supplement, sections 256.031, subdivision 3; 256.73, subdivision 8; and 256.736, subdivisions 10 and 14; proposing coding for new law in Minnesota Statutes, chapters 256; and 256D; repealing Minnesota Statutes 1993 Supplement, section 256.734.

Mr. Samuelson moved to amend S.F. No. 1758 as follows:

Page 26, line 16, delete "program" and insert "pilot project"

Page 26, line 18, delete "program" and after "requirements" insert "of the pilot project"

Page 32, line 33, delete "; and" and insert a period

Page 33, line 3, delete "program" and insert "pilot project"

Page 33, line 8, delete "section 10," and delete "1992"

The motion prevailed. So the amendment was adopted.

Mr. Dille moved to amend S.F. No. 1758 as follows:

Page 25, after line 29, insert:

"Sec. 21. [STUDY AND REPORT; MATCHMAKING SERVICE.]

The commissioner of human services shall evaluate and study ways to assist single parents on AFDC in finding spouses by developing a matchmaking service. The service may include the use of computers or other methods to match single parents with potential spouses. The commissioner shall report the recommendations to the 1995 legislature."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 2 and nays 44, as follows:

Messrs. Dille and Knutson voted in the affirmative.

Those who voted in the negative were:

Anderson	Flynn	Lesewski	Novak	Samuelson
Beckman	Frederickson	Lessard	Oliver	Solon
Berglin	Hanson	Luther	Piper	Spear
Bertram	Janezich	Merriam	Pogemiller	Stevens
Betzold	Johnson, D.E.	Metzen	Price	Stumpf
Chandler	Johnson, D.J.	Moe, R.D.	Ranum	Terwilliger
Cohen	Kiscaden	Mondale	Reichgott Junge	Vickerman
Day	Laidig	Morse	Runbeck	Wiener
Finn	Langseth	Murphy	Sams	

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

S.F. No. 1758 was read the third time, as amended, and placed on its final passage.

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

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

Those who voted in the affirmative were:

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

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

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated H.F. No. 2213 a Special Order to be heard immediately.

SPECIAL ORDER

H.F. No. 2213: A bill for an act relating to the city of St. Cloud; exempting a tax increment financing district from certain restrictions; providing expanded eminent domain authority.

Ms. Olson moved to amend H.F. No. 2213 as follows:

Page 3, after line 23, insert:

“Sec. 2. [REPAYMENT OF TAX INCREMENT BENEFITS.]

If the commissioner of labor and industry determines on January 1 of 1996, or January 1 of any subsequent year during the existence of the district created in section 1, that the national mail order sales retailer referred to in section 1 has realized significant cost savings attributable to the enactment of a workers' compensation reform bill by the legislature at the 1994 session or a later session, the retailer must repay a portion of the tax increments paid to it under section 1, subdivision 2, paragraph (d), as provided in this section: As used in this section, "significant cost savings" means a reduction of ten percent or more in average per employee workers' compensation employment insurance premium costs for employees of the retailer in Minnesota. The repayment must be equal to the amount of the cost savings. That amount must be deducted by the county auditor from the tax increments that would otherwise be paid to the retailer under section 1, subdivision 2, paragraph (d). The amount must be treated as excess tax increment and distributed to the local taxing districts as provided in Minnesota Statutes, section 469.176, subdivision 2, paragraph (a), clause (4).”

Renumber the sections in sequence

Amend the title accordingly.

Mr. Chmielewski questioned whether the amendment was germane.

The President ruled that the amendment was germane.

The question recurred on the Olson amendment. The motion did not prevail. So the amendment was not adopted.

H.F. No. 2213 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 52 and nays 12, as follows:

Those who voted in the affirmative were:

Anderson	Flynn	Laidig	Novak	Sams
Benson, J.E.	Frederickson	Langseth	Olson	Samuelson
Berg	Hanson	Larson	Pappas	Solon
Berglin	Hottinger	Lesewski	Pariseau	Stevens
Bertram	Janezich	Lessard	Piper	Stumpf
Chandler	Johnson, D.E.	Marty	Pogemiller	Terwilliger
Chmielewski	Johnson, D.J.	McGowan	Price	Vickerman
Cohen	Kelly	Metzen	Ranum	Wiener
Day	Kiscaden	Moe, R.D.	Riveness	
Dille	Knutson	Mondale	Robertson	
Finn	Kroening	Murphy	Runbeck	

Those who voted in the negative were:

Beckman	Betzold	Merriam	Oliver	Spear
Belanger	Johnson, J.B.	Morse	Reichgott Junge	
Benson, D.D.	Johnston	Neuville		

So the bill passed and its title was agreed to.

RECESS

Mr. Moe, R.D. moved that the Senate do now recess subject to the call of the President. The motion prevailed.

After a brief recess, the President called the Senate to order.

APPOINTMENTS

Mr. Moe, R.D. from the Subcommittee on Committees recommends that the following Senators be and they hereby are appointed as a Conference Committee on:

H.F. No. 936: Mr. Frederickson, Ms. Johnson, J.B. and Mr. Metzen.

H.F. No. 1094: Mr. Luther, Ms. Wiener, Mr. Solon, Ms. Berglin and Mr. Larson.

Mr. Moe, R.D. moved that the foregoing appointments be approved. The motion prevailed.

MOTIONS AND RESOLUTIONS - CONTINUED

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate revert to the Orders of Business of Reports of Committees, Second Reading of Senate Bills and Second Reading of House Bills. The motion prevailed.

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted, with the exception of the report on S.F. No. 2193. The motion prevailed.

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

S.F. No. 2303: A bill for an act relating to highway safety; requiring persons age 55 or over to complete a refresher course in accident prevention in order to remain eligible for a reduction in private passenger vehicle insurance rates; amending Minnesota Statutes 1992, section 65B.28.

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

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

S.F. No. 1774: A bill for an act relating to traffic regulations; permitting white strobe lights on rural mail carrier vehicles; amending Minnesota Statutes 1992, sections 169.01, by adding a subdivision; and 169.64, subdivision 8; Minnesota Statutes 1993 Supplement, section 169.64, subdivision 3.

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

Page 1, line 13, delete everything after "*carrier*" and insert "*on a rural mail route.*"

Page 1, delete line 14

Pages 2 and 3, delete section 3 and insert:

"Sec. 3. Minnesota Statutes 1992, section 169.64, subdivision 8, is amended to read:

Subd. 8. [~~WHITE STROBE LAMPS.~~] (a) Notwithstanding sections 169.55, subdivision 1, 169.57, subdivision 3, clause (b), or any other law to the contrary, a vehicle 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, and the lamp may be used as provided in this subdivision, if the vehicle is:

(1) A school bus that is subject to and complies with the color and equipment requirements of sections 169.441, subdivisions 1 and 2, and 169.442, subdivision 1. The lamp shall be permanently mounted on the longitudinal center line of the bus roof not less than five feet nor more than seven feet forward of the rear roof edge. It shall 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; or

(2) A road maintenance vehicle owned or under contract to the department of transportation or a road authority of a county, home rule or statutory city,

or town, but the strobe lamp may only be operated while the vehicle is actually engaged in snow removal during daylight hours.

(b) Notwithstanding sections 169.55, subdivision 1; 169.57, subdivision 3, clause (b), or any other law to the contrary, a vehicle may be equipped with a 360-degree flashing strobe lamp that emits an amber light with a flash rate of 60 to 120 flashes a minute, and the lamp may be used as provided in this subdivision, if the vehicle is a rural mail carrier vehicle, provided that the strobe lamp is mounted at the highest practicable point on the vehicle. The strobe lamp may only be operated while the vehicle is actually engaged during daylight hours in the delivery of mail to residents on a rural mail route.

~~The~~ *(c) A strobe lamp authorized by this section shall 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."*

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

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

S.F. No. 1856: A bill for an act relating to local government; providing that the statutory procedure for tree removal does not apply to trees removed from town roads dedicated by plat; amending Minnesota Statutes 1992, section 160.22, subdivision 7a, and by adding a subdivision.

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

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

S.F. No. 1832: A bill for an act relating to traffic regulations; authorizing immediate towing after 12 hours advance notice of restricted parking in cities under 50,000; amending Minnesota Statutes 1992, section 169.041, subdivision 4.

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

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

S.F. No. 1967: A bill for an act relating to drivers' licenses; allowing commissioner of public safety to determine driver's test taken for license reinstatement; amending Minnesota Statutes 1992, section 171.29, subdivision 1.

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

Page 1, line 17, delete "An"

Page 1, delete lines 18 and 19

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

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

S.F. No. 2111: A bill for an act relating to drivers' licenses; prohibiting issuance of a license to a person under age 18 years unless the person has graduated from or is attending a secondary school; requiring suspension of a license when a person under age 18 withdraws from school, is dismissed from school, has been habitually truant, or has committed a juvenile offense; amending Minnesota Statutes 1992, sections 171.04, subdivision 1, and by adding a subdivision; 171.043; 171.16, subdivision 5; and 171.18, subdivision 3, and by adding subdivisions; Minnesota Statutes 1993 Supplement, section 171.30, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 120; and 260.

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

Page 2, lines 12 and 15, delete "13" and insert "15"

Page 7, line 1, delete "260.196" and insert "260.193"

Page 7, line 33, after "person" insert "is at least 15 years of age and"

Page 8, line 14, after "person" insert "is at least 15 years of age and"

Page 10, line 20, delete "13" and insert "15"

Page 10, line 22, after "260.015," insert "subdivision 2a,"

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

Mr. Bertram from the Committee on Agriculture and Rural Development, to which was referred

S.F. No. 2283: A bill for an act relating to agriculture; expanding the restricted seed potato growing area; amending Minnesota Statutes 1992, section 21.1196, subdivision 1.

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

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

S.F. No. 2193: A bill for an act relating to water; establishing the drinking water revolving fund administered by the public facilities authority and the department of health; amending Minnesota Statutes 1992, section 446A.11, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 446A.

Reports the same back with the recommendation that the bill do pass. Mr. Merriam questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

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

S.F. No. 2068: A bill for an act relating to health; modifying provisions relating to the nursing home moratorium exceptions; amending Minnesota Statutes 1992, section 144A.073, subdivisions 1, 4, 8, and by adding a subdivision; Minnesota Statutes 1993 Supplement, section 144A.073, subdivisions 2 and 3.

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

Page 2, delete lines 3 to 12 and insert:

"Subd. 1a. [FINDINGS.] It is in the best interest of the state to ensure that existing nursing homes and certified boarding care homes continue to meet physical plant licensing and certification requirements and strive to satisfy the physical and emotional needs of residents through renovation and replacement construction projects approved under this section, regardless of the location of the existing nursing homes. The exceptions process provided in this section is intended to afford existing nursing homes the opportunity to meet those goals while enabling the state to maintain control over nursing homes expenditure growth."

Page 3, line 18, reinstate the stricken language and delete the new language

Page 4, after line 13, insert:

"Sec. 5. Minnesota Statutes 1992, section 144A.073, subdivision 3a, is amended to read:

Subd. 3a. [EXTENSION OF APPROVAL OF A PROJECT REQUIRING AN EXCEPTION TO THE NURSING HOME MORATORIUM.] Notwithstanding subdivision 3, a construction project that was approved by the commissioner under the moratorium exception approval process in this section prior to July 1, 1992, may be commenced more than 18 months after the date of the commissioner's approval but no later than ~~July 4, 1994~~ *January 1, 1995*, or 12 months after the effective date of a nursing home property-related payment system enacted to replace the current rate freeze in section 256B.431, subdivision 12, whichever is later."

Page 4, line 16, after "(a)" insert "*Review criteria must be applied in a uniform and fair manner to all proposals.*"

Page 4, line 17, delete "*, with equal significance.*"

Page 5, line 14, delete "*and*"

Page 5, line 25, before the period, insert "*; and*

(7) the extent to which the project removes the need for waivers or variances previously granted by either the licensing agency, certifying agency, fire marshal, or local governmental entity"

Page 5, line 28, delete "*and (2)*" and insert "*to (3)*"

Page 5, after line 28, insert:

"(1) the extent to which the average occupancy rate of the facility and the average occupancy rate of all facilities in the county in which the project will be located, together with all contiguous Minnesota counties, supports the need for the proposed project may be used to compare, evaluate, and rank only projects that propose relocation;"

Page 5, line 29, delete "(1)" and insert "(2)"

Page 5, line 30, delete "85" and insert "65" and delete "applicant is" and insert "project will be"

Page 5, line 33, delete everything before "relocation"

Page 5, line 34, delete "(2)" and insert "(3)"

Page 5, line 35, after "evaluated" insert "only" and delete the second "the"

Page 5, line 36, delete "designs"

Page 6, after line 2, insert:

"Sec. 7. Minnesota Statutes 1992, section 144A.073, is amended by adding a subdivision to read:

Subd. 7a. [PROJECTED COST SAVINGS.] As part of the technical assistance review and analysis of proposals, the commissioner of human services shall verify any state medical assistance cost savings projected by a proposal. If verified, the advisory review panel, the interagency board, and the commissioner shall include the projected state medical assistance cost savings when calculating whether the combined costs of all projects exceed any statutory funding allocation threshold for the exceptions process."

Page 6, after line 12, insert:

"Sec. 9. Minnesota Statutes 1992, section 256B.431, subdivision 17, is amended to read:

Subd. 17. [SPECIAL PROVISIONS FOR MORATORIUM EXCEPTIONS.] (a) Notwithstanding Minnesota Rules, part 9549.0060, subpart 3, for rate periods beginning on October 1, 1992, and for rate years beginning after June 30, 1993, a nursing facility that has completed a construction project approved under section 144A.071, subdivision 4a, clause (m), or has completed a renovation, replacement, or upgrading project approved under the moratorium exception process in section 144A.073 shall be reimbursed for costs directly identified to that project as provided in subdivision 16 and this subdivision.

(b) Notwithstanding Minnesota Rules, part 9549.0060, subparts 5, item A, subitems (1) and (3), and 7, item D, allowable interest expense on debt shall include:

(1) interest expense on debt related to the cost of purchasing or replacing depreciable equipment, excluding vehicles, not to exceed six percent of the total historical cost of the project; and

(2) interest expense on debt related to financing or refinancing costs, including costs related to points, loan origination fees, financing charges, legal fees, and title searches; and issuance costs including bond discounts, bond counsel, underwriter's counsel, corporate counsel, printing, and financial forecasts. Allowable debt related to items in this clause shall not exceed seven percent of the total historical cost of the project. To the extent these costs are financed, the straight-line amortization of the costs in this clause is not an allowable cost; and

(3) interest on debt incurred for the establishment of a debt reserve fund, net of the interest earned on the debt reserve fund.

(c) Debt incurred for costs under paragraph (b) is not subject to Minnesota Rules, part 9549.0060, subpart 5, item A, subitem (5) or (6).

(d) The incremental increase in a nursing facility's rental rate, determined under Minnesota Rules, parts 9549.0010 to 9549.0080, and this section, resulting from the acquisition of allowable capital assets, and allowable debt and interest expense under this subdivision shall be added to its property-related payment rate and shall be effective on the first day of the month following the month in which the moratorium project was completed.

(e) Notwithstanding subdivision 3f, paragraph (a), for rate periods beginning on October 1, 1992, and for rate years beginning after June 30, 1993, the replacement-costs-new per bed limit to be used in Minnesota Rules, part 9549.0060, subpart 4, item B, for a nursing facility that has completed a renovation, replacement, or upgrading project that has been approved under the moratorium exception process in section 144A.073, or that has completed an addition to or replacement of buildings, attached fixtures, or land improvements for which the total historical cost exceeds the lesser of \$150,000 or ten percent of the most recent appraised value, must be \$47,500 per licensed bed in multiple-bed rooms and \$71,250 per licensed bed in a single-bed room. These amounts must be adjusted annually as specified in subdivision 3f, paragraph (a), beginning January 1, 1993.

(f) A nursing facility that completes a project identified in this subdivision and, as of April 17, 1992, has not been mailed a rate notice with a special appraisal for a completed project, or completes a project after April 17, 1992, but before September 1, 1992, may elect either to request a special reappraisal with the corresponding adjustment to the property-related payment rate under the laws in effect on June 30, 1992, or to submit their capital asset and debt information after that date and obtain the property-related payment rate adjustment under this section, but not both."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, delete "section" and insert "sections"

Page 1, line 5, after "1," insert "3a," and delete "a subdivision" and insert "subdivisions; and 256B.431, subdivision 17"

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

Ms. Piper from the Committee on Family Services, to which was referred

S.F. No. 2129: A bill for an act relating to adoption; regulating certain advertising and payments in connection with adoption; regulating agencies; providing for nonagency adoption; providing for the enforceability of post-adoption contact agreements; providing penalties; amending Minnesota Statutes 1992, sections 144.227, subdivision 1, and by adding a subdivision; 245A.03, subdivisions 1 and 2; 245A.04, by adding a subdivision; 245A.07, by adding a subdivision; 259.21, by adding subdivisions; 259.22, subdivisions 1, 2, and by adding a subdivision; 259.27, by adding a subdivision; 259.31; and 317A.907, subdivision 6; Minnesota Statutes 1993 Supplement, section 245A.03, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 259.

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

Page 4, line 30, delete the first comma and insert "*or legal*" and delete the second comma

Page 4, line 31, delete "*or legal custodian*"

Page 5, delete lines 2 to 4

Page 5, line 16, delete "*and*"

Page 5, line 23, before the period, insert "; *and*

(4) submit a certified audit to the commissioner each year the license is renewed as required under section 245A.03, subdivision 1"

Page 5, after line 31, insert:

"Sec. 7. [259.20] [POLICY.]

Subdivision 1. The policy of the state of Minnesota and the purpose of sections 259.20 to 259.406 is to ensure:

(1) that the best interests of children are met in the planning and granting of adoptions; and

(2) that laws and practices governing adoption recognize the diversity of Minnesota's population and the diverse needs of persons affected by adoption.

Subd. 2. This policy applies to chapters 245A, 257, 260, and 317A."

Page 5, line 35, delete the first comma and insert "*or legal*" and delete "*, or*"

Page 5, line 36, delete "*legal custodian*"

Page 6, line 19, delete "NONAGENCY ADOPTION" and insert "DIRECT ADOPTIVE PLACEMENT" and delete "*Nonagency adoption*" and insert "*Direct adoptive placement*"

Page 6, delete section 10

Page 7, line 30, delete "*nonagency*"

Page 7, line 31, delete "*adoption*" and insert "*direct adoptive placement*"

Page 7, line 36, after "*needs*" insert "*as defined under title IV-E of the Social Security Act, United States Code, title 42, section 670,*"

Page 8, delete lines 1 and 2

Page 8, line 3, delete "(3)" and insert "(2)"

Page 8, line 12, delete everything after the period

Page 8, delete lines 13 to 15

Page 8, line 24, after "*for*" insert "*prefinalization*"

Page 9, line 4, delete "*will*" and insert "*may*" and delete "*anticipated*" and insert "*estimated*"

Page 9, line 10, after "*provide*" insert "*summary*"

Page 9, delete lines 32 to 36

Page 10, delete line 1

Page 10, line 2, delete "4" and insert "3"

Page 10, line 20, delete ", except that in a step-parent adoption," and insert "and"

Page 10, line 22, delete "nonagency adoption" and insert "direct adoptive placement"

Page 10, after line 27, insert:

"A step-parent adoption is not subject to this section."

Page 10, line 30, delete "and" and insert a comma

Page 10, line 31, after the comma, insert "*and domestic violence data of each person over the age of 13 living in the home. The prospective adoptive parents, the bureau of criminal apprehension, and other involved state, county, and local agencies, after written notice to the subject of the study, shall help by giving the agency completing the adoption study substantiated criminal conviction data and reports about maltreatment of minors and domestic violence. The adoption study must also include a check of the juvenile court records of each person over the age of 13 living in the home. Notwithstanding provisions of section 260.161 to the contrary, the juvenile court shall release the requested information to the agency completing the adoption study.*"

Page 11, delete lines 3 and 4

Page 11, line 19, delete "nonagency"

Page 11, delete line 20 and insert "*direct adoptive placement, with the motion for temporary preadoptive custody.*"

Page 12, line 7, delete "nonagency"

Page 12, line 8, delete "adoption" and insert "*direct adoptive placement*"

Page 12, after line 9, insert:

"Subd. 2. [PREADOPTIVE CUSTODY ORDER.] (a) *Before a child is placed in a prospective adoptive home by a birth parent or legal guardian, the placement must be approved by the district court in the county where the prospective adoptive parent resides. The prospective adoptive parent must meet the residence requirements of section 259.22, subdivision 1, and must file with the court an affidavit of intent to remain a resident of the state for at least 90 days after the child is placed in the prospective adoptive home. The prospective adoptive parent shall file with the court a notice of intent to file an adoption petition and seek an order granting temporary preadoptive custody. The motion may be filed up to 60 days before the placement is to be made and must include:*

(1) *the preplacement study required under section 259.2586;*

(2) *affidavits from the birth parents indicating their support of the motion, or, if there is no affidavit from the birth father, an affidavit from the birth mother under paragraph (b);*

(3) *an itemized statement of expenses that have been paid and an estimate of expenses that will be paid by the prospective adoptive parents to the birth parents, any agency, attorney, or other party in connection with the prospective adoption;*

(4) *the name of counsel for each party, if any;*

(5) *a statement that the birth parents:*

(i) *have provided the social and medical history required under section 259.2587 to the prospective adoptive parent;*

(ii) *have received the written statement of their legal rights and responsibilities under section 259.2585; and*

(iii) *have been notified of their right to receive counseling under subdivision 3.*

The court shall review the expense statement submitted under this subdivision to determine whether payments made or to be made by the prospective adoptive parent are lawful.

(b) *If the birth mother appears but not the birth father, the birth mother must submit an affidavit that describes her good faith efforts to identify and locate the birth father for purposes of securing his consent. In the following circumstances the birth mother may instead submit an affidavit stating on which ground she is exempt from making efforts to identify and locate the father:*

(1) *the child was conceived as the result of incest or rape;*

(2) *efforts to locate the father could reasonably result in physical harm to the birth mother or child; or*

(3) *efforts to locate the father could reasonably result in emotional impairment of the birth mother or child that would substantially affect either individual's functioning."*

Page 12, line 10, delete "2" and insert "3"

Page 12, line 20, delete "3" and insert "4"

Page 12, delete lines 27 to 36

Page 13, delete lines 1 to 36

Page 14, delete line 1

Page 14, line 3, before "Not" insert "Regardless of the manner of placement,"

Page 14, line 4, delete "30" and insert "60"

Page 14, after line 35, insert:

"If a birth parent has chosen to receive counseling through a licensed agency, then the birth parent may choose to execute a written consent or participate in a voluntary termination of parental rights."

Page 15, line 4, delete "neither" and insert "a" and delete "appears" and insert "whose consent is required does not appear"

Page 15, line 8, before the period, insert "as defined in section 260.221"

Page 15, line 25, delete "contract" and insert "contact"

Page 16, lines 3 and 21, delete "nonagency adoption" and insert "direct adoptive placement"

Page 16, line 4, delete "court" and insert "agency which completed the adoption study"

Page 16, line 10, delete the second comma and insert "or" and delete "or a birth parent"

Page 16, line 13, after "245A" insert ", except as authorized by section 245A.03, subdivision 2"

Page 16, line 14, delete "auditor" and insert "attorney"

Page 17, line 2, delete "OF" and insert "TO"

Page 17, line 11, delete "except as authorized under subdivision 1,"

Page 18, line 23, strike everything after the period

Page 18, strike lines 24 to 26

Page 18, after line 31, insert:

"Sec. 25. [ADOPTION ADVISORY COMMITTEE REPORT.]

The commissioner of human services shall use an advisory committee including birth parents, adoptive parents, adopted adults, county agencies, private adoption agencies, consumer advocates, a representative from the attorney general's office, and the legal community to make recommendations on further changes needed in order to protect children placed for the purpose of adoption, birth parents or guardians, and prospective adoptive parents. A report with recommendations for state law changes must be made to the governor and the legislature no later than February 1, 1995."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, delete "nonagency adoption" and insert "direct adoptive placement"

Page 1, lines 8 and 9, delete "subdivisions 1 and 2" and insert "subdivision 1"

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

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

H.F. No. 1886 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1886	1751				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1886 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1886 and insert the language after the enacting clause of S.F. No. 1751, the first engrossment; further, delete the title of H.F. No. 1886 and insert the title of S.F. No. 1751, the first engrossment.

And when so amended H.F. No. 1886 will be identical to S.F. No. 1751, and further recommends that H.F. No. 1886 be given its second reading and substituted for S.F. No. 1751, and that the Senate File be indefinitely postponed.

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

SECOND READING OF SENATE BILLS

S.F. Nos. 2303, 1774, 1856, 1832, 1967, 2283 and 2068 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. No. 1886 was read the second time.

MEMBERS EXCUSED

Mrs. Adkins was excused from the Session of today. Messrs. Mondale and Janezich were excused from the Session of today from 8:00 to 9:00 a.m. Ms. Krentz was excused from the Session of today from 9:15 to 9:20 a.m. and from 10:20 to 10:30 a.m. Ms. Kiscaden was excused from the Session of today from 10:15 to 10:30 a.m.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 11:45 a.m., Friday, March 18, 1994. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

SEVENTY-THIRD DAY

St. Paul, Minnesota, Friday, March 18, 1994

The Senate met at 11:45 a.m. and was called to order by the President.

CALL OF THE SENATE

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

Prayer was offered by Senator Pat Piper.

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

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

The President declared a quorum present.

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

MESSAGES FROM THE HOUSE

Mr. President:

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

S.F. No. 1709: A bill for an act relating to taxation; property tax refund; uncapping the appropriation for targeting for 1994 only; requiring counties to provide the commissioner of revenue with certain data; appropriating money; amending Minnesota Statutes 1993 Supplement, section 290A.04, subdivision 2h.

Senate File No. 1709 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 17, 1994

Mr. Riveness moved that S.F. No. 1709 be laid on the table. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 1901, 2016, 2090 and 2074.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 17, 1994

FIRST READING OF HOUSE BILLS

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

H.F. No. 1901: A bill for an act relating to local government; permitting the city of Hutchinson to incur debt for certain improvements; authorizing a reverse referendum on the issuance of city bonds.

Referred to the Committee on Metropolitan and Local Government.

H.F. No. 2016: A bill for an act relating to commerce; regulating mortgage payment services; requiring a bond or other security; amending Minnesota Statutes 1992, section 332.13, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 332.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1847, now on the Consent Calendar.

H.F. No. 2090: A bill for an act relating to local government; providing that the statutory procedure for tree removal does not apply to trees removed from town roads dedicated by plat; amending Minnesota Statutes 1992, section 160.22, subdivision 7a, and by adding a subdivision.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1856, now on the Consent Calendar.

H.F. No. 2074: A bill for an act relating to crime prevention; juvenile justice; providing for adult court jurisdiction over juveniles alleged to have committed first degree murder or first degree criminal sexual conduct after age 16; providing for presumptive certification to adult court for juveniles alleged to have committed other prison-level felonies; authorizing the court or the prosecutor to designate a juvenile a serious youthful offender; authorizing adult felony sentences for serious youthful offenders; extending juvenile court jurisdiction to age 23; limiting certification to adult court to felony offenses; extending a right to jury trial to serious youthful offenders; requiring that a juvenile have an in-person consultation with counsel before waiving right to counsel; requiring appointment of counsel or standby counsel for juveniles charged with gross misdemeanors or felonies or when out-of-home delinquency placement is proposed; providing for adult court jurisdiction over juveniles alleged to have committed nonfelony-level traffic offenses after age 16; authorizing the juvenile court to require parents to attend delinquency hearings; providing for the sharing of certain data collected or maintained on juveniles; requiring county attorneys to establish juvenile diversion programs;

providing mandatory minimum sentences for drive-by shooting crimes; expanding the crime relating to the possession of dangerous weapons on school property; increasing penalties for certain firearms offenses involving youth; establishing a task force on juvenile justice programming evaluation and planning; requiring that the department of corrections provide programming for serious and repeat juvenile offenders; appropriating money; amending Minnesota Statutes 1992, sections 13.99, subdivision 79; 242.31, subdivision 1; 242.32; 260.015, subdivision 5; 260.111, by adding a subdivision; 260.115, subdivision 1; 260.121, subdivision 3; 260.125; 260.131, by adding a subdivision; 260.132; 260.155, subdivision 2, and by adding a subdivision; 260.161, subdivisions 1a, 2, and by adding a subdivision; 260.181, subdivision 4; 260.185, subdivision 3; 260.193, subdivisions 1, 3, 4, 6, and by adding a subdivision; 260.211, subdivision 1; 260.215, subdivision 1; 260.291; 268.31; 609.055, subdivision 2; 611.15; 611.19; 611.25, subdivision 1; 611A.02, by adding a subdivision; and 611A.77, subdivision 1; Minnesota Statutes 1993 Supplement, sections 13.46, subdivision 2; 144.651, subdivisions 2, 21, and 26; 253B.03, subdivisions 3 and 4; 260.155, subdivision 1; 260.161, subdivisions 1 and 3; 299A.35, subdivisions 1 and 2; 299C.65, subdivision 1; 401.065, subdivision 1, and by adding a subdivision; 609.11, subdivision 9; 609.66, subdivision 1d; 624.713, subdivision 1; 624.7132, subdivision 15; and 624.7181, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 260; 299A; 388; and 609; repealing Minnesota Statutes 1992, section 260.125, subdivision 3.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1845.

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted, with the exception of the report on S.F. No. 1981 and reports pertaining to appointments. The motion prevailed.

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

S.F. No. 1662: A bill for an act relating to family; adopting the uniform interstate family support act; repealing the revised uniform reciprocal enforcement of support act; proposing coding for new law in Minnesota Statutes, chapter 518C; repealing Minnesota Statutes 1992, sections 518C.01 to 518C.36.

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

Page 21, line 2, delete "*first*"

Page 21, line 3, delete "*class*," and delete the second comma

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

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

S.F. No. 1896: A bill for an act relating to transportation; including in state transportation plan and development guide certain transportation matters

relating to metropolitan area; prohibiting federal block grant funds from being spent on trunk highways unless ancillary to public transit facilities; requiring compliance with comprehensive choice housing requirements before metropolitan council may approve proposed highway project or plan; adding metropolitan transit goals; amending Minnesota Statutes 1992, sections 174.03, subdivision 1a; 473.146, subdivision 3; 473.167, by adding a subdivision; and 473.371, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 174.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1992, section 174.03, subdivision 1a, is amended to read:

Subd. 1a. [REVISION OF STATE TRANSPORTATION PLAN.] The commissioner shall revise the state transportation plan by July 1, 1993, and by July 1 of each odd-numbered year thereafter. Before final adoption of a revised plan, the commissioner shall hold a hearing to receive public comment on the plan. The revised state transportation plan must:

(1) incorporate the goals of the state transportation system in section 174.01; ~~and~~

(2) establish objectives, policies, and strategies for achieving those goals; ~~and~~

(3) establish transportation objectives, policies, and strategies for the metropolitan area, as defined in section 473.121, subdivision 2, to help stabilize and enhance the social and economic health of the central cities, the fully developed area, and the metropolitan area as a whole.

Sec. 2. Minnesota Statutes 1992, section 473.146, subdivision 3, is amended to read:

Subd. 3. [TRANSPORTATION CHAPTER OF THE DEVELOPMENT GUIDE.] The transportation chapter must include policies relating to all transportation forms and be designed to promote the legislative determinations, policies, and goals set forth in section 473.371. In addition to the requirements of subdivision 1 regarding the contents of the policy plan, the nontransit element of the transportation chapter must include the following:

(1) a statement of the needs and problems of the metropolitan area with respect to the functions covered, including the present and prospective demand for and constraints on access to regional business concentrations and other major activity centers and the constraints on and acceptable levels of development and vehicular trip generation at such centers;

(2) the objectives of and the policies to be forwarded by the policy plan;

(3) a general description of the physical facilities and services to be developed;

(4) a statement as to the general location of physical facilities and service areas;

(5) a general statement of timing and priorities in the development of those physical facilities and service areas;

(6) a detailed statement, updated every two years, of timing and priorities for improvements and expenditures needed on the metropolitan highway system; ~~and~~

(7) a general statement on the level of public expenditure appropriate to the facilities;

(8) *procedures for determining whether the need to be met by any highway project that involves capacity improvement could be met at less cost, with less traffic congestion, and less environmental impact by transit improvements within the same transportation corridor; and*

(9) *provisions for consideration of the effects of highway projects in conjunction with land use and housing, including low- and moderate-income housing, on the social and economic isolation of low-income populations from growing economic opportunities in the developing suburban areas, within the area immediately affected by the project and within the entire metropolitan area.*

The council shall develop the nontransit element in consultation with the transportation advisory board and shall transmit the results to the state department of transportation.

Sec. 3. Minnesota Statutes 1992, section 473.371, subdivision 2, is amended to read:

Subd. 2. [GOALS.] The goals of sections 473.371 to 473.449 are as follows:

(a) to provide, to the greatest feasible extent, a basic level of mobility for all people in the metropolitan area;

(b) to arrange to the greatest feasible extent for the provision of a comprehensive set of transit and paratransit services to meet the needs of all people in the metropolitan area;

(c) to cooperate with private and public transit providers to assure the most efficient and coordinated use of existing and planned transit resources; ~~and~~

(d) to maintain public mobility in the event of emergencies or energy shortages; *and*

(e) to help stabilize and enhance the social and economic health of the metropolitan area by ensuring to the greatest feasible extent comprehensive transit services including, but not limited to, service connecting the central cities to areas with employment opportunities and services.

Sec. 4. [APPLICATION.]

Sections 2 and 3 apply in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington."

Amend the title as follows:

Page 1, delete lines 5 to 9

Page 1, line 10, delete everything before "amending"

Page 1, line 12, delete everything after the semicolon

Page 1, line 13, delete "subdivision;" and delete "; proposing" and insert a period

Page 1, delete line 14

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

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

S.F. No. 1990: A bill for an act relating to motor vehicles; making technical corrections; taxing commuter vans as buses for vehicle registration purposes; allowing holder of personalized license plates to have priority for those plates in next registration period as long as holder keeps registration current; providing for temporary 60-day permits while waiting for special ready reserve license plates or special collegiate license plates; requiring vehicle dealers to file information relating to temporary registration permits issued to new purchasers; requiring drive-away in transit license plates and insurance for transporting vehicles; regulating vehicle dealers; requiring that parking certificate for disabled person hang from rearview mirror; specifying parking certificate expiration times for persons with permanent and temporary disabilities; providing for administrative hearings regarding deputy registrars; requiring secured parties to be notified when a dealer buys a late model or high value salvage vehicle; amending Minnesota Statutes 1992, sections 168.011, subdivision 7; 168.013, subdivision 1f, and by adding a subdivision; 168.053, subdivision 1; 168.054; 168.09, subdivision 7; 168.092, subdivision 2; 168.12, subdivision 2a; 168.126, subdivision 1; 168.27, subdivisions 1, 12, 13, 15, 16, and 17; 168.33, subdivision 2; 168A.11, subdivision 2; 168A.153, subdivision 2; 169.345, subdivision 1; and 325F.662, subdivision 3; Minnesota Statutes 1993 Supplement, section 169.345, subdivision 3.

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

Page 12, line 12, delete "*vehicle in transit*" and insert "*temporary*"

Page 13, line 15, strike "*pickup truck*" and insert "*vehicle*"

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

Mr. Mondale, for Mrs. Adkins, from the Committee on Metropolitan and Local Government, to which was referred.

S.F. No. 2274: A bill for an act relating to Freeborn county; permitting the appointment of the recorder and auditor/treasurer; authorizing the reorganization of county offices.

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

Mr. Mondale, for Mrs. Adkins, from the Committee on Metropolitan and Local Government, to which was referred

S.F. No. 1880: A bill for an act relating to government; providing that a public body may close one or more meetings for preliminary consideration of

charges against an individual subject to its authority; amending Minnesota Statutes 1992, section 471.705, subdivision 1d.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Judiciary. Report adopted.

Mr. Mondale, for Mrs. Adkins, from the Committee on Metropolitan and Local Government, to which was referred

S.F. No. 2460: A bill for an act relating to Washington county; providing for a reverse referendum to make certain county offices appointive rather than elective.

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

Mr. Mondale, for Mrs. Adkins, from the Committee on Metropolitan and Local Government, to which was referred

S.F. No. 2383: A bill for an act relating to Koochiching county; permitting the appointment of the recorder; authorizing the reorganization of the office.

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

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

S.F. No. 2260: A bill for an act relating to public safety; making technical corrections; allowing special, coded license plates to be issued, following impoundment of former plates, to licensed driver identified by vehicle's registered owner; requiring department of public safety to keep records for five years of cancellations and disqualifications of drivers' licenses, unless rescinded; classifying offenses of following too closely and erratic lane change as serious traffic offenses for purposes of disqualifying driver from operating commercial motor vehicle; requiring same waiting period for Minnesota limited driver's license whether offense was committed in Minnesota or in another state; amending Minnesota Statutes 1992, sections 168.042, subdivision 12; 171.12, subdivisions 1, 3, and 3a; 171.165, subdivision 4; and 260.151, subdivision 1; Minnesota Statutes 1993 Supplement, sections 171.22, subdivision 1; 171.29, subdivision 2; and 171.30, subdivision 2a.

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

Page 4, line 24, strike "or"

Page 4, line 27, before the period, insert "; or

(9) to display as a valid driver's license any canceled, revoked, or suspended driver's license. A person whose driving privileges have been withdrawn may display a driver's license only for identification purposes"

Amend the title as follows:

Page 1, line 12, after the semicolon, insert "imposing a penalty for displaying invalid driver's license as being valid;"

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

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

S.F. No. 1848: A bill for an act relating to real estate; regulating trust accounts; clarifying a definition for purposes of licensing real estate appraisers; amending Minnesota Statutes 1992, section 82B.02, by adding a subdivision; Minnesota Statutes 1993 Supplement, section 82.24, subdivision 1.

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

Page 1, after line 7, insert:

"Section 1. Minnesota Statutes 1993 Supplement, section 82.197, subdivision 3, is amended to read:

Subd. 3. [SCOPE AND EFFECT.] ~~The requirements for disclosure of agency relationships set forth in this chapter are intended only to establish a minimum standard for regulatory purposes, and are not intended to abrogate common law.~~ *Disclosures made in accordance with the requirements for disclosure of agency relationships set forth in this chapter are sufficient to satisfy common law disclosure requirements. In addition, when a principal in the transaction is a licensee or a relative or business associate of the licensee, that fact must be disclosed in writing in addition to any other required disclosures. The commissioner, in consultation with representatives of the real estate industry, consumer groups, the attorney general's office, and any other group deemed appropriate by the commissioner, shall study current required disclosure forms and recommend any additions that may be necessary to ensure that consumers are informed of the various agency relations and how they affect the consumer. The commissioner shall prepare legislation for the 1995 session which incorporates those recommendations."*

Page 2, line 8, delete "14" and insert "15"

Page 2, line 13, delete "Section 1 and 2" and insert "Sections 1 to 3"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, before "amending" insert "regulating dual agency disclosure;"

Page 1, line 6, delete "section" and insert "sections 82.197, subdivision 3; and"

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

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

S.F. No. 1847: A bill for an act relating to commerce; regulating mortgage payment services; requiring a bond or other security; amending Minnesota Statutes 1992, section 332.13, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 332.

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

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1992, section 332.13, subdivision 2, is amended to read:

Subd. 2. “Debt prorating” means the performance of any one or more of the following:

(a) managing the financial affairs of an individual by distributing income or money to the creditors thereof;

(b) receiving funds for the purpose of distributing said funds among creditors in payment or partial payment of obligations of a debtor; or

(c) settling, adjusting, prorating, pooling, or liquidating the indebtedness of a debtor. Any person so engaged or holding out as so engaged shall be deemed to be engaged in debt prorating regardless of whether or not a fee is charged for such services. This term shall not include services performed by the following when engaged in the regular course of their respective businesses and professions:

(1) Attorneys at law, escrow agents, accountants, broker-dealers in securities;

(2) Banks, state or national, trust companies, savings and loan associations, building and loan associations, title insurance companies, insurance companies and all other lending institutions duly authorized to transact business in the state of Minnesota, provided no fee is charged for such service;

(3) Persons who, as employees on a regular salary or wage of an employer not engaged in the business of debt prorating, perform credit services for their employer;

(4) Public officers acting in their official capacities and persons acting pursuant to court order;

(5) Nonprofit corporations, organized under Minnesota Statutes 1967, Chapter 317, giving debt prorating service, provided no fee is charged for such service;

(6) Any person while performing services incidental to the dissolution, winding up or liquidation of a partnership, corporation or other business enterprise;

(7) The state of Minnesota, its political subdivisions, public agencies and their employees;

(8) Credit unions, provided no fee is charged for such service;

(9) “Qualified organizations” designated as representative payees for purposes of the Social Security and Supplemental Security Income representative payee system and the federal Omnibus Budget Reconciliation Act of 1990, Public Law Number 101-508; and

(10) *Mortgage payment servicers. “Mortgage payment servicers” are persons who, after satisfying the requirements of section 332.30, receive funds to make mortgage payments to a lender or lenders, on behalf of mortgagors, in order to meet or exceed regularly scheduled minimum payment obligations*

under the terms of the indebtedness, but shall not include persons or entities described in clauses (1) to (9).

Sec. 2. [332.30] [MORTGAGE PAYMENT SERVICERS; BOND REQUIREMENTS.]

Before beginning business in this state, a mortgage payment servicer, as defined in section 332.13, subdivision 2, clause (10), shall submit to the commissioner of commerce either:

- (1) a surety bond in which the mortgage payment servicer is the obligor; or*
- (2) if the commissioner agrees to accept it, a deposit:*
 - (i) in cash in an amount equivalent to the bond sum; or*

(ii) of securities of the type that may legally be purchased by savings banks or trust funds with an aggregate market value equal to the bond sum. The cash or securities must be deposited with the state treasurer.

If a bond is submitted, it must name as surety an insurance company authorized to transact fidelity and surety business in the state. The bond must run to the state of Minnesota for the use of the state and of any person who may have a claim against the obligor arising out of the obligor's activities as a mortgage payment servicer. The bond must be conditioned that the obligor will not commit any fraudulent act and will faithfully conform to and abide by the provisions of mortgage payment services agreements with Minnesota residents. The amount of the bond shall vary with the amount of Minnesota client funds held by the obligor. The amount shall be determined on the basis of the highest deposit balance during the last 12 months of business in Minnesota, or, if the obligor has not done business in the state for 12 months, on the basis of those months in which business was conducted. For new businesses, the bond shall be \$100,000. The amount of bond required shall be equal to the amount of average client funds held. If at any time the average amount of funds held in any two consecutive months is 150 percent or more of the bond amount, the obligor shall immediately increase the bond amount by 100 percent. If a mortgage payment servicer has failed to account to a mortgagor or distribute funds to the mortgagee as required by a mortgage payment services agreement, the mortgagor or the mortgagor's legal representative or receiver or the commissioner shall have, in addition to any other legal remedies, a right of action in the name of the debtor on the bond or the security given pursuant to this section.

Sec. 3. [332.301] [BOND; BACKGROUND CHECK.]

The commissioner may accept an initial surety bond in an amount less than \$100,000 based on the business plan of the mortgage payment servicer, provided the commissioner obtains a third-party background check at the expense of the mortgage payment servicer and from a source to be determined by the commissioner. The commissioner may require a third-party background check in connection with any mortgage payment servicer at the expense of the mortgage payment servicer, but no more often than annually.

Sec. 4. [332.302] [CONTRACTS; NOTICE TO MORTGAGOR.]

A contract entered into between a mortgage payment servicer and a mortgagor shall be in writing and include all applicable terms and conditions including, but not limited to, all fees, costs, and charges. A conforming copy must be provided to the mortgagor before any fees in connection with the

mortgage payment services are received by the mortgage payment servicer. A contract shall provide that the arrangement between the mortgage payment servicer and lender or lenders requires:

(1) that if the original terms of the mortgage, mortgage note, or escrow agreement are in default because of nonpayment by the mortgage payment servicer, the lender or lenders mail or otherwise deliver to the mortgagor a written notice within 30 days of the default; and

(2) that a written summary of payments received by the mortgage payment servicer by date and amount, payments made to the lender or lenders on behalf of the mortgagor by date and amount and unremitted balance held by the mortgage payment servicer be provided to the mortgagor at least annually or more frequently on a date or dates mutually agreed upon between the mortgage payment servicer and mortgagor.

Sec. 5. [332.303] [REPORT; DATA COLLECTION.]

The commissioner shall report by March 1, 1995, to the senate commerce and consumer protection committee and to the house of representatives committee on commerce and economic development, the status of the development of the mortgage payment services business. The commissioner shall make recommendations on the effectiveness of the safeguards in this act based on his experience and questionnaires and statistical data to be required from every mortgage payment servicer in a form determined by the commissioner to be filed with the commissioner by January 31 of each year, beginning January 31, 1995.

Sec. 6. [332.304] [SEGREGATED ACCOUNTS.]

A payment received by a mortgage payment servicer from or on behalf of a client shall be held by the mortgage payment servicer in a separate trust account clearly designated for client funds. The account shall be in a bank or other depository institution authorized or chartered under the laws of any state or of the United States. The mortgage payment servicer shall not commingle funds held for payment to lenders with its own property or funds.

Sec. 7. [EFFECTIVE DATE.]

Sections 1 to 6 are effective the day following final enactment."

Delete the title and insert:

▷ "A bill for an act relating to commerce; regulating mortgage payment services; requiring a bond or other security; permitting third-party background checks; regulating contracts; requiring a report on the industry and collection of industry data; segregating accounts; amending Minnesota Statutes 1992, section 332.13, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 332."

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Mr. Marty from the Committee on Ethics and Campaign Reform, to which was referred

S.F. No. 2199: A bill for an act relating to elections; codifying the congressional district plan adopted by the Minnesota special redistricting panel; proposing coding for new law in Minnesota Statutes, chapter 2;

repealing Minnesota Statutes 1992, sections 2.741; 2.751; 2.761; 2.771; 2.781; 2.791; 2.801; and 2.811.

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

Mr. Marty from the Committee on Ethics and Campaign Reform, to which was referred

S.F. No. 2297: A bill for an act relating to elections; eliminating combined precincts but authorizing a combined polling place under the same conditions; adding three years to the time precinct boundaries may be changed; requiring separate precincts for each congressional district; limiting precinct boundary changes close to an election; amending Minnesota Statutes 1992, sections 204B.14, subdivisions 2 and 3; 204B.22, subdivision 1; and 205A.11; Minnesota Statutes 1993 Supplement, section 204B.14, subdivisions 4 and 5; repealing Minnesota Statutes 1992, sections 204B.14, subdivision 8; and 204B.16, subdivision 2.

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

Mr. Marty from the Committee on Ethics and Campaign Reform, to which was referred

S.F. No. 2197: A bill for an act relating to elections; codifying and recodifying the legislative district boundaries used for the 1992 election, with adjustments to avoid dividing the cities of Willernie and New Hope and simplify the division of Ham Lake; providing for distribution and correction of redistricting plans; amending Minnesota Statutes 1992, sections 2.031, subdivision 2; 2.043; 2.053; 2.063; 2.073; 2.083; 2.093, subdivision 2; 2.103; 2.113; 2.123; 2.133; 2.143; 2.153, subdivision 2; 2.163; 2.173; 2.183; 2.193; 2.203, subdivision 1; 2.213; 2.223; 2.233; 2.243; 2.253; 2.263; 2.273; 2.283; 2.293; 2.313; 2.323; 2.333; 2.343; 2.353; 2.363; 2.373; 2.383; 2.393; 2.403; 2.413; 2.433; 2.443; 2.453, subdivision 1; 2.463; 2.473, subdivision 2; 2.483, subdivision 2; 2.493; 2.503; 2.513, subdivision 1; 2.523; 2.533; 2.543, subdivision 1; 2.553; 2.563; 2.573; 2.583; 2.593, subdivision 2; 2.603; 2.613, subdivision 2; 2.623; 2.633, subdivision 2; 2.643; 2.653, subdivision 1; 2.663; 2.673; 2.683, subdivision 1; 2.693; and 2.703, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 2.

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

Page 31, lines 23 and 24, before "Rockford" insert "Old"

Page 67, after line 22, insert:

"Sec. 68. [MUNICIPAL BOUNDARY ADJUSTMENTS.]

Each city divided by a legislative district boundary that is moved by this act shall by ordinance adjust its precinct and ward boundaries so that no precinct lies in more than one legislative district."

Renumber the sections in sequence

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

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

S.F. No. 1981: A bill for an act relating to railroads; authorizing rail carriers to participate in loan guarantee program; defining terms; amending eligibility requirements; amending Minnesota Statutes 1992, sections 222.55; 222.56, subdivisions 5, 6, and by adding subdivisions; 222.57; and 222.58, subdivision 2.

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

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1992, section 222.55, is amended to read:

222.55 [RAIL USER AND RAIL CARRIER LOAN GUARANTEE PROGRAM; PURPOSE.]

In order to aid rail users in obtaining credit for participation in contracts for rail line *and rolling stock* rehabilitation, *acquisition, or installation* and for paying the costs of capital improvements necessary to improve rail service or reduce the impact of discontinuance of rail service, *and to aid rail carriers in the rehabilitation of locomotives and the acquisition and rehabilitation of rolling stock*, there is established a rail user *and rail carrier* loan guarantee program to provide state money in guarantee of loans made according to the provisions of sections 222.55 to 222.62.

Sec. 2. Minnesota Statutes 1992, section 222.56, subdivision 5, is amended to read:

Subd. 5. [LOAN.] “Loan” means a loan or advance of credit *provided by a financial institution* to a rail user or rail carrier for participation in contracts for rail line *or rolling stock* rehabilitation, *acquisition, or installation*, a rail carrier for rehabilitation of locomotives or for paying the costs of capital improvements necessary to improve rail service or reduce the impact of discontinuance of rail service.

Sec. 3. Minnesota Statutes 1992, section 222.56, subdivision 6, is amended to read:

Subd. 6. [~~PERSONAL~~ GUARANTEE.] “~~Personal~~ Guarantee” means a personal or corporate obligation to pay the loan.

Sec. 4. Minnesota Statutes 1992, section 222.56, is amended by adding a subdivision to read:

Subd. 8. [RAIL CARRIER.] “Rail carrier” means a common carrier by rail engaged in rail transportation of people, goods, or products for hire.

Sec. 5. Minnesota Statutes 1992, section 222.56, is amended by adding a subdivision to read:

Subd. 9. [ROLLING STOCK.] “Rolling stock” means rail cars, machinery, and equipment, but does not include maintenance of way equipment or tools used in the maintenance or upgrade of track, used by a rail carrier to move people, goods, and products.

Sec. 6. Minnesota Statutes 1992, section 222.57, is amended to read:

222.57 [RAIL USER AND RAIL CARRIER LOAN GUARANTEE ACCOUNT.]

There is created a rail user *and rail carrier* loan guarantee account as a separate account in the rail service improvement account, which shall be used by the commissioner for carrying out the provisions of sections 222.55 to 222.62 with respect to loans insured under section 222.58. The commissioner may transfer to the rail user *and rail carrier* loan guarantee account from money otherwise available in the rail service improvement account whatever amount is necessary to implement the rail user *and rail carrier* loan guarantee program and may withdraw any amount from the rail user *and rail carrier* loan guarantee account that is not required to insure outstanding loans as provided in section 222.60, subdivision 1.

Sec. 7. Minnesota Statutes 1992, section 222.58, subdivision 2, is amended to read:

Subd. 2. [ELIGIBILITY REQUIREMENTS.] A loan is eligible for insurance under this section under the following conditions:

(a) The loan shall be in an original principal amount, bear an interest rate, contain complete amortization provisions, and have a maturity satisfactory under such terms as the commissioner may prescribe by rule.

(b) The proceeds of the loan shall be used solely for

(i) participation in contracts for capital investment loans for rail line rehabilitation, ~~or acquisition, or installation;~~

(ii) (2) capital improvement projects designed to improve rail service or reduce the economic impact of discontinuance of rail service. ~~The projects,~~ and may include but are not limited to construction or improvement of short segments of rail line, such as side track, team track, and connections between existing lines; and construction and improvement of loading, unloading, storage, ~~and transfer facilities, and rail facilities~~ of the rail ~~user~~ users or rail carriers;

(3) *rehabilitation of locomotives owned by rail carriers primarily in operation on railroad lines within the state;*

(4) *rehabilitation or acquisition of rolling stock owned or acquired by rail users or rail carriers operating or doing business primarily within the state; or*

(5) *costs of technical and inspection services related to the rehabilitation of locomotives or rolling stock.*

(c) The loan agreement shall contain such terms and provisions with respect to any other matters as the commissioner may prescribe.

(d) The borrower provides a ~~personal~~ guarantee and collateral for the loan which is acceptable to the commissioner as sufficient security to protect the interests of the state."

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

Mr. Mondale, for Mrs. Adkins, from the Committee on Metropolitan and Local Government, to which was referred

S.F. No. 2476: A bill for an act relating to local government; authorizing establishment of Nashwauk area ambulance district.

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

Page 1, line 8, delete "Calument" and insert "Calumer"

Page 1, line 9, after "Nashwauk," insert "Bearville,"

Page 3, line 16, delete ", but not to exceed \$25,000 each year"

Page 3, line 29, delete "Calument" and insert "Calumer"

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

Mr. Bertram from the Committee on Agriculture and Rural Development, to which was referred

S.F. No. 1975: A bill for an act relating to agriculture; providing for uniformity of certain food laws with federal regulations; amending Minnesota Statutes 1992, sections 31.101; 31.102, subdivision 1; 31.103, subdivision 1; and 31.104.

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

Mr. Berg from the Committee on Gaming Regulation, to which was referred

S.F. No. 2042: A bill for an act relating to lawful gambling; authorizing class D licensees to transmit and receive telecasts of horse races; amending Minnesota Statutes 1992, section 240.13, subdivision 1.

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

Page 2, after line 20, insert:

"A class D licensee may not conduct simulcasting for wagering purposes unless the licensee has a written contract, permitting the simulcasting, with the horseperson's organization representing the breed being simulcast under authority of the class D license. The horsepersons' organization is the horseperson's organization referred to in section 240.13, subdivision 5, paragraph (b), that is presently representing the horsepersons of the breed involved or, if there is no live racing in Minnesota for that breed at the time of the simulcast, the organization which represented the horsepersons of that breed at the last live race meet conducted for that breed by a class B licensee at a class A racing facility in this state."

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

Mr. Bertram from the Committee on Agriculture and Rural Development, to which was referred

S.F. No. 1945: A bill for an act relating to water; creating programs to provide financial assistance to address nonpoint source water pollution in the departments of agriculture and trade and economic development and the

pollution control agency; establishing the drinking water revolving fund administered by the public facilities authority and the department of health; changing the membership of the public facilities authority; increasing the authority's bonding authority; requiring rulemaking; providing for certain exemptions from rulemaking; appropriating money; amending Minnesota Statutes 1992, sections 13.99, by adding a subdivision; 116.182, subdivisions 2, 3, 4, and 5; 446A.02, subdivision 1, and by adding a subdivision; 446A.03, subdivision 3; 446A.07, subdivisions 4, 6, 8, 9, 10, and 11; 446A.071, subdivision 1; 446A.11, subdivision 1; 446A.12, subdivision 1; and 446A.15, subdivision 6; Minnesota Statutes 1993 Supplement, section 446A.03, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 17; 116; and 446A; repealing Minnesota Statutes 1992, section 446A.08.

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

Pages 1 to 3, delete sections 1 and 2 and insert:

“Section 1. Minnesota Statutes 1992, section 13.99, is amended by adding a subdivision to read:

Subd. 6a. [AGRICULTURE BEST MANAGEMENT PRACTICES LOAN PROGRAM.] Data collected by the commissioner on applicants or borrowers for the agriculture best management practices loan program are governed by section 2.

Sec. 2. [17.117] [AGRICULTURE BEST MANAGEMENT PRACTICES LOAN PROGRAM.]

Subdivision 1. [PURPOSE.] The purpose of the agriculture best management practices loan program is to provide low or no interest financing to farmers, agriculture supply businesses, and rural landowners for the implementation of agriculture best management practices.

Subd. 2. [AUTHORITY.] The commissioner may establish, adopt rules for, and implement a program to work with local units of government, federal authorities, lending institutions, and other appropriate organizations to provide loans to landowners and businesses for facilities, fixtures, equipment, or other sustainable practices that prevent or mitigate sources of nonpoint source water pollution. The commissioner may establish pilot projects to develop procedures for implementing the program. The commissioner shall develop administrative guidelines to implement the pilot projects specifying criteria, standards, and procedures for making loans.

Subd. 3. [APPROPRIATIONS.] Funds from the water pollution control revolving fund in section 446A.07 provided by the public facilities authority shall be appropriated to the commissioner for the establishment of this program.

Subd. 4. [DEFINITIONS.] For the purposes of this section, the terms defined in this subdivision have the meanings given them.

(a) “Applicant” shall mean a county or the designee of the county applying on behalf of a county. Applicant may mean a soil and water conservation district or an organization formed for the joint exercise of power.

(b) “Authority” means the Minnesota public facilities authority as established in section 446A.03.

(c) "Best management practices" has the meaning given in sections 103F.711, subdivision 3, and 103H.151, subdivision 2.

(d) "Chairman" means the chair of the board of water and soil resources or the designee of the chair.

(e) "Borrower" means an individual farmer, an agriculture supply business, or rural landowner applying for a low-interest loan.

(f) "Commissioner" means the commissioner of agriculture or the designee of the commissioner.

(g) "Comprehensive water management plan" means a state approved and locally adopted plan authorized under section 103B.231, 103B.255, 103B.311, 103C.331, 103D.401, or 103D.405.

(h) "County allocation request" means a loan allocation request from an applicant to implement agriculturally related best management practices defined in paragraph (c).

(i) "Lender agreement" means an agreement entered into between the commissioner and a local lender. The agreement will contain terms and conditions of the loan that will include but need not be limited to general loan provisions, loan management requirements, application of payments, loan term limits, allowable expenses, and fee limitations.

(j) "Local government unit" means a county, soil and water conservation district, or an organization formed for the joint exercise of powers under section 471.59.

(k) "Local lender" means a local government unit as defined in paragraph (j), a state or federally chartered bank, a savings and loan association, or Farm Credit Services.

(l) "Nonpoint source" has the meaning given in section 103F.711, subdivision 6.

Subd. 5. [USES OF FUNDS.] Use of funds under this section must be in compliance with the federal Water Pollution Control Act, section 446A.07, and eligible activities listed in the intended use plan authorized in section 446A.07, subdivision 4.

Subd. 6. [APPLICATION.] (a) The commissioner must prescribe forms and establish an application process for applicants to apply for a county allocation request. The application must include but need not be limited to (1) the geographic area served; (2) the type and estimated cost of activities or projects for which they are seeking a loan allocation; (3) a ranking of proposed activities or projects; and (4) the designation of the local lender and lending practices the applicant intends to use to issue the loans to the borrowers.

(b) In an area of the state where a county allocation request has not been requested or has been rejected, application forms must be available for a borrower to apply directly to the commissioner for a loan under this program.

(c) If a county allocation request is rejected, the applicant must be notified in writing as to the reasons for the rejection and given 30 days to submit a revised application. The revised application shall be reviewed according to the same procedure used to review the initial application.

Subd. 7. [PAYMENTS.] Payments made from the water pollution control revolving fund must be made in accordance with applicable state and federal laws and rules governing the payments.

Subd. 8. [APPLICANT; BORROWERS.] (a) A county may submit a county allocation request as defined in subdivision 4, paragraph (h). A county or a group of counties may designate another local government unit as defined in subdivision 4, paragraph (j), to submit a county allocation request.

(b) If a county does not submit a county allocation request, and does not designate another local government unit, a soil and water conservation district may submit a county allocation request. In all instances, there may be only one request from a county. The applicant must coordinate and submit requests on behalf of other units of government within the geographic jurisdiction of the applicant.

(c) Borrowers may apply directly to the commissioner if the commissioner does not receive or approve a county allocation request from the county, designated local government unit, or soil and water conservation district in which the proposed activities would be carried out.

Subd. 9. [REVIEW AND RANKING OF ALLOCATION REQUESTS.] (a) The commissioner shall chair the subcommittee established in section 103F.761, subdivision 2, paragraph (b), for purposes of reviewing and ranking county allocation requests. The rankings must be in order of priority and shall provide financial assistance within the limits of the funds available. In carrying out the review and ranking, the subcommittee must consist of, at a minimum, the chairman, representatives of the pollution control agency, United States Department of Agricultural Stabilization and Conservation Service, United States Department of Agriculture Soil Conservation Service, Association of Minnesota Counties, and other agencies or associations as the commissioner, the chairman, and agency determine are appropriate. The review and ranking shall take into consideration other related state or federal programs.

(b) The subcommittee shall use the criteria listed below in carrying out the review and ranking:

(1) whether the proposed activities are identified in a comprehensive water management plan as priorities;

(2) the potential that the proposed activities have for improving or protecting surface and groundwater quality;

(3) the extent that the proposed activities support areawide or multi-jurisdictional approaches to protecting water quality based on defined watershed;

(4) whether the activities are needed for compliance with existing water related laws or rules;

(5) whether the proposed activities demonstrate participation, coordination, and cooperation between local units of government and other public agencies;

(6) whether there is coordination with other public and private funding sources and programs; and

(7) whether there are off-site public benefits such as preventing downstream degradation and siltation.

Subd. 10. [BORROWER ELIGIBILITY; TERMS; REPAYMENT.] (a) Local lenders shall use the following criteria in addition to other criteria they deem necessary in determining the eligibility of borrowers for loans:

(1) whether the activity is certified by a local unit of government as meeting priority needs identified in a comprehensive water management plan and is in compliance with accepted standards, specifications, or criteria;

(2) whether the activity is certified as eligible under Environmental Protection Agency or other applicable guidelines; and

(3) whether the repayment is assured from the borrower.

(b) Local lenders shall set the terms and conditions of loans. In all instances, local lenders must provide for sufficient collateral or protection for the loan principal. They are responsible for collecting repayments by borrowers. For direct loans, the borrower must provide sufficient collateral and repay the loan according to a mutually prearranged schedule with the commissioner.

(c) A local lender is responsible for repaying the principal of a loan to the commissioner. The terms of repayment will be identified in the lender agreement. If defaults occur, it is the responsibility of the local lender to obtain repayment from the borrower.

Subd. 11. [DATA PRIVACY.] The following data on applicants or borrowers collected by the commissioner under this section, are private for data on individuals as provided in section 13.02, subdivision 12, or nonpublic for data not on individuals as provided in section 13.02, subdivision 9: financial information, including, but not limited to, credit reports, financial statements, tax returns and net worth calculations received or prepared by the commissioner.

Subd. 12. [ESTABLISHMENT OF ACCOUNT.] The authority shall establish an account called the agriculture best management practices revolving fund to provide loans and other forms of financial assistance authorized under section 446A.07. The fund must be credited with repayments.

Subd. 13. [FEES.] Fees charged directly to borrowers by local lenders upon executing a loan shall not exceed one-half of one percent of the loan amount. Servicing fees assessed to loan repayments must not exceed two percent interest on outstanding principal amounts if the local lender is a local government unit, or three percent interest on outstanding principal amounts if the local lender is a state or federally chartered bank, savings and loan association, or an entity of Farm Credit Services.

Subd. 14. [REPORT.] (a) The commissioner and chairman shall prepare and submit a report to the legislative water commission by October 15, 1994, and October 15, 1995. Thereafter, the report shall be submitted by October 15 of each odd-numbered year.

(b) The report shall include, but need not be limited to, matters such as loan allocations and uses, the extent to which the financial assistance is helping implement local water planning priorities, the integration or coordination that has occurred with related programs, and other matters deemed pertinent to the implementation of the program.

Sec. 3. Minnesota Statutes 1992, section 103F.725, is amended by adding a subdivision to read:

Subd. 1a. [FINANCIAL ASSISTANCE; LOANS.] (a) Funds from the water pollution control revolving fund in section 446A.07 provided by the public facilities authority shall be appropriated to the commissioner for the establishment of a clean water partnership loan program.

(b) The agency may award loans for up to 100 percent of the costs associated with activities identified by the agency as best management practices pursuant to section 319 and section 320 of the federal Water Quality Act of 1987, as amended, including associated administrative costs.

(c) Loans may be used to finance clean water partnership grant project eligible costs not funded by grant assistance.

(d) The interest rate, at or below market rate, and the term, not to exceed 20 years, shall be determined by the agency in consultation with the public facilities authority.

(e) The repayment must be deposited in the water pollution control revolving fund under section 446A.07.

(f) The local unit of government receiving the loan is responsible for repayment of the loan.

Sec. 4. Minnesota Statutes 1992, section 103F.761, subdivision 2, is amended to read:

Subd. 2. [DUTIES.] (a) The project coordination team shall advise the agency in preparation of rules, evaluate projects, and recommend to the commissioner those projects that the team believes should receive financial or technical assistance or both from the agency. After approval of assistance for a project by the agency, the team shall review project activities and assist in the coordination of the state program with other state and federal resource management programs.

(b) For state agencies or departments receiving funding under section 446A.07, subdivision 6, the project coordination team shall provide guidance for the allocation of water pollution control fund nonpoint source pollution funding with consideration to statewide environmental priorities including priorities for types of projects and geographic or watershed priorities. A subcommittee of the project coordination team will be formed for each of the separate funding areas under section 446A.07, subdivision 6, and shall be chaired by the appropriate lead state agency or department. Each subcommittee shall evaluate and rank projects within its area with consideration given to the guidance provided by the project coordination team."

Page 3, line 33, delete "6" and insert "7"

Pages 4 to 7, delete section 7

Page 9, lines 7 and 23, delete "7" and insert "3"

Renumber the sections in sequence

Page 16, line 18, delete "23" and insert "24"

Amend the title as follows:

Page 1, line 13, after the semicolon, insert "103F.725, by adding a subdivision; 103F.761, subdivision 2;"

Page 1, line 21, delete "116;"

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

Mr. Bertram from the Committee on Agriculture and Rural Development, to which was referred

S.F. No. 2168: A bill for an act relating to agricultural businesses; providing an interest buy-down program for farmers and small businesses; creating a program of farm disaster property tax relief payments; providing supplemental funding for certain emergency employment programs; creating a crop disaster insurance program; increasing funding for the farm advocates program, agricultural resource centers, farm and small business management programs at technical colleges, and the Farmers' Legal Action Group; expanding research on grain diseases and genetics; appropriating money.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1993 Supplement, section 41B.044, subdivision 2, is amended to read:

Subd. 2. [ETHANOL DEVELOPMENT FUND.] There is established in the state treasury an ethanol development fund. *All repayments of financial assistance granted under subdivision 1, including principal and interest, must be deposited into this fund.* Interest earned on money in the fund accrues to the fund, and money in the fund is appropriated to the commissioner of agriculture for purposes of the ethanol production facility loan program, including costs incurred by the authority to establish and administer the program.

Sec. 2. Minnesota Statutes 1992, section 297A.02, subdivision 2, is amended to read:

Subd. 2. [MACHINERY AND EQUIPMENT.] Notwithstanding the provisions of subdivision 1, the rate of the excise tax imposed upon sales of special tooling is four percent and upon sales of *new farm machinery and sales of aquaculture production equipment* is two percent.

Sec. 3. Minnesota Statutes 1992, section 297A.25, is amended by adding a subdivision to read:

Subd. 53. [FARM MACHINERY.] *The gross receipts from the sale of used farm machinery are exempt.*

Sec. 4. Laws 1993, chapter 172, section 7, subdivision 3, is amended to read:

Subd. 3. Promotion and Marketing

2,142,000	1,142,000	
	Summary by Fund	
General	1,959,000	959,000
Special Revenue	183,000	183,000

Notwithstanding Minnesota Statutes, section 41A.09, subdivision 3, the total payments from the ethanol development account to all producers may not exceed \$15,800,000 for the biennium ending June 30, 1995. In fiscal year 1994, the commissioner shall first reimburse producers up to \$981,024 for eligible, unpaid claims accumulated through June 30, 1993.

\$1,000,000 is appropriated to the ethanol development fund established in Minnesota Statutes, section 41B.044, subdivision 2, in 1994 for use by the rural finance authority for purposes of assisting in the finance of ethanol production facilities in Minnesota. Any amount of this appropriation that remains unencumbered at the end of any biennium does not revert to the general fund but remains available as a revolving account.

\$100,000 the first year and \$100,000 the second year are for ethanol promotion and public education.

\$100,000 the first year and \$100,000 the second year must be spent for the WIC coupon program.

\$45,000 is appropriated in each year for a project to expand agriculture opportunities for the Hmong and other Southeast Asian farmers by expansion of the existing market base and to target new wholesale and retail markets. The money may also be used to expand the wholesale and retail market for other groups involved in direct marketing efforts such as alternative meat and food products. The department must report on the project to the finance committees by January 15, 1995.

\$71,000 the first year and \$71,000 the second year are for transfer to the Minnesota grown matching account and may be used as grants for Minnesota grown promotion under Minnesota Statutes, section 17.109.

\$183,000 the first year and \$183,000 the second year are from the commodities research and promotion account in the special revenue fund.

Sec. 5. [FEDERAL EMERGENCY MANAGEMENT ASSISTANCE MATCH.]

\$3,908,000 is appropriated from the general fund to the commissioner of agriculture to provide matching funds for federal emergency management assistance funds received in flood damaged counties in 1993.

Sec. 6. [APPROPRIATION; EMERGENCY JOB CREATION; DEPARTMENT OF JOBS AND TRAINING.]

\$1,000,000 is appropriated from the general fund to the commissioner of jobs and training to supplement the federal emergency job creation program. This appropriation is available when federal funding for the emergency job creation program in Minnesota is exhausted. This appropriation is available until June 30, 1995.

Sec. 7. [APPROPRIATION; WHEAT SCAB RESEARCH.]

\$592,000 is appropriated from the general fund to the University of Minnesota for the fiscal biennium ending June 30, 1995, for research into the problem of wheat scab (vomitoxin) in Minnesota. The research should be designed to minimize the adverse effects of future wheat scab infestations in the short term while seeking to fully eliminate the problem in the long term.

Sec. 8. [APPROPRIATION; FARM ADVOCATES.]

\$100,000 is appropriated from the general fund to the commissioner of agriculture to supplement other sources of funding for the farm advocates program. This appropriation is available until June 30, 1995.

Sec. 9. [APPROPRIATION; AGRICULTURAL RESOURCE CENTERS.]

(a) \$100,000 is appropriated from the general fund to the commissioner of agriculture for supplemental funding for grants to agricultural information centers. No match is needed for the release of these supplemental state dollars. This appropriation is available until June 30, 1995.

(b) For money appropriated in Laws 1993, chapter 172, section 7, subdivision 4, for agricultural information centers, a match is not required for fiscal year 1994 appropriations and a match of four state dollars for each \$1 of matching nonstate money is required for fiscal year 1995 appropriations.

Sec. 10. [APPROPRIATION; LEGAL ASSISTANCE TO FARMERS.]

\$200,000 is appropriated from the general fund to the supreme court as supplemental funding for legal assistance to farmers. This appropriation is available until June 30, 1995. This appropriation shall be in addition to other appropriations received for legal assistance. An entity receiving funding under this section may not have other sources of state funding reduced based on the funding received.

Sec. 11. [APPROPRIATION; FARM FINANCIAL ADVISORY AND TRAINING PROGRAM.]

\$600,000 is appropriated from the general fund to the commissioner of agriculture for use by the state board of technical colleges and county extension services for the farm and small business management programs using the FINPAK computer software program and other training which provide the information and assistance to farmers affected by the weather conditions in 1993. The funds may be used for equipment and software

upgrades, training and assistance in using the software program, and other related training and program costs.

Sec. 12. [SMALL BUSINESS DISASTER REVOLVING LOAN FUND.]

\$1,200,000 is appropriated from the general fund to the commissioner of trade and economic development to supplement funding of programs through the federal Economic Development Administration. Use of these funds may include providing local matches to federal dollars through the regional development commissions or alternative groups.

Sec. 13. [ETHANOL PRODUCTION.]

\$2,000,000 is appropriated from the general fund as supplemental funding to the ethanol development fund. This money shall be for use by the rural finance authority to assist in finance of new ethanol production facilities. Any amount of this appropriation that remains unencumbered at the end of any biennium does not revert to the general fund but remains available as a revolving account.

Sec. 14. [AGRICULTURAL UTILIZATION RESEARCH INSTITUTE.]

\$1,441,000 is appropriated from the general fund to the agricultural utilization research institute for programs targeted to crops and/or regions that suffered great losses in 1993.

Sec. 15. [DAIRY LITIGATION.]

\$59,000 is appropriated from the general fund to the supreme court for legal challenges to discriminatory aspects of the current federal milk market order systems. This appropriation shall be in addition to other appropriations received for legal assistance. An entity receiving funding under this section may not have other sources of state funding reduced based on the funding received.

Sec. 16. [EFFECTIVE DATE.]

This act is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to agricultural businesses; exempting from sales tax the gross receipts of used farm machinery sales; providing matching moneys for federal emergency disaster funds to flood damaged counties; providing supplemental funding for certain emergency employment programs, financial assistance programs under the ethanol production fund, and small business disaster loan programs; expanding research on grain diseases; increasing funding for the farm advocates program, agricultural resource centers, legal challenges to the federal milk market order system, farm and small business management programs at technical colleges, and the Farmers' Legal Action Group; providing funding to the Agricultural Utilization Research Institute; appropriating money; amending Minnesota Statutes 1992, sections 297A.02, subdivision 2; and 297A.25, by adding a subdivision; Minnesota Statutes 1993 Supplement, section 41B.044, subdivision 2; and Laws 1993, chapter 172, section 7, subdivision 3."

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

Mr. Mondale, for Mrs. Adkins, from the Committee on Metropolitan and Local Government, to which was referred

S.F. No. 2106: A bill for an act relating to the city of Minneapolis; providing that a levy for a contribution to the Minneapolis teachers retirement fund association is a special taxing district levy for property tax purposes; amending Minnesota Statutes 1993 Supplement, section 354A.12, subdivision 3b.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Taxes and Tax Laws. Report adopted.

Mr. Mondale, for Mrs. Adkins, from the Committee on Metropolitan and Local Government, to which was referred

H.F. No. 1890: A bill for an act relating to Lake of the Woods county; allowing the county to forgive the amount owing on a contract for deed.

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

Mr. Vickerman from the Committee on Veterans and General Legislation, to which was referred

S.F. No. 2350: A bill for an act relating to the military; extending the date for the closure of national guard armories; amending Laws 1992, chapter 511, article 2, sections 49 and 50.

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

Mr. Vickerman from the Committee on Veterans and General Legislation, to which was referred

S.F. No. 2223: A bill for an act relating to capital improvements; providing grants for the Minnesota Children's Museum; appropriating money; authorizing the issuance of state bonds.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Finance. Report adopted.

Mr. Vickerman from the Committee on Veterans and General Legislation, to which was referred

S.F. No. 2292: A bill for an act relating to military affairs; expediting payment to forces ordered to active duty; amending Minnesota Statutes 1992, section 192.52.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Finance. Report adopted.

Mr. Vickerman from the Committee on Veterans and General Legislation, to which was referred

S.F. No. 2181: A bill for an act relating to military affairs; appropriating money for the Minnesota National Guard youth camp.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Finance. Report adopted.

Mr. Vickerman from the Committee on Veterans and General Legislation, to which was referred

S.F. No. 2009: A bill for an act relating to public safety; increasing membership of emergency response commission by one representative of emergency managers; amending Minnesota Statutes 1992, section 299K.03, subdivision 3.

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

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

S.F. No. 1845: A bill for an act relating to crime prevention; juvenile justice; providing for presumptive certification to adult court for juveniles alleged to have committed prison-level felonies; authorizing the court or the prosecutor to designate a juvenile a serious youthful offender; authorizing adult felony sentences for serious youthful offenders; extending juvenile court jurisdiction to age 21 for serious youthful offenders; limiting certification to adult court to felony offenses; extending a right to jury trial to serious youthful offenders; requiring that a juvenile have an in-person consultation with counsel before waiving right to counsel; requiring appointment of counsel or standby counsel for juveniles charged with gross misdemeanors or felonies or when out-of-home placement is proposed; establishing a task force on juvenile justice programming evaluation and planning; requiring that the department of corrections provide programming for serious and repeat juvenile offenders; appropriating money; amending Minnesota Statutes 1992, sections 126.78, by adding a subdivision; 242.31; 242.32; 257.3571, subdivision 3, and by adding a subdivision; 257.3572; 257.3579; 260.115, subdivision 1; 260.125; 260.131, by adding a subdivision; 260.145; 260.152; 260.155, subdivision 2, and by adding a subdivision; 260.161, subdivisions 1a and 2; 260.181, subdivision 4; 260.185, subdivision 3, and by adding subdivisions; 260.211, subdivision 1; 260.215, subdivision 1; 260.291; 609.055, subdivision 2; 609.49, subdivision 3, and by adding a subdivision; 611.15; 611.19; 611.25, subdivision 1; 611A.02, by adding a subdivision; and 611A.77, subdivision 1; Minnesota Statutes 1993 Supplement, sections 260.155, subdivision 1; 260.161, subdivision 1; 299A.35, subdivision 1; 299C.65, subdivision 1; 401.065, subdivisions 1, 2, and 4; and 624.713, subdivisions 1 and 3; proposing coding for new law in Minnesota Statutes, chapters 126; and 260; repealing Minnesota Statutes 1992, section 260.125, subdivision 3.

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

Page 29, delete section 23 and insert:

"Sec. 23. Minnesota Statutes 1992, section 260.185, is amended by adding a subdivision to read:

Subd. 6. [OUT-OF-STATE PLACEMENTS.] (a) A court may not place a preadjudicated delinquent, an adjudicated delinquent, or a convicted serious youthful offender in a residential or detention facility outside Minnesota unless the commissioner of corrections has certified that the facility:

(1) meets or exceeds the standards for Minnesota residential treatment programs set forth in rules adopted by the commissioner of human services and the standards for juvenile residential facilities set forth in rules adopted by the commissioner of corrections or the standards for juvenile detention facilities set forth in rules adopted by the commissioner of corrections; and

(2) provides education, health, dental, and other necessary care equivalent to that which the child would receive if placed in a Minnesota facility licensed by the commissioner of corrections or commissioner of human services.

(b) The interagency licensing agreement between the commissioners of corrections and human services shall be used to determine which rule shall be used for certification purposes under this subdivision."

Page 48, after line 16, insert:

"Sec. 49. [OUT-OF-STATE PLACEMENT; TRANSITION.]

An out-of-state facility subject to certification under section 23 that has preadjudicated delinquents, adjudicated delinquents, or convicted serious youthful offenders in residence on July 1, 1994, shall be considered certified for purposes of that section until July 1, 1995, or until the facility is evaluated and certification is granted or denied, whichever is earlier."

Page 48, line 24, delete "\$13,135,000" and insert "\$13,255,000"

Page 48, line 40, after "for" insert "rulemaking and"

Page 51, after line 22, insert:

"Subd. 9. [LEGISLATIVE AUDITOR.]

Total General Fund Appropriation

\$ 120,000

This appropriation is available only to the extent that the legislative audit commission directs the legislative auditor to conduct the studies requested by section 46."

ReNUMBER the sections in sequence

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

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

S.F. No. 1903: A bill for an act relating to agricultural economy; increasing extent of authorized state participation in rural finance authority loan restructuring program; repealing authorization for the commissioner of finance to issue obligations to assist agricultural-industrial facilities in Detroit Lakes; amending Minnesota Statutes 1992, section 41B.04, subdivision 8; repealing Laws 1992, chapter 543.

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

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

S.F. No. 2040: A bill for an act relating to family law; clarifying pension plan obligations; amending Minnesota Statutes 1992, section 518.581, subdivision 2.

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

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

S.F. No. 1895: A bill for an act relating to family law; adding a relevant factor in determination of a child's best interests; amending Minnesota Statutes 1992, section 518.17, subdivision 1.

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

Page 2, lines 16 and 17, delete "*and the capacity and disposition of each parent*" and insert "*in order to encourage each parent's ability*"

Page 2, line 18, delete from ". In" through page 2, line 20, to "parent"

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

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

S.F. No. 1828: A bill for an act relating to human services; modifying provisions relating to paternity determination and the administration and enforcement of child support; providing penalties; amending Minnesota Statutes 1992, sections 62A.046; 62A.048; 62A.27; 256.74, by adding a subdivision; 257.62, subdivisions 1, 5, and 6; 257.64, subdivision 3; 257.69, subdivisions 1 and 2; 518.171, subdivision 5; and 518.613, subdivision 7; Minnesota Statutes 1993 Supplement, sections 62A.045; 257.55, subdivision 1; 257.57, subdivision 2; 518.171, subdivisions 1, 3, 4, 7, and 8; 518.611, subdivisions 2 and 4; 518.613, subdivision 2; and 518.615, subdivision 3; repealing Minnesota Statutes 1992, sections 62C.141; 62C.143; 62D.106; and 62E.04 subdivisions 9 and 10.

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

Page 8, line 29, delete "*shall*" and insert "*must*"

Page 8, line 31, delete "*within*" and insert "*no later than*"

Page 10, line 21, delete "*within*" and insert "*no later than*"

Page 10, line 22, delete "*such*" and insert "*the*"

Page 13, line 34, delete "*insurer*" and insert "*health or dental insurance plan*"

Page 14, line 19, delete "*shall*" and insert "*may*"

Page 14, line 34, delete "*shall*" and insert "*must*"

Page 15, line 29, delete "*insurer*" and insert "*or dental insurance plan*"

Page 15, line 30, delete "*such a*" and insert "*the*" and delete "*insurer*" and insert "*health or dental insurance plan*"

Page 15, line 33, delete "*insurer which*" and insert "*health or dental insurance plan that*"

Page 16, lines 7, 17, and 35, strike "*insurer*" and insert "*health or dental insurance plan*"

Page 16, line 8, delete "*insurer*" and insert "*health or dental insurance plan*"

Page 17, line 4, strike "*insurer*" and insert "*health or dental insurance plan*"

Page 17, line 9, delete "*shall be*" and insert "*is*"

Page 17, line 19, delete "*basis*" and insert "*or consistent basis or that the obligor has threatened expressly or otherwise to stop or reduce payments*"

Page 20, line 33; delete "*shall*" and insert "*must*"

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

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

S.F. No. 1930: A bill for an act relating to human services; mental health grants; rules concerning psychopathic personalities; treatment for alcohol, drug abuse, and chemical dependency; stepparent income standards under aid to families with dependent children; inpatient hospital payments; child support incentives; medical assistance for needy persons; state and county social service plans; organ and tissue transplants; family preservation; commissioner's reports; group residential housing payments and agreements; and paternity proceedings; amending Minnesota Statutes 1992, sections 245.696, subdivision 2; 254A.02, subdivision 11; 254B.04, subdivision 1; 254B.05, subdivision 1; 256.74, subdivision 1a; 256.969, subdivisions 10 and 16; 256B.69, subdivision 4; 256E.04; 256E.09, subdivision 3; 256H.24; and 257.60; Minnesota Statutes 1993 Supplement, sections 246B.04; 256.9685, subdivision 1; 256.979, subdivision 8; 256B.0629, subdivisions 3 and 4; 256F.11, subdivision 3; and 256L.04, subdivisions 1a and 2a; repealing Minnesota Statutes 1992, section 254A.16, subdivisions 3 and 4; Laws 1993, chapter 337, 16.

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

Pages 6 and 7, delete sections 7 to 9

Page 14, line 27, delete "21" and insert "18"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 6, delete "inpatient hospital payments;"

Page 1, line 15, delete everything after the first semicolon

Page 1, line 18, delete everything after the first semicolon

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

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

S.F. No. 1849: A bill for an act relating to occupations and professions; providing that health-related licensing boards may establish a program to protect the public from impaired regulated persons; providing for appointments; providing for rulemaking; appropriating money; amending Minnesota Statutes 1993 Supplement, section 214.06, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 214.

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

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1993 Supplement, section 214.06, subdivision 1, is amended to read:

Subdivision 1. [FEE ADJUSTMENT.] Notwithstanding any law to the contrary, the commissioner of health as authorized by section 214.13, all health-related licensing boards and all non-health-related licensing boards shall by rule, with the approval of the commissioner of finance, adjust, as needed, any fee which the commissioner of health or the board is empowered to assess ~~a~~. *As provided in section 16A.1285, the adjustment shall be an amount sufficient amount so that the total fees collected by each board will as closely as possible equal anticipated expenditures during the fiscal biennium, as provided in section 16A.128 including expenditures for the programs authorized by sections 214.17 to 214.25 and 2 to 8.* For members of an occupation registered after July 1, 1984, by the commissioner of health under the provisions of section 214.13, the fee established must include an amount necessary to recover, over a five-year period, the commissioner's direct expenditures for adoption of the rules providing for registration of members of the occupation. All fees received shall be deposited in the state treasury. Fees received by the commissioner of health or health-related licensing boards must be credited to the health occupations licensing account in the state government special revenue fund.

HEALTH PROFESSIONALS SERVICES PROGRAM

Sec. 2. [214.31] [AUTHORITY.]

Two or more of the health-related licensing boards listed in section 214.01, subdivision 2, may jointly conduct a health professionals services program to protect the public from persons regulated by the boards who are unable to practice with reasonable skill and safety by reason of illness, use of alcohol, drugs, chemicals, or any other materials, or as a result of any mental, physical, or psychological condition. The program does not affect a board's authority to discipline violations of a board's practice act.

Sec. 3. [214.32] [PROGRAM MANAGEMENT, SERVICES, PARTICIPANT COSTS, ELIGIBILITY, COMPLETIONS, VOLUNTARY TERMINATION AND DISCHARGE.]

Subdivision 1. [MANAGEMENT.] (a) A health professionals services program committee is established, consisting of one person appointed by each

participating board, with each participating board having one vote. The committee shall designate one board to provide administrative management of the program, set the program budget and the pro rata share of program expenses to be borne by each participating board, provide guidance on the general operation of the program, including hiring of program personnel, and ensure that the program's direction is in accord with its authority.

(b) The designated board, upon recommendation of the health professionals services program committee, shall hire the program manager and employees and pay expenses of the program from funds appropriated for that purpose. The designated board may apply for grants to pay program expenses and may enter into contracts on behalf of the program to carry out the purposes of the program. The participating boards shall enter into written agreements with the designated board.

(c) An advisory committee is established to advise the program committee consisting of:

(1) one member appointed by each of the following: the Minnesota Academy of Physician Assistants, the Minnesota Dental Association, the Minnesota Chiropractic Association, the Minnesota Licensed Practical Nurse Association, the Minnesota Medical Association, the Minnesota Nurses Association, and the Minnesota Podiatric Medicine Association;

(2) one member appointed by each of the professional associations of the other professions regulated by a participating board not specified in clause (1); and

(3) two public members, as defined by section 214.02.

Members of the advisory committee shall be appointed for two years and members may be reappointed.

Subd. 2. [SERVICES.] (a) The program shall provide the following services to program participants:

(1) referral of eligible regulated persons to qualified professionals for evaluation, treatment, and a written plan for continuing care consistent with the regulated person's illness. The referral shall take into consideration the regulated person's financial resources as well as specific needs;

(2) development of individualized program participation agreements between participants and the program to meet the needs of participants and protect the public. An agreement may include, but need not be limited to, recommendations from the continuing care plan, practice monitoring, health monitoring, practice restrictions, random drug screening, support group participation, filing of reports necessary to document compliance, and terms for successful completion of the regulated person's program; and

(3) monitoring of compliance by participants with individualized program participation agreements or board orders.

(b) The program may develop services related to sections 2 to 8 for employers and colleagues of regulated persons from participating boards.

Subd. 3. [PARTICIPANT COSTS.] Each program participant shall be responsible for paying for the costs of physical, psychosocial, or other related evaluation, treatment, laboratory monitoring, and random drug screens.

Subd. 4. [ELIGIBILITY.] Admission to the health professionals services program is available to a person regulated by a participating board who is unable to practice with reasonable skill and safety by reason of illness, use of alcohol, drugs, chemicals, or any other materials, or as a result of any mental, physical, or psychological condition. Admission in the health professionals services program shall be denied to persons:

(1) who have diverted controlled substances for other than self-administration;

(2) who have been terminated from this or any other state professional services program for noncompliance in the program;

(3) currently under a board disciplinary order or corrective action agreement, unless referred by a board;

(4) regulated under sections 214.17 to 214.25, unless referred by a board or by the commissioner of health;

(5) accused of sexual misconduct; or

(6) whose continued practice would create a serious risk of harm to the public.

Subd. 5. [COMPLETION; VOLUNTARY TERMINATION; DISCHARGE.] A regulated person completes the program when the terms of the program participation agreement are fulfilled. A regulated person may voluntarily terminate participation in the health professionals service program at any time by reporting to the person's board. The program manager may choose to discharge a regulated person from the program and make a referral to the person's board at any time for reasons including but not limited to: the degree of cooperation and compliance by the regulated person, the inability to secure information or the medical records of the regulated person, or indication of other possible violations of the regulated person's practice act. The regulated person shall be notified in writing by the program manager of any change in the person's program status. A regulated person who has been terminated or discharged from the program may be referred back to the program for monitoring.

Sec. 4. [214.33] [REPORTING.]

Subdivision 1. [PERMISSION TO REPORT.] A person who has personal knowledge that a regulated person has the inability to practice with reasonable skill and safety by reason of illness, use of alcohol, drugs, chemicals, or any other materials, or as a result of any mental, physical, or psychological condition may report that knowledge to the program or to the board. A report to the program under this subdivision fulfills the reporting requirement contained in a regulated person's practice act.

Subd. 2. [SELF-REPORTING.] A person regulated by a participating board who is unable to practice with reasonable skill and safety by reason of illness, use of alcohol, drugs, chemicals, or any other materials, or as a result of any mental, physical, or psychological condition shall report to the person's board or the program.

Subd. 3. [PROGRAM MANAGER.] The program manager shall report to the appropriate participating board a regulated person who does not meet program admission criteria, violates the terms of the program participation agreement, or leaves the program except upon fulfilling the terms for

successful completion of the program as set forth in the participation agreement. The program manager shall report to the appropriate participating board a regulated person who is alleged to have committed violations of the person's practice act that are outside the authority of the health professionals services program as described in sections 2 to 8. The program manager shall inform any reporting person of the disposition of the person's report to the program.

Subd. 4. [BOARD.] A board may refer any regulated person to the program consistent with section 3, subdivision 4, if the board believes the regulated person will benefit and the public will be protected.

Sec. 5. [214.34] [IMMUNITY.]

Subdivision 1. [REPORTING IMMUNITY.] Any individual, agency, institution, facility, business, or organization is immune from civil liability or criminal prosecution for submitting a report in good faith to the program under this section or for cooperating with an investigation of a report or with staff of the program. Reports are confidential and are privileged communication.

Subd. 2. [PROGRAM IMMUNITY.] Members of the participating boards and persons employed by the boards and program, program consultants, and members of advisory bodies for the program are immune from civil liability and criminal prosecution for any actions, transactions, or reports in the execution of, or relating to, their duties under sections 2 to 7.

Sec. 6. [214.35] [CLASSIFICATION OF DATA.]

All data collected and maintained and any agreements with regulated persons entered into as part of the program is classified as active investigative data under section 13.41 while the individual is in the program, except for monitoring data which is classified as private. When a regulated person successfully completes the program, the data and participation agreement become inactive investigative data which shall be classified as private data under section 13.02, subdivision 12, or nonpublic data under section 13.02, subdivision 9, in the case of data not on individuals. Data and agreements shall not be forwarded to the board unless the program reports a participant to a board as described in section 4, subdivision 3.

Sec. 7. [214.36] [BOARD PARTICIPATION.]

Participating boards may, by mutual agreement, implement the program upon enactment. Thereafter, health-related licensing boards desiring to enter into or discontinue an agreement to participate in the health professionals services program shall provide a written resolution indicating the board's intent to the designated board by January 1 preceding the start of a biennium.

Sec. 8. [214.37] [RULEMAKING.]

By July 1, 1996, the participating boards shall adopt joint rules relating to the provisions of sections 2 to 7 in consultation with the advisory committee and other appropriate individuals. The required rule writing does not prevent the implementation of sections 2 to 9 upon enactment.

Sec. 9. [APPROPRIATION.]

\$198,000 is appropriated from the special revenue fund to the board of medical practice for the purposes of sections 2 to 8. The pro rata share of

program expenses to be borne by each participating board shall be determined by the participating boards through an interagency agreement and funds equal to the appropriation shall be deposited into the special revenue fund.

Sec. 10. [EFFECTIVE DATE.]

Sections 1 to 9 are effective the day after final enactment."

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

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

S.F. No. 1931: A bill for an act relating to health; making changes of a technical and housekeeping nature; modifying provisions relating to lead abatement enforcement; amending Minnesota Statutes 1992, sections 126A.02, subdivision 2; 144.414, subdivision 3; and 144.878, by adding a subdivision; Minnesota Statutes 1993 Supplement, sections 144.872, subdivision 4; 144.873, subdivision 1; 144.874, subdivisions 1 and 3a; 144.8771, subdivision 2; 144.878, subdivision 5; 144.99, subdivisions 1 and 6; and 157.08; proposing coding for new law in Minnesota Statutes, chapter 144; repealing Minnesota Statutes 1993 Supplement, sections 144.8771, subdivision 5; 144.8781, subdivisions 1, 2, 3, and 5; 157.082; and 157.09; Laws 1993, chapter 286, section 11; Laws 1993, First Special Session chapter 1, article 9, section 49.

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

Page 2, after line 5, insert:

"Sec. 2. Minnesota Statutes 1992, section 144.0723, subdivision 1, is amended to read:

Subdivision 1. [~~CLIENT REIMBURSEMENT CLASSIFICATIONS.~~] The commissioner of health shall establish ~~reimbursement~~ classifications based upon the assessment of each client in intermediate care facilities for the mentally retarded conducted after December 31, 1988, under section 256B.501, subdivision 3g, ~~or under rules established by the commissioner of human services under section 256B.501, subdivision 3j.~~ The ~~reimbursement~~ classifications established by the commissioner must conform to the rules established by the commissioner of human services to set payment rates for intermediate care facilities for the mentally retarded beginning on or after October 1, ~~1990~~ 1995.

Sec. 3. Minnesota Statutes 1992, section 144.0723, subdivision 2, is amended to read:

Subd. 2. [NOTICE OF CLIENT ~~REIMBURSEMENT CLASSIFICATION.~~] The commissioner of health shall notify each ~~client and~~ intermediate care facility for the mentally retarded ~~in which the client resides~~ of the ~~reimbursement classification~~ *classifications* established under subdivision 1 ~~for each client residing in the facility.~~ The notice must inform the ~~client intermediate care facility for the mentally retarded~~ of the ~~classification~~ *classifications* that ~~was~~ are assigned, the opportunity to review the documentation supporting the classification, the opportunity to obtain clarification

from the commissioner, and the opportunity to request a reconsideration of the classification *any classifications assigned*. The notice of classification must be sent by first-class mail. The individual client notices may be sent to the client's intermediate care facility for the mentally retarded for distribution to the client. The facility must distribute the notice to the client's case manager and to the client or to the client's representative. This notice must be distributed within three working days after the facility receives the notices from the department. For the purposes of this section, "representative" includes the client's legal representative as defined in Minnesota Rules, part 9525.0015, subpart 18, the person authorized to pay the client's facility expenses, or any other individual designated by the client.

Sec. 4. Minnesota Statutes 1992, section 144.0723, subdivision 3, is amended to read:

Subd. 3. [REQUEST FOR RECONSIDERATION.] The client, client's representative, or the intermediate care facility for the mentally retarded may request that the commissioner reconsider the assigned classification. The request for reconsideration must be submitted in writing to the commissioner within 30 days after the receipt of the notice of client classification. The request for reconsideration must include the name of the client, the name and address of the facility in which the client resides, the reasons for the reconsideration, the requested classification changes, and documentation supporting the requested classification. The documentation accompanying the reconsideration request is limited to documentation establishing that the needs of the client *and services provided to the client* at the time of the assessment resulting in the disputed classification justify a change of classification.

Sec. 5. Minnesota Statutes 1992, section 144.0723, subdivision 4, is amended to read:

Subd. 4. [ACCESS TO INFORMATION.] *Annually, at the interdisciplinary team meeting, the intermediate care facility for the mentally retarded shall inform the client or the client's representative and case manager of the client's most recent classification as determined by the department of health.* Upon written request, the intermediate care facility for the mentally retarded must give the client's case manager, the client, or the client's representative a copy of the assessment form and the other documentation that was given to the department to support the assessment findings. *The facility shall also provide access to and a copy of other information from the client's record that has been requested by or on behalf of the client to support a client's reconsideration request.* A copy of any requested material must be provided within three working days after the facility receives a written request for the information. If the facility fails to provide the material within this time, it is subject to the issuance of a correction order and penalty assessment. Notwithstanding this section, any order issued by the commissioner under this subdivision must require that the facility immediately comply with the request for information and that as of the date the order is issued, the facility shall forfeit to the state a \$100 fine the first day of noncompliance, and an increase in the \$100 fine by \$50 increments for each day the noncompliance continues.

Sec. 6. Minnesota Statutes 1992, section 144.0723, subdivision 6, is amended to read:

Subd. 6. [RECONSIDERATION.] The commissioner's reconsideration must be made by individuals not involved in reviewing the assessment that established the disputed classification. The reconsideration must be based

upon the initial assessment and upon the information provided to the commissioner under ~~subdivisions subdivision 3 and 5~~. If necessary for evaluating the reconsideration request, the commissioner may conduct on-site reviews. At the commissioner's discretion, the commissioner may review the ~~reimbursement~~ classifications assigned to all clients in the facility. Within 15 working days after receiving the request for reconsideration, the commissioner shall affirm or modify the original client classification. The original classification must be modified if the commissioner determines that the assessment resulting in the classification did not accurately reflect the status of the client at the time of the assessment. The ~~client and the~~ intermediate care facility for the mentally retarded shall be notified within five working days after the decision is made. The commissioner's decision under this subdivision is the final administrative decision of the agency."

Page 2, line 13, delete "*plans*" and insert "*plan review*".

Page 2, after line 31, insert:

"Sec. 9. Minnesota Statutes 1992, section 144.417, subdivision 1, is amended to read:

Subdivision 1. [RULES.] The state commissioner of health shall adopt rules necessary and reasonable to implement the provisions of sections 144.411 to 144.417, except as provided for in section 144.414.

~~The state commissioner of health may, upon request, waive the provisions of sections 144.411 to 144.417 if the commissioner determines there are compelling reasons to do so and a waiver will not significantly affect the health and comfort of nonsmokers.~~

Sec. 10. Minnesota Statutes 1993 Supplement, section 144.651, subdivision 21, is amended to read:

Subd. 21. [COMMUNICATION PRIVACY.] Patients and residents may associate and communicate privately with persons of their choice and enter and, except as provided by the Minnesota Commitment Act, leave the facility as they choose. Patients and residents shall have access, at their expense, to writing instruments, stationery, and postage. Personal mail shall be sent without interference and received unopened unless medically or programmatically contraindicated and documented by the physician in the medical record. There shall be access to a telephone where patients and residents can make and receive calls as well as speak privately. Facilities which are unable to provide a private area shall make reasonable arrangements to accommodate the privacy of patients' or residents' calls. Upon admission to a facility, ~~a patient or resident, or the patient's or resident's legal guardian or conservator, shall be given the opportunity to authorize disclosure of the patient's or resident's presence in the facility, to callers or visitors who may seek to communicate with the patient or resident. This disclosure option must be made available in all cases where federal law prohibits unauthorized disclosure of patient or resident identifying information to callers and visitors, the patient or resident, or the legal guardian or conservator of the patient or resident, shall be given the opportunity to authorize disclosure of the patient's or resident's presence in the facility to callers and visitors who may seek to communicate with the patient or resident.~~ To the extent possible, the legal guardian or conservator of a patient or resident shall consider the opinions of the patient or resident regarding the disclosure of the patient's or resident's presence in the facility. This right is limited where medically inadvisable, as documented

by the attending physician in a patient's or resident's care record. Where programmatically limited by a facility abuse prevention plan pursuant to section 626.557, subdivision 14, clause 2, this right shall also be limited accordingly.

Sec. 11. Minnesota Statutes 1993 Supplement, section 144.651, subdivision 26, is amended to read:

Subd. 26. [RIGHT TO ASSOCIATE.] Residents may meet with visitors and participate in activities of commercial, religious, political, as defined in section 203B.11 and community groups without interference at their discretion if the activities do not infringe on the right to privacy of other residents or are not programmatically contraindicated. This includes the right to join with other individuals within and outside the facility to work for improvements in long-term care. Upon admission to a facility, ~~a patient or resident, or the patient's or resident's legal guardian or conservator, shall be given the opportunity to authorize disclosure of the patient's or resident's presence in the facility, to callers or visitors who may seek to communicate with the patient or resident.~~ This disclosure option must be made available in all cases where federal law prohibits unauthorized disclosure of patient or resident identifying information to callers and visitors, *the patient or resident, or the legal guardian or conservator of the patient or resident, shall be given the opportunity to authorize disclosure of the patient's or resident's presence in the facility to callers and visitors who may seek to communicate with the patient or resident.* To the extent possible, the legal guardian or conservator of a patient or resident shall consider the opinions of the patient or resident regarding the disclosure of the patient's or resident's presence in the facility."

Page 4, line 12, strike "a timely" and insert "an" and strike "and all"

Page 4, strike line 13

Page 4, line 14, strike "or more residential units," and delete "upon" and insert "*within ten working days of*"

Page 4, line 26, after the period, insert "*In a building with two or more residential units, a board of health must inspect the individual unit in which the conditions of this subdivision are met and must also inspect all common areas in the building.*"

Page 5, lines 23 and 24, delete "*in a timely manner*" and insert "*within ten working days*"

Page 11, after line 1, insert:

"Sec. 22. Minnesota Statutes 1993 Supplement, section 253B.03, subdivision 3, is amended to read:

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. Upon admission to a facility, ~~a patient or resident, or the patient's or resident's legal guardian or conservator, shall be given the opportunity to authorize disclosure of the patient's or resident's presence in the facility, to callers or visitors who may seek to communicate with the patient or resident.~~

This disclosure option must be made available in all cases where federal law prohibits unauthorized disclosure of patient or resident identifying information to callers and visitors, *the patient or resident, or the legal guardian or conservator of the patient or resident, shall be given the opportunity to authorize disclosure of the patient's or resident's presence in the facility to callers and visitors who may seek to communicate with the patient or resident.* To the extent possible, the legal guardian or conservator of a patient or resident shall consider the opinions of the patient or resident regarding the disclosure of the patient's or resident's presence in the facility.

Sec. 23. Minnesota Statutes 1993 Supplement, section 253B.03, subdivision 4, is amended to read:

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. Upon admission to a facility, ~~a patient or resident, or the patient's or resident's legal guardian or conservator, shall be given the opportunity to authorize disclosure of the patient's or resident's presence in the facility, to callers or visitors who may seek to communicate with the patient or resident.~~ This disclosure option must be made available in all cases where federal law prohibits unauthorized disclosure of patient or resident identifying information to callers and visitors, *the patient or resident, or the legal guardian or conservator of the patient or resident, shall be given the opportunity to authorize disclosure of the patient's or resident's presence in the facility to callers and visitors who may seek to communicate with the patient or resident.* To the extent possible, the legal guardian or conservator of a patient or resident shall consider the opinions of the patient or resident regarding the disclosure of the patient's or resident's presence in the facility. The patient has the right to continue the practice of religion.

Sec. 24. Minnesota Statutes 1993 Supplement, section 326.71, subdivision 4, is amended to read:

Subd. 4. [ASBESTOS-RELATED WORK.] "Asbestos-related work" means the enclosure, repair, removal, or encapsulation of asbestos-containing material in a quantity that meets or exceeds 260 lineal feet of friable asbestos-containing material on pipes, 160 square feet of friable asbestos-containing material on other facility components, or a total of 35 cubic feet of friable asbestos-containing material ~~on or~~ off all facility components in one facility. In the case of single or multifamily residences, "asbestos-related work" also means the enclosure, repair, removal, or encapsulation of greater than ten but less than 260 lineal feet of friable asbestos-containing material on pipes ~~or ducts~~ or greater than six but less than 160 square feet of friable asbestos-containing material on other facility components. This provision excludes asbestos-containing vinyl floor tiles and sheeting under 160 square feet. Asbestos-related work includes asbestos abatement area preparation; enclosure, removal, encapsulation, or repair operations; and ~~an~~ air quality monitoring specified in rule to assure that the abatement and adjacent areas are not contaminated with asbestos fibers during the project and after completion.

Sec. 25. Minnesota Statutes 1993 Supplement, section 326.75, subdivision 3, is amended to read:

Subd. 3. [PERMIT FEE.] ~~One~~ Five calendar ~~day~~ days before beginning asbestos-related work, a person shall pay a project permit fee to the commissioner equal to one percent of the total costs of the asbestos-related work. For asbestos-related work performed in single or multifamily resi-

dences, of greater than ten but less than 260 linear feet of asbestos-containing material on pipes, or greater than six but less than 160 square feet of asbestos-containing material on other facility components, a person shall pay a project permit fee of \$35 to the commissioner.

Sec. 26. [OPTIONS REGARDING DISCHARGE OF NURSING HOME RESIDENTS FOR NONPAYMENT.]

The commissioner of health shall submit to the legislature by February 15, 1995, options for amending Minnesota Statutes, section 144A.135, regarding discharge hearings for nursing home residents for nonpayment by a resident or responsible party. The options must take into consideration:

- (1) a method for a shorter appeal process in nonpayment cases;*
- (2) a mechanism for addressing problems of financial exploitation of vulnerable adults;*
- (3) steps facilities should take to obtain payment prior to issuing a discharge notice;*
- (4) provision of services for residents facing discharge for nonpayment; and*
- (5) the feasibility of establishing an emergency fund to pay for services on a short-term basis when a discharge for nonpayment has been issued.*

Sec. 27. [TICK-BORNE DISEASE REPORT.]

The commissioner, after consulting with representatives of local health departments, the lyme disease coalition of Minnesota, other affected state agencies, the tourist industry, medical providers, and health plans, shall report to the legislature by December 15, 1995, a description of the scope and magnitude of tick-borne diseases in Minnesota, propose measures to provide public and provider education to reduce the incidence of new tick-borne disease infections, and recommend mechanisms to fund increased tick and disease surveillance and prevention activities."

Page 11, line 3, before "Minnesota" insert "Minnesota Statutes 1992, section 144.0723, subdivision 5, is repealed."

Renumber the sections in sequence

Amend the title as follows

Page 1, line 5, after the semicolon, insert "144.0723, subdivisions 1, 2, 3, 4, and 6;"

Page 1, line 6, after the semicolon, insert "144.417, subdivision 1;"

Page 1, line 8, after "sections" insert "144.651, subdivisions 21 and 26;"

Page 1, line 11, delete the second "and" and after the second semicolon, insert "253B.03, subdivisions 3 and 4; 326.71, subdivision 4; and 326.75, subdivision 3;"

Page 1, line 13, before "Minnesota" insert "Minnesota Statutes 1992, section 144.0723, subdivision 5;"

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

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

S.F. No. 1966: A bill for an act relating to traffic regulations; making technical changes; requiring that transportation for students in Head Start programs be by school bus; removing requirement for auxiliary low beam lights to be removed or covered when snowplow blade removed; requiring seat belts for commercial motor vehicles; allowing transportation within state of raw farm and forest products exceeding maximum weight limitation by not more than three percent; amending Minnesota Statutes 1992, sections 169.448, subdivision 3; 169.743; and 169.851, subdivisions 3 and 5; Minnesota Statutes 1993 Supplement, sections 169.47, subdivision 1; 169.522, subdivision 1; 169.56, subdivision 5; and 169.686, subdivision 1.

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

Page 1, delete section 1 and insert:

“Section 1. Minnesota Statutes 1993 Supplement, section 169.122, subdivision 5, is amended to read:

Subd. 5. [EXCEPTION.] This section does not apply to the possession or consumption of alcoholic beverages by passengers in:

(1) a bus operated under a charter as defined in section 221.011, subdivision 20; or

(2) a limousine *providing service* as defined in section ~~168.011, subdivision 3~~ 221.84, subdivision 1.”

Page 5, after line 25, insert:

“Sec. 9. Minnesota Statutes 1993 Supplement, section 221.0314, subdivision 10, is amended to read:

Subd. 10. [INSPECTION, REPAIR, AND MAINTENANCE.] Code of Federal Regulations, title 49, part 396, is incorporated by reference, except that sections 396.1, 396.9, and 396.17 to ~~396.25~~ 396.23 of that part are not incorporated.”

Amend the title as follows:

Page 1, delete lines 3 and 4 and insert “changes; removing”

Page 1, line 11, delete everything after “sections”

Page 1, line 13, after “sections” insert “169.122, subdivision 5;”

Page 1, line 14, delete “and”

Page 1, line 15, before the period, insert “; and 221.0314, subdivision 10”

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

Mr. Marty from the Committee on Ethics and Campaign Reform, to which was referred

S.F. No. 943: A bill for an act relating to the ethical practices board; clarifying definitions; strengthening enforcement powers; changing duties;

requiring additional disclosure of lobbyist activities; facilitating reports of last-minute contributions; requiring return of public subsidies under certain conditions; amending Minnesota Statutes 1992, sections 10A.01, subdivisions 11, 25, 26, and 28; 10A.02, subdivisions 11 and 12; 10A.03, subdivisions 2 and 3; 10A.04, subdivisions 3, 4, 5, 6, and 7; 10A.05; 10A.08; 10A.09, subdivision 7; 10A.14, subdivision 4; 10A.15, by adding a subdivision; 10A.20, subdivisions 5 and 12; 10A.21, subdivision 3; 10A.23; 10A.31, subdivisions 6, 7, and 8; 10A.322, subdivision 4; 10A.324, subdivision 1; and 10A.34; repealing Minnesota Statutes 1992, sections 10A.09, subdivision 3; and 10A.21, subdivisions 1 and 2.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1992, section 10A.01, subdivision 11, is amended to read:

Subd. 11. (a) "Lobbyist" means an individual-

(1) engaged for pay or other consideration, or authorized to spend money by another individual, association, political subdivision, or public higher education system, who spends more than five hours in any month or more than \$250, not including the individual's own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action, or the official action of a metropolitan governmental unit, by communicating or urging others to communicate with public or local officials; ~~or. Time spent monitoring legislative or administrative action, or the official action of a metropolitan governmental unit, and related research, analysis, and compilation and dissemination of information relating to legislative or administrative policy in this state, or to the policies of metropolitan governmental units, is counted toward the five-hour limit.~~

(2) "Lobbyist" also means an individual who spends more than \$250, not including the individual's own traveling expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action; or the official action of a metropolitan governmental unit, by communicating or urging others to communicate with public or local officials.

(b) "Lobbyist" does not include:

(1) a public official;

(2) an employee of the state, including an employee of any of the public higher education systems;

(3) an elected local official;

(4) a nonelected local official or an employee of a political subdivision acting in an official capacity, unless the nonelected official or employee of a political subdivision spends more than 50 hours in any month attempting to influence legislative or administrative action, or the official action of a metropolitan governmental unit other than the political subdivision employing the official or employee, by communicating or urging others to communicate with public or local officials, including time spent monitoring legislative or administrative action, or the official action of a metropolitan governmental unit, and related research, analysis, and compilation and dissemination of

information relating to legislative or administrative policy in this state, or to the policies of metropolitan governmental units;

(5) a party or the party's representative appearing in a proceeding before a state board, commission or agency of the executive branch unless the board, commission or agency is taking administrative action;

(6) an individual while engaged in selling goods or services to be paid for by public funds;

(7) a news medium or its employees or agents while engaged in the publishing or broadcasting of news items, editorial comments or paid advertisements which directly or indirectly urge official action;

(8) a paid expert witness whose testimony is requested by the body before which the witness is appearing, but only to the extent of preparing or delivering testimony;

(9) a stockholder of a family farm corporation as defined in section 500.24, subdivision 2, who does not spend over \$250, excluding the stockholder's own travel expenses, in any year in communicating with public officials; or

(10) a party or the party's representative appearing to present a claim to the legislature and communicating to legislators only by the filing of a claim form and supporting documents and by appearing at public hearings on the claim.

Sec. 2. Minnesota Statutes 1992, section 10A.01, is amended by adding a subdivision to read:

Subd. 13a. [OFFICIAL ACTION OF A METROPOLITAN GOVERNMENTAL UNIT.] "Official action of a metropolitan governmental unit" does not include action to apply or administer an adopted ordinance or land use plan but does include action to approve a contract, conveyance, or financing agreement.

Sec. 3. Minnesota Statutes 1992, section 10A.01, subdivision 25, is amended to read:

Subd. 25. [LOCAL OFFICIAL.] "Local official" means a person who holds elective office in a political subdivision or who is appointed to or employed in a public position in a political subdivision in which the person has authority to make, to recommend, or to vote on as a member of the governing body, major final recommendations and decisions regarding the expenditure or investment of public money. In a metropolitan governmental unit, "local official" includes a person appointed to or employed in a part-time or "acting" position.

Sec. 4. Minnesota Statutes 1992, section 10A.01, subdivision 28, is amended to read:

Subd. 28. [PRINCIPAL.] "Principal" means an individual or association, political subdivision, or public higher education system that:

(1) spends more than \$500 in the aggregate in any calendar year to engage a lobbyist, compensate a lobbyist, or authorize the expenditure of money by a lobbyist; or

(2) is not included in clause (1) and spends a total of at least \$50,000 in any calendar year on efforts to influence legislative action, administrative action,

or the official action of metropolitan governmental units, as described in section 10A.04, subdivision 6.

Sec. 5. Minnesota Statutes 1992, section 10A.02, subdivision 11, is amended to read:

Subd. 11. The board may investigate any alleged violation of this chapter. The board shall investigate any violation which is alleged in a written complaint filed with the board and, except for alleged violations of section 10A.25 or 10A.27, shall within ~~30~~ 90 days after the filing of the complaint make a public finding of whether or not there is probable cause to believe a violation has occurred. In the case of a written complaint alleging a violation of section 10A.25 or 10A.27, the board shall either enter a conciliation agreement or make a public finding of whether or not there is probable cause, within ~~60~~ 90 days of the filing of the complaint. The deadline for action on any written complaint may be extended by majority vote of the board. Within a reasonable time after beginning an investigation of an individual or association, the board shall notify that individual or association of the fact of the investigation. The board shall make no finding of whether or not there is probable cause to believe a violation has occurred without notifying the individual or association of the nature of the allegations and affording an opportunity to answer those allegations. Any hearing or action of the board concerning any complaint or investigation other than a finding concerning probable cause or a conciliation agreement shall be confidential. Until the board makes a public finding concerning probable cause or enters a conciliation agreement:

(a) No member, employee, or agent of the board shall disclose to any individual any information obtained by that member, employee, or agent concerning any complaint or investigation except as required to carry out the investigation or take action in the matter as authorized by this chapter; and

(b) Any individual who discloses information contrary to the provisions of this subdivision shall be guilty of a misdemeanor. Except as provided in section 10A.28, after the board makes a public finding of probable cause the board shall report that finding to the appropriate law enforcement authorities.

Sec. 6. Minnesota Statutes 1992, section 10A.02, subdivision 12, is amended to read:

Subd. 12. The board may issue and publish advisory opinions on the requirements of this chapter based upon real or hypothetical situations. An application for an advisory opinion may be made only by an individual or association who wishes to use the opinion to guide the individual's or the association's own conduct. The board shall issue written opinions on all such questions submitted to it within ~~30~~ 60 days after receipt of written application, unless a majority of the board agrees to extend the time limit. An advisory opinion shall lapse the day the regular session of the legislature adjourns in the second year following the date of the opinion.

Sec. 7. Minnesota Statutes 1992, section 10A.03, subdivision 2, is amended to read:

Subd. 2. The registration form shall be prescribed by the board and shall include (a) the name and address of the lobbyist, (b) the principal place of business of the lobbyist, (c) the name and address of each person, if any, by whom the lobbyist is retained or employed or on whose behalf the lobbyist

appears, and, if different, of each principal by which the lobbyist is engaged, compensated, or authorized to lobby, and (d) a general description of the subject or subjects on which the lobbyist expects to lobby whether the lobbying is to influence legislative action, administrative action, or the official actions of a metropolitan governmental unit. If the lobbyist lobbies on behalf of an association the registration form shall include the name and address of the officers and directors of the association. If the lobbyist lobbies on behalf of a political subdivision, the registration must include the name and address of the chief executive and members of the governing body of the political subdivision.

Sec. 8. Minnesota Statutes 1992, section 10A.03, subdivision 3, is amended to read:

Subd. 3. The board shall notify by certified mail or personal service any lobbyist who fails to file a registration form within five days after becoming a lobbyist. If a lobbyist fails to file a form within ~~seven~~ five days after ~~receiving this~~ the notice was mailed, the board may impose a late filing fee at \$5 \$25 per day, not to exceed ~~\$100~~ \$250, commencing with the ~~eighth~~ sixth day after ~~receiving the~~ notice was mailed. The board shall further notify by certified mail or personal service any lobbyist who fails to file a form within 21 days of ~~receiving a~~ after the first notice was mailed that the lobbyist may be subject to a criminal penalty for failure to file the form. A lobbyist who ~~knowingly~~ fails to file a form within ~~seven~~ five days after receiving a second this notice from the board is guilty of a misdemeanor.

Sec. 9. Minnesota Statutes 1992, section 10A.04, subdivision 3, is amended to read:

Subd. 3. Each person or, association, or political subdivision about whose activities a lobbyist is required to report shall provide the information required by sections 10A.03 to 10A.05 to the lobbyist no later than five days before the prescribed filing date.

Sec. 10. Minnesota Statutes 1992, section 10A.04, subdivision 4, is amended to read:

Subd. 4. [REPORT CONTENTS.] (a) The report shall include such information as the board may require from the registration form and the information required by this subdivision for the reporting period.

(b) Each lobbyist shall report the lobbyist's total disbursements on lobbying, separately listing lobbying to influence legislative action, lobbying to influence administrative action, and lobbying to influence the official actions of a metropolitan governmental unit, and a breakdown of disbursements for each of those kinds of lobbying into categories specified by the board, including but not limited to the cost of publication and distribution of each publication used in lobbying; other printing; media, including the cost of production; postage; travel; fees, including allowances; entertainment; telephone and telegraph; and other expenses.

(c) Each lobbyist shall report the amount and nature of each honorarium, gift, loan, item or benefit, excluding contributions to a candidate, equal in value to \$50 or more, given or paid to any public or local official by the lobbyist or any employer or any employee of the lobbyist. The list shall include the name and address of each public or local official to whom the

honorarium, gift, loan, item or benefit was given or paid and the date it was given or paid.

(d) Each lobbyist shall report each original source of funds money in excess of \$500 in any year used for the purpose of lobbying to influence legislative action, each such source of funds money used to influence administrative action, and each such source of funds money used to influence the official action of metropolitan governmental units. *For money used to influence administrative action or the official action of metropolitan governmental units, the administrative entities and metropolitan governmental units must be identified.* The list shall include the name, address and employer, or, if self-employed, the occupation and principal place of business, of each payer of funds in excess of \$500.

Sec. 11. Minnesota Statutes 1992, section 10A.04, subdivision 5, is amended to read:

Subd. 5. The board shall notify by certified mail or personal service any lobbyist or principal who fails after seven days after a filing date imposed by this section to file a report or statement required by this section. If a lobbyist or principal fails to file a report within seven five days after receiving this the notice was mailed, the board may impose a late filing fee of \$5 \$25 per day, not to exceed \$100 \$250, commencing with the eighth sixth day after receiving the notice was mailed. The board shall further notify by certified mail or personal service any lobbyist or principal who fails to file a report within 21 days after receiving a the first notice was mailed that the lobbyist or principal may be subject to a criminal penalty for failure to file the report. A lobbyist or principal who knowingly fails to file such a report or statement within seven five days after receiving a second this notice from the board is guilty of a misdemeanor.

Sec. 12. Minnesota Statutes 1992, section 10A.04, subdivision 6, is amended to read:

Subd. 6. [LOBBYIST AND PRINCIPAL REPORTS.] (a) Each principal shall report to the board as required in this subdivision by March 15 for the preceding calendar year.

(b) Each principal shall report which of the following categories includes the total amount, rounded to the nearest dollar, spent by the principal during the preceding calendar year to influence legislative action, the total amount spent by the principal during the preceding calendar year to influence administrative action, and the total amount spent by the principal during the preceding calendar year to influence the official action of metropolitan governmental units:

- (1) \$501 to \$50,000;
- (2) \$50,001 to \$150,000; or
- (3) \$150,001 to \$250,000.

(c) Beyond \$250,000, each additional \$250,000 constitutes an additional category, and each principal shall report which of the categories includes the total amount spent by the principal for the purposes provided in this subdivision.

(d) The principal shall report under this subdivision a total amount that includes amounts reported under paragraph (b) must include:

- (1) all direct payments by the principal to lobbyists in Minnesota;

(2) all expenditures for advertising, mailing, research, analysis, compilation and dissemination of information, and public relations campaigns related to legislative action, administrative action, or the official action of metropolitan governmental units in Minnesota; and

(3) all salaries and administrative expenses attributable to activities of the principal relating to efforts to influence legislative action, administrative action, or the official action of metropolitan governmental units in Minnesota.

(d) For amounts used to influence administrative action or the official action of metropolitan governmental units, the administrative entities and metropolitan governmental units must be identified.

Sec. 13. Minnesota Statutes 1992, section 10A.04, subdivision 7, is amended to read:

Subd. 7. [FINANCIAL RECORDS.] The board may randomly audit the financial records of lobbyists and principals required to report under this section. *Lobbyists and principals shall retain for four years after the report was filed all records concerning the matters reported under this chapter, including vouchers, canceled checks, bills, invoices, worksheets, and receipts.*

Sec. 14. Minnesota Statutes, 1992, section 10A.05, is amended to read:

10A.05 [LOBBYIST REPORT.]

Within 30 days after each lobbyist filing date set by section 10A.04, the executive director of the board shall report to the governor, and the presiding officer of each house of the legislature, the names of the lobbyists registered who were not previously reported, the names of the persons or associations, or political subdivisions whom they represent as lobbyists, ~~the subject or subjects on which they are lobbying,~~ and whether in each case they lobby to influence legislative or administrative action or both. At the same times, the executive director of the board shall report to the governing body of each metropolitan governmental unit, the names of the registered lobbyists who attempt to influence the official action of metropolitan governmental units, and the names of the persons or associations, or political subdivisions whom they represent as lobbyists; ~~and the subject or subjects on which they are lobbying.~~

Sec. 15. Minnesota Statutes 1993 Supplement, section 10A.065, subdivision 1, is amended to read:

Subdivision 1. [REGISTERED LOBBYIST CONTRIBUTIONS; LEGISLATIVE SESSION.] A candidate for the legislature or for constitutional office, a candidate's principal campaign committee, any other political committee with the candidate's name or title, any committee authorized by the candidate, or a political committee established by all or a part of the party organization within a house of the legislature, shall not solicit or accept a contribution on behalf of a candidate's principal campaign committee, any other political committee with the candidate's name or title, any committee authorized by the candidate, or a political committee established by all or a part of the party organization within a house of the legislature, from a registered lobbyist, political committee, or political fund during a regular session of the legislature. *For a candidate for constitutional office, the prohibition in this subdivision extends to the 14 days immediately following adjournment of the legislature in either year of a biennium.*

Sec. 16. Minnesota Statutes 1992, section 10A.065, is amended by adding a subdivision to read:

Subd. 6. [FEDERAL OFFICES.] This section does not prohibit a candidate from soliciting or accepting a contribution to a campaign for a federal office.

Sec. 17. Minnesota Statutes 1992, section 10A.08, is amended to read:

10A.08 [REPRESENTATION DISCLOSURE.]

Any public official who represents a client for a fee before any individual, board, commission or agency that has rule making authority in a hearing conducted under chapter 14, shall disclose the official's participation in the action to the board within 14 days after the appearance. The board shall notify by certified mail or personal service any public official who fails to disclose the participation within 14 days after the appearance. If the public official fails to disclose the participation within ~~seven~~ five days of after this notice was mailed, the board may impose a late filing fee of \$5 \$25 per day, not to exceed \$100 \$250, commencing on the ~~eighth~~ sixth day after receiving the notice was mailed. The board shall further notify by certified mail or personal service any individual who fails to disclose the participation within 21 days after the first notice was mailed that the individual may be subject to a criminal penalty for failure to disclose the participation. An individual who fails to disclose the participation within five days after receiving this notice is guilty of a misdemeanor.

Sec. 18. Minnesota Statutes 1992, section 10A.09, subdivision 7, is amended to read:

Subd. 7. The board shall notify by certified mail or personal service any individual who fails within the prescribed time to file a statement of economic interest required by this section. If an individual fails to file a statement within ~~seven~~ five days after receiving this the notice was mailed, the board may impose a late filing fee of \$5 \$25 per day, not to exceed \$100 \$250, commencing on the ~~eighth~~ sixth day after receiving the notice was mailed. The board shall further notify by certified mail or personal service any individual who fails to file a statement within 21 days after receiving a the first notice was mailed that the individual may be subject to a criminal penalty for failure to file a statement. An individual who fails to file a statement within ~~seven~~ five days after a second receiving this notice is guilty of a misdemeanor.

Sec. 19. Minnesota Statutes 1992, section 10A.14, subdivision 4, is amended to read:

Subd. 4. The board shall notify by certified mail or personal service any individual who fails to file a statement required by this section. If an individual fails to file a statement within ~~seven~~ five days after receiving a the notice was mailed, the board may impose a late filing fee of \$5 \$25 per day, not to exceed \$100 \$250, commencing with the ~~eighth~~ sixth day after receiving the notice was mailed. The board shall further notify by certified mail or personal service any individual who fails to file a statement within 21 days after receiving a the first notice was mailed that such individual may be subject to a criminal penalty for failure to file the report statement. An individual who knowingly fails to file the statement within ~~seven~~ five days after receiving a second this notice from the board is guilty of a misdemeanor.

Sec. 20. Minnesota Statutes 1992, section 10A.15, subdivision 3a, is amended to read:

Subd. 3a. No treasurer of a principal campaign committee of a candidate or of a political committee or political fund shall deposit any transfer which on its face exceeds the limit on contributions to that candidate or political committee or political fund prescribed by section 10A.27 unless, at the time of deposit, the treasurer issues a check to the source for the amount of the excess.

Sec. 21. Minnesota Statutes 1993 Supplement, section 10A.15, subdivision 5, is amended to read:

Subd. 5. [LOBBYIST, POLITICAL COMMITTEE, OR POLITICAL FUND REGISTRATION NUMBER ON CHECKS.] A contribution made to a candidate by a lobbyist, political committee, or political fund that makes a contribution to a candidate must show on the contribution the name of the lobbyist, political committee, or political fund and the number under which it is registered with the board. A candidate may rely upon the presence or absence of a registration number in determining whether the contribution is from a lobbyist and is not subject to a civil penalty for the failure of a contributor to comply with this subdivision. The contributor is subject to a civil penalty imposed by the board in an amount up to four times the amount of the contribution that was not properly identified.

Sec. 22. Minnesota Statutes 1993 Supplement, section 10A.20, subdivision 3, is amended to read:

Subd. 3. [CONTENTS OF REPORT.] Each report under this section shall disclose:

(a) The amount of liquid assets on hand at the beginning of the reporting period;

(b) The name, address and employer, or occupation if self-employed, of each individual, political committee or political fund who within the year has made one or more transfers or donations in kind to the political committee or political fund during the reporting period, including the purchase of tickets for all fund raising efforts, which in aggregate within the year equal or exceed \$100 for legislative, judicial district, or statewide candidates or ballot questions, together with the amount and date of each transfer or donation in kind, and the aggregate amount of transfers and donations in kind within the year from each source so disclosed. A donation in kind shall be disclosed at its fair market value. An approved expenditure is listed as a donation in kind. A donation in kind is considered consumed in the reporting period in which it is received. The names of contributors shall be listed in alphabetical order;

(c) The sum of contributions to the political committee or political fund during the reporting period;

(d) Each loan made or received by the political committee or political fund within the year in aggregate in excess of \$100, continuously reported until repaid or forgiven, together with the name, address, occupation and the principal place of business, if any, of the lender and any endorser and the date and amount of the loan. If any loan made to the principal campaign committee of a candidate is forgiven at any time or repaid by any entity other than that principal campaign committee, it shall be reported as a contribution for the year in which the loan was made;

(e) Each receipt in excess of \$100 not otherwise listed under clauses (b) to (d);

(f) The sum of all receipts of the political committee or political fund during the reporting period;

(g) The name and address of each individual or association to whom aggregate expenditures, including approved expenditures, have been made by or on behalf of the political committee or political fund *during the reporting period that aggregate* within the year in excess of \$100, together with the amount, date and purpose of each expenditure and the name and address of, and office sought by, each candidate on whose behalf the expenditure was made, identification of the ballot question which the expenditure is intended to promote or defeat, and in the case of independent expenditures made in opposition to a candidate, the name, address and office sought for each such candidate, *except that an independent expenditure of less than \$300 per candidate by an association targeted to inform solely its own dues-paying members of the association's position on a candidate need not be itemized and an association that makes only this type of expenditure need not register with the board;*

(h) The sum of all expenditures made by or on behalf of the political committee or political fund during the reporting period;

(i) The amount and nature of any advance of credit incurred by the political committee or political fund, continuously reported until paid or forgiven. If any advance of credit incurred by the principal campaign committee of a candidate is forgiven at any time by the creditor or paid by any entity other than that principal campaign committee, it shall be reported as a donation in kind for the year in which the advance of credit was incurred;

(j) The name and address of each political committee, political fund, or principal campaign committee to which ~~aggregate~~ transfers *have been made during the reporting period that aggregate* in excess of \$100 ~~have been made~~ within the year, together with the amount and date of each transfer;

(k) The sum of all transfers made by the political committee, political fund, or principal campaign committee during the reporting period;

(l) ~~Except for contributions to a candidate or committee for a candidate for office in a municipality as defined in section 471.345, subdivision 1,~~ The name and address of each individual or association to whom ~~aggregate noncampaign~~ disbursements *have been made during the reporting period that aggregate* in excess of \$100 ~~have been made~~ within the year by or on behalf of a principal campaign committee, political committee, or political fund, together with the amount, date, and purpose of each ~~noncampaign~~ disbursement;

(m) The sum of all ~~noncampaign~~ disbursements made within the year *reporting period* by or on behalf of a principal campaign committee, political committee, or political fund; and

(n) A report filed under subdivision 2, clause (b), by a political committee or political fund that is subject to subdivision 14, must contain the information required by subdivision 14, if the political committee or political fund has solicited and caused others to make aggregate contributions greater than \$5,000 between January 1 of the general election year and the end of the

reporting period. This disclosure requirement is in addition to the report required by subdivision 14.

Sec. 23. Minnesota Statutes 1992, section 10A.20, subdivision 5, is amended to read:

Subd. 5. [PREELECTION REPORTS.] In any statewide election any loan, contribution, or contributions from any one source totaling \$2,000 or more, or in any *judicial district* or legislative election totaling more than \$400, received between the last day covered in the last report prior to an election and the election shall be reported to the board in one of the following ways:

- (1) in person within 48 hours after its receipt;
- (2) by *facsimile transmission and first class mail sent within 48 hours after its receipt;*
- ~~(2)~~ (3) by telegram or mailgram within 48 hours after its receipt; or
- ~~(3)~~ (4) by certified mail sent within 48 hours after its receipt.

These loans and contributions must also be reported in the next required report.

The 48-hour notice requirement does not apply with respect to a primary if the statewide or legislative candidate is unopposed in that primary.

Sec. 24. Minnesota Statutes 1993 Supplement, section 10A.20, subdivision 6b, is amended to read:

Subd. 6b. [INDEPENDENT EXPENDITURES; NOTICE.] (a) Within 24 hours after an individual, political committee, or political fund makes or becomes obligated by oral or written agreement to make an independent expenditure in excess of \$100, other than an expenditure by an association targeted to inform solely its own dues-paying members of the association's position on a candidate, the individual, political committee, or political fund shall file with the board an affidavit notifying the board of the intent to make the independent expenditure and serve a copy of the affidavit on each candidate in the affected race and on the treasurer of the candidate's principal campaign committee. The affidavit must contain the information with respect to the expenditure that is required to be reported under subdivision 3, paragraph (g); except that if an expenditure is reported before it is made, the notice must include a reasonable estimate of the anticipated amount. Each new expenditure requires a new notice.

(b) An individual or the treasurer of a political committee or political fund who fails to give notice as required by this subdivision, or who files a false affidavit of notice, is guilty of a gross misdemeanor and is subject to a civil fine of up to four times the amount of the independent expenditure ~~stated in the notice~~ or of which notice was required or, ~~whichever is greater in the case of a false notice, the difference between the amount stated and the amount required.~~

Sec. 25. Minnesota Statutes 1992, section 10A.20, subdivision 12, is amended to read:

Subd. 12. The board shall notify by certified mail or ~~personal service~~ any individual who fails to file a statement required by this section. If an individual fails to file a statement due January 31 within ~~seven~~ five days after

receiving a notice was mailed, the board may impose a late filing fee of ~~\$\$~~ \$25 per day, not to exceed ~~\$100~~ \$250, commencing on the ~~eighth~~ sixth day after receiving notice was mailed. If an individual fails to file a statement due before any primary or election within three days of the date due, regardless of whether the individual has received any notice, the board may impose a late filing fee of ~~\$50~~ \$100 per day, not to exceed ~~\$500~~ \$1,000, commencing on the fourth day after the date the statement was due. The board shall further notify by certified mail or personal service any individual who fails to file any statement within 14 days after receiving a first notice from the board was mailed that the individual may be subject to a criminal penalty for failure to file a statement. An individual who knowingly fails to file the statement within ~~seven~~ five days after receiving a ~~second~~ this notice from the board is guilty of a misdemeanor.

Sec. 26. Minnesota Statutes 1992, section 10A.21, subdivision 3, is amended to read:

Subd. 3. Statements and reports filed with a county auditor shall be available to the public in the manner prescribed by section 10A.02, subdivision 8, clause (e). Statements and reports of principal campaign committees shall be retained until four years after the election to which they pertain. Economic interest statements shall be retained until the subject of the statement is no longer a candidate or officeholder. Upon request of a county auditor, the board shall send the auditor a copy of a statement of economic interest filed with the board. The copy need not be certified.

Sec. 27. Minnesota Statutes 1992, section 10A.23, is amended to read:

10A.23 [CHANGES AND CORRECTIONS.]

Subdivision 1. [REPORT.] Any material changes in information previously submitted and any corrections to a report or statement shall be reported in writing to the board within ten days following the date of the event prompting the change or the date upon which the person filing became aware of the inaccuracy. The change or correction shall identify the form and the paragraph containing the information to be changed or corrected.

Subd. 2. [NOTICE; PENALTY.] If the board determines that a report or statement is inaccurate, the board shall notify by certified mail the person who filed the report or statement of the need to correct it. If the person fails to file a corrected report or statement within ten days after the notice was mailed, the board may impose a late filing fee at the rate of \$25 a day, not to exceed \$250, commencing with the 11th day after the notice was mailed. The board shall further notify by certified mail or personal service a person who fails to file a corrected report or statement within 21 days after the first notice was mailed that the person may be subject to a criminal penalty for failure to file the correction. Any person who willfully fails to report a material change or correction within 30 days after receiving this notice is guilty of a gross misdemeanor.

Sec. 28. Minnesota Statutes 1993 Supplement, section 10A.25, subdivision 2, is amended to read:

Subd. 2. (a) In a year in which an election is held for an office sought by a candidate, no expenditures shall be made by the principal campaign committee of that candidate, nor any approved expenditures made on behalf

of that candidate which expenditures and approved expenditures result in an aggregate amount in excess of the following:

- (1) for governor and lieutenant governor, running together, \$1,626,691;
- (2) for attorney general, \$271,116;
- (3) for secretary of state, state treasurer, and state auditor, separately, \$135,559;
- (4) for state senator, \$40,669;
- (5) for state representative, \$20,335.

(b) If a special election cycle occurs during a general election cycle, expenditures by or on behalf of a candidate in the special election do not count as expenditures by or on behalf of the candidate in the general election.

(c) The expenditure limits in this subdivision for an office are increased by ten percent for a candidate who is ~~running~~ *a candidate* for that office for the first time and who has not ~~run~~ *previously been a candidate* for any other *state, federal, or local* office whose territory now includes a population that is more than one-third of the population in the territory of the new office.

Sec. 29. Minnesota Statutes 1993 Supplement, section 10A.25, subdivision 6, is amended to read:

Subd. 6. *During an election cycle*, in any year before ~~an~~ *the* election year for the office held or sought, the aggregate amount of expenditures by and approved expenditures on behalf of a candidate for or holder of that office shall not exceed 20 percent of the expenditure limit set forth in subdivision 2.

Sec. 30. Minnesota Statutes 1993 Supplement, section 10A.25, subdivision 11, is amended to read:

Subd. 11. [CARRYFORWARD; DISPOSITION OF OTHER FUNDS.] After all campaign expenditures and noncampaign disbursements for an election cycle have been made, an amount up to 50 percent of the *election-year* expenditure limit for the office may be carried forward. Any remaining amount up to the total amount of the public subsidy from the state elections campaign fund ~~and any public matching subsidy~~ must be returned to the state treasury for credit to the general fund under section 10A.324. Any remaining amount in excess of the total public subsidy must be contributed to the state elections campaign fund or a political party for multicandidate expenditures as defined in section 10A.275.

Sec. 31. Minnesota Statutes 1993 Supplement, section 10A.25, subdivision 13, is amended to read:

Subd. 13. [INDEPENDENT EXPENDITURES; LIMITS INCREASED.] (a) The expenditure limits in this section are increased by the sum of independent expenditures made in opposition to a candidate plus independent expenditures made on behalf of the candidate's major political party opponents, other than expenditures by an association targeted to inform solely its own dues-paying members of the association's position on a candidate.

(b) Within 48 hours after receipt of an expenditure report or notice required by section 10A.20, subdivision 3, 6, or 6b, the board shall notify each candidate in the race of the increase in the expenditure limit for the candidates against whom the independent expenditures have been made.

(c) Within three days after providing this notice, the board shall pay each candidate against whom the independent expenditures have been made, if the candidate is eligible to receive a public subsidy and has raised twice the minimum match required, an additional public subsidy equal to one-half the independent expenditures. *If the candidate has not already filed with the board an affidavit that the candidate has raised twice the minimum match required, the board need not make the payment until three days after the candidate has filed the affidavit.* The amount needed to pay the additional public subsidy under this subdivision is appropriated from the general fund to the board.

Sec. 32. Minnesota Statutes 1993 Supplement, section 10A.27, subdivision 9, is amended to read:

Subd. 9. (a) A candidate or the treasurer of a candidate's principal campaign committee shall not accept a transfer or contribution from another candidate's principal campaign committee or from any other committee bearing the contributing candidate's name or title or otherwise authorized by the contributing candidate, unless the contributing candidate's principal campaign committee is being dissolved. A candidate's principal campaign committee shall not make a transfer or contribution to another candidate's principal campaign committee, except when the contributing committee is being dissolved.

(b) A candidate's principal campaign committee shall not accept a transfer or contribution from, or make a transfer or contribution to, a committee associated with a person who seeks nomination or election to the office of President, Senator, or Representative in Congress of the United States.

(c) A candidate or the treasurer of a candidate's principal campaign committee shall not accept a contribution from a candidate for *state or political subdivision office in any state*, unless the contribution is from the personal funds of the candidate for *state or political subdivision office*. A candidate or the treasurer of a candidate's principal campaign committee shall not make a contribution from the principal campaign committee to a candidate for *state or political subdivision office in any state*.

Sec. 33. Minnesota Statutes 1993 Supplement, section 10A.27, subdivision 10, is amended to read:

Subd. 10. [PROHIBITED CONTRIBUTIONS.] A candidate who accepts a public subsidy may not contribute to the candidate's own campaign *during a year more than ten times the candidate's ~~election year~~ contribution limit for that year* under subdivision 1.

Sec. 34. Minnesota Statutes 1993 Supplement, section 10A.27, subdivision 12, is amended to read:

Subd. 12. [CONTRIBUTIONS TO OTHER POLITICAL COMMITTEES OR FUNDS.] The treasurer of a political committee or political fund *that makes contributions to candidates, other than a candidate's principal campaign committee or a political party unit as defined in section 10A.275,* shall not permit the political committee or political fund to accept aggregate contributions from an individual, political committee, or political fund in an amount more than \$100 a year.

Sec. 35. Minnesota Statutes 1992, section 10A.275, subdivision 1, is amended to read:

Subdivision 1. [EXCEPTIONS.] Notwithstanding any other provisions of this chapter, the following expenditures by a state political party, a party unit, or two or more party units acting together, with at least one party unit being either: the state party organization or the party organization within a congressional district, county, or legislative district, shall not be considered contributions to or expenditures on behalf of any candidate for the purposes of section 10A.25 or 10A.27, and shall not be allocated to any candidates pursuant to section 10A.22, subdivision 5:

(a) expenditures on behalf of candidates of that party generally without referring to any of them specifically in any advertisement published, posted or broadcast;

(b) expenditures for the preparation, display, mailing or other distribution of an official party sample ballot listing the names of three or more individuals whose names are to appear on the ballot;

(c) expenditures for any telephone conversation including the names of three or more individuals whose names are to appear on the ballot;

(d) expenditures for any political party fundraising effort on behalf of three or more candidates; or

(e) expenditures for party committee staff member services that benefit three or more candidates.

Public subsidy money received from the state and required to be used for multicandidate political expenditures must be kept in a separate account and used only on behalf of candidates who have filed a spending limit agreement under section 10A.322.

Sec. 36. Minnesota Statutes 1992, section 10A.28, subdivision 1, is amended to read:

Subdivision 1. [CANDIDATE EXCEEDING EXPENDITURE LIMITS.] A candidate subject to the expenditure limits in section 10A.25 who permits the candidate's principal campaign committee to make expenditures or permits approved expenditures to be made on the candidate's behalf in excess of the limits imposed by section 10A.25, as adjusted by section 10A.255, *may be ordered by the board to return part or all of the public subsidy paid to the candidate and is subject to a civil fine up to four times the amount which the expenditures exceeded the limit.*

Sec. 37. Minnesota Statutes 1992, section 10A.31, subdivision 3, is amended to read:

Subd. 3. [FORM.] The commissioner of the department of revenue shall provide on the first page of the income tax form and the renter and homeowner property tax refund return a space for the individual to indicate a wish to allocate \$5 (\$10 if filing a joint return) from the general fund of the state to finance election campaigns. The form shall also contain language prepared by the commissioner which permits the individual to direct the state to allocate the \$5 (or \$10 if filing a joint return) to: (i) one of the major political parties *and its candidates*; (ii) any minor political party as defined in section 10A.01, subdivision 13, which qualifies under the provisions of subdivision 3a, *and its candidates*; or (iii) all qualifying candidates as provided by subdivision 7. The

renter and homeowner property tax refund return shall include instructions that the individual filing the return may designate \$5 on the return only if the individual has not designated \$5 on the income tax return.

Sec. 38. Minnesota Statutes 1993 Supplement, section 10A.31, subdivision 4, is amended to read:

Subd. 4. (a) The amounts designated by individuals for the state elections campaign fund, less three percent, are appropriated from the general fund and shall be credited to the appropriate account in the state elections campaign fund and annually appropriated for distribution as set forth in subdivisions 5, 6 and 7. An amount equal to three percent shall be retained in the general fund for administrative costs.

(b) In addition to the amounts in paragraph (a), \$1,500,000 for each general election is appropriated from the general fund *for transfer* to the general account of the state elections campaign fund.

Sec. 39. Minnesota Statutes 1992, section 10A.31, subdivision 5, is amended to read:

Subd. 5. In each calendar year the money in the general account shall be allocated to candidates as follows:

- (1) 21 percent for the offices of governor and lieutenant governor together;
- (2) 3.6 percent for the office of attorney general;
- (3) 1.8 percent each for the offices of secretary of state, state auditor, and state treasurer;
- (4) In each calendar year during the period in which state senators serve a four-year term, 23-1/3 percent for the office of state senator, and 46-2/3 percent for the office of state representative;
- (5) In each calendar year during the period in which state senators serve a two-year term, 35 percent each for the offices of state senator and state representative.

In each calendar year the money in each party account shall be allocated as follows:

- (1) 14 percent for the offices of governor and lieutenant governor together;
- (2) 2.4 percent for the office of attorney general;
- (3) 1.2 percent each for the offices of secretary of state, state auditor, and state treasurer;
- (4) In each calendar year during the period in which state senators serve a four-year term, 23-1/3 percent for the office of state senator, and 46-2/3 percent for the office of state representative;
- (5) In each calendar year during the period in which state senators serve a two-year term, 35 percent each for the offices of state senator and state representative;
- (6) ten percent for the state committee of a political party; money allocated to each state committee under this clause must be deposited in a separate account and must be spent for only those items enumerated in section 10A.275; money allocated to a state committee under this clause must be paid

to the committee by the state treasurer as notified by the state ethical practices board as it is received in the account on a monthly basis, with payment on the 15th day of the calendar month following the month in which the returns were processed by the department of revenue, provided that these distributions would be equal to 90 percent of the amount of money indicated in the department of revenue's weekly unedited reports of income tax returns and property tax refund returns processed in the month, as notified by the department of revenue to the state ethical practices board. The amounts paid to each state committee are subject to biennial adjustment and settlement at the time of each certification required of the commissioner of revenue under subdivisions 7 and 10. If the total amount of payments received by a state committee for the period reflected on a certification by the department of revenue is different from the amount that should have been received during the period according to the certification, each subsequent monthly payment must be increased or decreased to the fullest extent possible until the amount of the overpayment is recovered or the underpayment is distributed.

To assure that moneys will be returned to the counties from which they were collected, and to assure that the distribution of those moneys rationally relates to the support for particular parties or for particular candidates within legislative districts, money from the party accounts for legislative candidates shall be distributed as follows:

Each candidate for the state senate and state house of representatives whose name is to appear on the ballot in the general election shall receive money from the candidate's party account set aside for candidates of the state senate or state house of representatives, whichever applies, according to the following formula;

For each county within the candidate's district the candidate's share of the dollars allocated in that county to the candidate's party account and set aside for that office shall be:

(a) The sum of the votes cast in the last general election in that part of the county in the candidate's district for all candidates of that candidate's party (i) whose names appeared on the ballot in each voting precinct of the state and (ii) for the state senate and state house of representatives, divided by

(b) The sum of the votes cast in that county in the last general election for all candidates of that candidate's party (i) whose names appeared on the ballot in each voting precinct in the state and (ii) for the state senate and state house of representatives, multiplied by

(c) The amount in the candidate's party account allocated in that county and set aside for the candidates for the office for which the candidate is running.

The sum of all the county shares calculated in the formula above is the candidate's share of the candidate's party account.

In a year in which an election for the state senate occurs, with respect to votes for candidates for the state senate only, "last general election" means the last general election in which an election for the state senate occurred.

For any party under whose name no candidate's name appeared on the ballot in each voting precinct in the state in the last general election, amounts in the party's account shall be allocated based on (a) the number of people voting in the last general election in that part of the county in the candidate's district, divided by (b) the number of the people voting in that county in the

last general election, multiplied by (c) the amount in the candidate's party account allocated in that county and set aside for the candidates for the office for which the candidate is running.

In a year in which the first election after a legislative reapportionment is held, "the candidate's district" means the newly drawn district, and voting data from the last general election will be applied to the area encompassing the newly drawn district notwithstanding that the area was in a different district in the last general election.

If in a district there was no candidate of a party for the state senate or state house of representatives in the last general election, or if a candidate for the state senate or state house of representatives was unopposed, the vote for that office for that party shall be the average vote of all the remaining candidates of that party in each county of that district whose votes are included in the sums in clauses (a) and (b). The average vote shall be added to the sums in clauses (a) and (b) before the calculation is made for all districts in the county.

Money from a party account ~~not distributed to~~ *refused by* candidates for state senator and representative in any election year shall be returned to the general fund of the state. Money from a party account not distributed to candidates for other offices in an election year shall be returned to the party account for reallocation to candidates as provided in clauses (1) to (6) in the following year. ~~Money from the general account refused by any candidate shall be distributed to all other qualifying candidates in proportion to their shares as provided in this subdivision.~~

Sec. 40. Minnesota Statutes 1993 Supplement, section 10A.31, subdivision 7, is amended to read:

Subd. 7. Within two weeks after certification by the state canvassing board of the results of the general election, the board shall distribute the available funds in the general account, as certified by the commissioner of revenue on November 1 and according to allocations set forth in subdivision 5, in equal amounts to all candidates for each statewide office who received at least five percent of the votes cast in the general election for that office, and to all candidates for legislative office who received at least ten percent of the votes cast in the general election for the specific office for which they were candidates, provided that the public subsidy under this subdivision may not be paid in an amount that would cause the sum of the public subsidy paid from the party account plus the public subsidy paid from the general account and the public subsidy paid to match independent expenditures to exceed 50 percent of the expenditure limit for the candidate, *or 50 percent of the expenditure limit that would have applied to the candidate if the candidate had not been freed from expenditure limits under section 10A.25, subdivision 10.* If a candidate is entitled to receive an opponent's share of the general account public subsidy under section 10A.25, subdivision 10, the opponent's share must be excluded in calculating the 50 percent limit. Money from the general account not paid to a candidate because of the 50 percent limit must be distributed equally among all other qualifying candidates for the same office until all have reached the 50 percent limit or the balance in the general account is exhausted. ~~The board shall not use the information contained in the report of the principal campaign committee of any candidate due ten days before the general election for the purpose of reducing the amount due that candidate from the general account.~~ *If a candidate has not yet filed a campaign finance report required by section 10A.20, subdivision 2, or the candidate*

owes money to the board, the board shall not pay a public subsidy to the candidate until the report has been filed or the debt has been paid, whichever applies.

Sec. 41. Minnesota Statutes 1992, section 10A.31, subdivision 11, is amended to read:

Subd. 11. For the purposes of this section, a write-in candidate is a candidate only upon complying with the provisions of ~~section 10A.32, subdivision 3~~ *sections 10A.322 and 10A.323.*

Sec. 42. Minnesota Statutes 1993 Supplement, section 10A.31, subdivision 12, is amended to read:

Subd. 12. [UNOPPOSED CANDIDATE NOT ELIGIBLE.] A candidate who is unopposed in both the primary election and the general election is not eligible to receive a public subsidy from the state election campaign fund. The subsidy from the party account the candidate would otherwise have been eligible to receive must be paid to *the state committee of the candidate's political party* to be deposited in a special account under section 10A.31, subdivision 5, clause (6), and used for only those items permitted under section 10A.275.

Sec. 43. Minnesota Statutes 1993 Supplement, section 10A.315, is amended to read:

10A.315 [SPECIAL ELECTION SUBSIDY.]

(a) Each eligible candidate for a legislative office in a special election must be paid a public subsidy equal to the sum of:

(1) the party account money at the last general election for the candidate's party for the office the candidate is seeking; and

(2) the general account money paid to candidates for the same office at the last general election.

(b) If the filing period for the special election coincides with the filing period for the general election, the candidate must meet the matching requirements of section 10A.323 and the special election subsidy must be distributed in the same manner as money is distributed to legislative candidates in a general election.

(c) If the filing period for the special election does not coincide with the filing period for the general election, the procedures in this paragraph apply. A candidate who wishes to receive this public subsidy must submit a signed agreement under section 10A.322 to the board not later than the day after the candidate files the affidavit of candidacy or nominating petition for the office. The candidate must meet *one-quarter of* the matching requirements of section 10A.323. The special election subsidy must be distributed in the same manner as money in the party and general accounts is distributed to legislative candidates in a general election.

(d) The amount necessary to make the payments required by this subdivision is appropriated from the general fund to the ~~state treasurer~~ *ethical practices board.*

Sec. 44. Minnesota Statutes 1993 Supplement, section 10A.322, subdivision 1, is amended to read:

Subdivision 1. [AGREEMENT BY CANDIDATE.] (a) As a condition of receiving a public subsidy, a candidate shall sign and file with the board a written agreement in which the candidate agrees that the candidate will comply with sections 10A.25 and 10A.324.

(b) Before the first day of filing for office, the board shall forward agreement forms to all filing officers. The board shall also provide agreement forms to candidates on request at any time. The candidate may sign an agreement and submit it to the filing officer on the day of filing an affidavit of candidacy or petition to appear on the ballot, in which case the filing officer shall without delay forward signed agreements to the board. Alternatively, the candidate may submit the agreement directly to the board at any time before September 1 preceding the *candidate's* general election. An agreement may not be filed after that date. An agreement once filed may not be rescinded.

(c) The board shall forward a copy of any agreement signed under this subdivision to the commissioner of revenue.

(d) Notwithstanding any provisions of this section, when a vacancy occurs that will be filled by means of a special election and the filing period does not coincide with the filing period for the general election, a candidate may sign and submit a spending limit agreement at any time before the deadline for submission of a signed agreement under section 10A.315.

(e) A candidate who fills a vacancy in nomination that occurs after the deadline in paragraph (b) may file a spending limit agreement no later than the day after the candidate fills the vacancy.

Sec. 45. Minnesota Statutes 1992, section 10A.322, subdivision 4, is amended to read:

Subd. 4. [REFUND RECEIPT FORMS; PENALTY.] The board shall make available *at cost* to a political party on request, *other than a political party unit organized at the municipal or precinct level*, and to any candidate for whom an agreement under this section is effective, a supply of official refund receipt forms that state in boldface type that (1) a contributor who is given a receipt form is eligible to claim a refund as provided in section 290.06, subdivision 23, and (2) if the contribution is to a candidate, that the candidate has signed an agreement to limit campaign expenditures as provided in this section. The forms must provide duplicate copies of the receipt to be attached to the contributor's claim. A candidate who does not sign an agreement under this section and who willfully issues an official refund receipt form or a facsimile of one to any of the candidate's contributors is guilty of a misdemeanor.

Sec. 46. Minnesota Statutes 1993 Supplement, section 10A.323, is amended to read:

10A.323 [MATCHING REQUIREMENTS.]

In addition to the requirements of section 10A.322, to be eligible to receive a public subsidy under section 10A.31 or ~~10A.312~~ a candidate or the candidate's treasurer shall file an affidavit with the board stating that during that calendar year the candidate has accumulated contributions from persons eligible to vote in this state in the amount indicated for the office sought, counting only the first \$50 received from each contributor:

- (1) candidates for governor and lieutenant governor running together, \$35,000;

- (2) candidates for attorney general, \$15,000;
- (3) candidates for secretary of state, state treasurer, and state auditor, separately, \$6,000;
- (4) candidates for the senate, \$3,000; and
- (5) candidates for the house of representatives, \$1,500.

~~To be eligible to receive a public matching subsidy under section 10A.312, The affidavit must state the total amount of contributions that have been received from persons eligible to vote in this state and the total amount of those contributions received, disregarding the portion of any contribution in excess of \$50.~~

The candidate or the candidate's treasurer shall submit the affidavit required by this section to the board in writing by September 1 of the general election year to receive the payment based on the results of made following the primary election, by September 15 to receive the payment made October 1, by October 1 to receive the payment made October 15, by November 1 to receive the payment made November 15 made following the general election, and by December 1 to receive the payment made December 15.

Sec. 47. Minnesota Statutes 1993 Supplement, section 10A.324, subdivision 1, is amended to read:

Subdivision 1. [WHEN RETURN REQUIRED.] A candidate shall return all or a portion of the public subsidy received from the state elections campaign fund or the public matching subsidy received under section 10A.315, under the circumstances in this section or section 10A.25, subdivision 11.

~~(a) To the extent that the amount of public subsidy received by the candidate exceeds the expenditure limits for the office held or sought, as provided in section 10A.25 and as adjusted by section 10A.255, the treasurer of the candidate's principal campaign committee shall return the excess to the board.~~

~~(b) To the extent that the amount of public subsidy received exceeds the aggregate of: (1) actual expenditures made by the principal campaign committee of the candidate; and (2) approved expenditures made on behalf of the candidate, the treasurer of the candidate's principal campaign committee shall return an amount equal to the difference to the board.~~

~~(b) If the board determines that a candidate has filed an affidavit of matching contributions under section 10A.323 that is not supported by the campaign finance reports filed by the candidate under section 10A.20, the board shall notify the treasurer of the candidate's principal campaign committee and demand return of any public subsidy paid to the candidate for that election cycle. The treasurer shall return the entire public subsidy to the board.~~

Sec. 48. Minnesota Statutes 1992, section 10A.335, is amended to read:

10A.335 [LEGISLATIVE MONITORING OF TAX CHECKOFF.]

For the purpose of determining whether the distribution formula provided in section 10A.31, subdivision 5, (a) assures that money will be returned to the counties from which they were collected, and (b) continues to have a rational relation to the support for particular parties or particular candidates within

legislative districts, it is the intention of this section that future legislatures monitor, using statistical data provided by the department of revenue, income tax returns and renter and homeowner property tax refund returns on which \$2, or in the case of a joint return, \$4, is designated an amount has been checked off for a political party.

Sec. 49. Minnesota Statutes 1992, section 10A.34, is amended to read:

10A.34 [REMEDIES.]

Subdivision 1. A person charged with a duty under sections 10A.02 to 10A.34 this chapter shall be personally liable for the penalty for failing to discharge it.

Subd. 1a. The board may bring an action in the district court in Ramsey county to recover any late filing fee imposed or public subsidy paid pursuant to any provision of this chapter. All money recovered shall be deposited in the general fund of the state.

Subd. 2. The board or a county attorney may seek an injunction in the district court to enforce the provisions of sections 10A.02 to 10A.34 this chapter.

Subd. 3. Unless otherwise provided, a violation of sections 10A.02 to 10A.34 this chapter is not a crime, but is subject to a civil penalty imposed by the board in an amount up to \$1,000.

Subd. 4. [AWARD OF COSTS.] *If the board prevails in an action to enforce this chapter, the board may request and the court may award to the board its costs, disbursements, reasonable attorney fees, and witness fees.*

Sec. 50. Minnesota Statutes 1993 Supplement, section 211A.12, is amended to read:

211A.12 [CONTRIBUTION LIMITS.]

A candidate or a candidate's committee may not accept aggregate contributions made or delivered by an individual or committee in excess of \$300 in an election year for the office sought and \$100 in other years; except that a candidate or candidate's committee for an office whose territory has a population over 100,000 may not accept aggregate contributions made or delivered by an individual or committee in excess of \$500 in an election year for the office sought and \$100 in other years. *The following deliveries are not subject to the bundling limitation in this section:*

(1) *delivery of contributions collected by a member of the candidate's committee, such as a block worker or a volunteer who hosts a fund raising event, to the committee's treasurer; and*

(2) *a delivery made by an individual on behalf of the individual's spouse.*

Notwithstanding sections 211A.02, subdivision 3, and 410.21, this section supersedes any home rule charter.

Sec. 51. Minnesota Statutes 1993 Supplement, section 211B.15, subdivision 2, is amended to read:

Subd. 2. [PROHIBITED CONTRIBUTIONS.] A corporation may not make a contribution or offer or agree to make a contribution, directly or indirectly, of any money, property, free service of its officers, or employees, or members,

or thing of monetary value to a major political party, organization, committee, or individual to promote or defeat the candidacy of an individual for nomination, election, or appointment to a political office. For the purpose of this subdivision, "contribution" includes an expenditure to promote or defeat the election or nomination of a candidate to a political office that is made with the authorization or expressed or implied consent of, or in cooperation or in concert with, or at the request or suggestion of, a candidate or committee established to support or oppose a candidate.

Sec. 52. Minnesota Statutes 1993 Supplement, section 211B.15, subdivision 15, is amended to read:

Subd. 15. [NONPROFIT CORPORATION EXEMPTION.] The prohibitions in this section do not apply to a nonprofit corporation that:

(1) ~~cannot engage in~~ *is not organized or operating for the principal purpose of conducting a business activities;*

(2) has no shareholders or other persons affiliated so as to have a claim on its assets or earnings; and

(3) was not established by a business corporation or a labor union and has a policy not to accept significant contributions from those entities.

Sec. 53. Minnesota Statutes 1993 Supplement, section 211B.15, subdivision 16, is amended to read:

Subd. 16. [EMPLOYEE POLITICAL FUND SOLICITATION.] Any solicitation of political contributions by an employee must be in writing, informational and nonpartisan in nature, and not promotional for any particular candidate or group of candidates. The solicitation must consist only of a general request on behalf of ~~an independent political committee (a conduit fund)~~ *program that makes contributions to candidates only as directed by its individual contributors* and must state that there is no minimum contribution, that a contribution or lack thereof will in no way impact the employee's employment, that the employee must direct the contribution to candidates of the employee's choice, and that any response by the employee shall remain confidential and shall not be directed to the employee's supervisors or managers. Questions from an employee regarding a solicitation may be answered orally or in writing consistent with the above requirements. Nothing in this subdivision authorizes a corporate donation of an employee's time prohibited under subdivision 2.

Sec. 54. Minnesota Statutes 1993 Supplement, section 290.06, subdivision 23, is amended to read:

Subd. 23. [REFUND OF CONTRIBUTIONS TO POLITICAL PARTIES AND CANDIDATES.] (a) A taxpayer may claim a refund equal to the amount of the taxpayer's contributions made in the calendar year to candidates and to any political party. The maximum refund for an individual must not exceed \$50 and, for a married couple filing jointly, must not exceed \$100. A refund of a contribution is allowed only if the taxpayer files a form required by the commissioner and attaches to the form a copy of an official refund receipt form issued by the candidate or party and signed by the candidate, the treasurer of the candidate's principal campaign committee, or the party chair *or treasurer*, after the contribution was received. The receipt forms must be numbered, and the data on the receipt that are not public must be made available to the ethical practices board upon its request. A claim must be filed

with the commissioner not sooner than January 1 of the calendar year in which the contribution is made and no later than April 15 of the calendar year following the calendar year in which the contribution is made. A taxpayer may file only one claim per calendar year. Amounts paid by the commissioner after June 15 of the calendar year following the calendar year in which the contribution is made must include interest at the rate specified in section 270.76.

(b) No refund is allowed under this subdivision for a contribution to any candidate unless the candidate:

(1) has signed an agreement to limit campaign expenditures as provided in section 10A.322 or 10A.43;

(2) is seeking an office for which voluntary spending limits are specified in section 10A.25 or 10A.43; and

(3) has designated a principal campaign committee.

This subdivision does not limit the campaign expenditure of a candidate who does not sign an agreement but accepts a contribution for which the contributor improperly claims a refund.

(c) For purposes of this subdivision, "political party" means a major political party as defined in section 200.02, subdivision 7, or a minor political party qualifying for inclusion on the income tax or property tax refund form under section 10A.31, subdivision 3a.

A "major or minor party" includes the aggregate of the party organization within each house of the legislature, the state party organization, and the party organization within congressional districts, counties, legislative districts, municipalities, and precincts.

"Candidate" means a congressional candidate as defined in section 10A.41, subdivision 4, or a candidate as defined in section 10A.01, subdivision 5, except a candidate for judicial office.

"Contribution" means a gift of money.

(d) The commissioner shall make copies of the form available to the public and candidates upon request.

(e) The following data collected or maintained by the commissioner under this subdivision are private: the identities of individuals claiming a refund, the identities of candidates to whom those individuals have made contributions, and the amount of each contribution.

(f) The commissioner shall report to the ethical practices board by August 1 of each year a summary showing the total number and aggregate amount of political contribution refunds made on behalf of each candidate and each political party. These data are public.

(g) The amount necessary to pay claims for the refund provided in this section is appropriated from the general fund to the commissioner of revenue.

Sec. 55. [ERRONEOUS PAYMENTS RATIFIED.]

Payments made by the state treasurer in 1990 under Minnesota Statutes, section 10A.31, subdivision 6, are ratified, notwithstanding any errors of the commissioner of revenue in certifying the amounts due.

Sec. 56. [REPEALER.]

Minnesota Statutes 1992, sections 10A.09, subdivision 3; 10A.21, subdivisions 1 and 2; and 10A.324, subdivisions 2 and 4, are repealed.

Sec. 57. [INSTRUCTION TO REVISOR.]

If H.F. No. 1863 is enacted, the revisor of statutes shall code section 6 of H.F. No. 1863 in chapter 10A, not in chapter 471.

Sec. 58. [EFFECTIVE DATE.]

This act is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to the ethical practices board; clarifying definitions; strengthening enforcement powers; requiring additional disclosure of lobbyist activities; facilitating reports of last-minute contributions; clarifying campaign finance requirements; requiring return of public subsidies under certain conditions; amending Minnesota Statutes 1992, sections 10A.01, subdivisions 11, 25, 28, and by adding a subdivision; 10A.02, subdivisions 11 and 12; 10A.03, subdivisions 2 and 3; 10A.04, subdivisions 3, 4, 5, 6, and 7; 10A.05; 10A.065, by adding a subdivision; 10A.08; 10A.09, subdivision 7; 10A.14, subdivision 4; 10A.15, subdivision 3a; 10A.20, subdivisions 5 and 12; 10A.21, subdivision 3; 10A.23; 10A.275, subdivision 1; 10A.28, subdivision 1; 10A.31, subdivisions 3, 5, and 11; 10A.322, subdivision 4; 10A.335; and 10A.34; Minnesota Statutes 1993 Supplement, sections 10A.065, subdivision 1; 10A.15, subdivision 5; 10A.20, subdivisions 3 and 6b; 10A.25, subdivisions 2, 6, 11, and 13; 10A.27, subdivisions 9, 10, and 12; 10A.31, subdivisions 4, 7, and 12; 10A.315; 10A.322, subdivision 1; 10A.323; 10A.324, subdivision 1; 211A.12; 211B.15, subdivisions 2, 15, and 16; and 290.06, subdivision 23; repealing Minnesota Statutes 1992, sections 10A.09, subdivision 3; 10A.21, subdivisions 1 and 2; and 10A.324, subdivisions 2 and 4."

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

Mr. Mondale, for Mrs. Adkins, from the Committee on Metropolitan and Local Government, to which was referred

S.F. No. 2232: A bill for an act relating to counties; providing for the filling by appointment of certain offices previously elective; providing for conforming changes; amending Minnesota Statutes 1992, section 382.01; repealing Minnesota Statutes 1992, section 382.02.

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

Page 1, delete sections 1 and 2 and insert:

"Section 1. Minnesota Statutes 1992, section 382.01, is amended to read:
382.01 [OFFICERS ELECTED; TERMS.]

Subdivision 1. [GREATER MINNESOTA COUNTIES.] In every county in this state there shall be elected at the general election in 1918 a county auditor, a county treasurer, sheriff, county recorder, and county attorney, and coroner. The terms of office of these officers shall be four years and shall begin on the

first Monday in January next succeeding their election. They shall hold office until their successors are elected and qualified. These offices shall be filled by election every four years thereafter.

Subd. 2. [APPOINTMENT; REFERENDUM.] The offices of county auditor, county treasurer, county recorder and coroner, any successor or combined office, or any other county office except sheriff and county attorney which before January 1, 1994, was an elective office, shall be filled by appointment of the county board, and the officeholder shall serve at the pleasure of the county board. If a petition signed by at least ten percent of the registered voters of the county voting in the last general election is presented to the county board not less than 60 days before the first day of filing an affidavit of candidacy for the next general election, requesting that an election be held for an office or offices enumerated in this subdivision, the county board shall by resolution order that an election be held for that office or offices. If an election is held, the term of office shall be as provided in subdivision 1 and the county board at the expiration of the term of office shall appoint a successor who would serve at the pleasure of the county board, unless another petition is presented to the county board.

Sec. 2. Minnesota Statutes 1992, section 382.02, is amended to read:

382.02 [VACANCIES, HOW FILLED.]

Any appointment made to fill a vacancy in any of the offices named in section 382.01, *subdivision 1*, shall be for the balance of ~~such~~ the entire term, and be made by the county board."

Amend the title as follows:

Page 1, line 3, after "offices" insert "in metropolitan area counties"

Page 1, line 5, delete from "section" through page 1, line 6, to "section" and insert "sections 382.01; and"

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

Mr. Mondale, for Mrs. Adkins, from the Committee on Metropolitan and Local Government, to which was referred

S.F. No. 2421: A bill for an act relating to local government; prohibiting the adoption of certain zoning ordinances by municipalities and counties; amending Minnesota Statutes 1992, sections 394.25, by adding a subdivision; and 462.357, by adding a subdivision.

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

Page 1, line 14, delete "unless" and insert "if"

Page 2, line 1, delete "unless" and insert "if"

Page 2, after line 8, insert:

"Sec. 3. [366.151] [CERTAIN ORDINANCES; MANUFACTURED HOMES.]

A town board must not enact, amend, or enforce a zoning ordinance that has the effect of altering the existing density, lot-size requirements, or manufactured home setback requirements in any manufactured home park constructed before January 1, 1995, if the manufactured home park, when constructed, complied with the then existing density, lot-size and setback requirements, or if the manufactured home park did not so comply, the town board nevertheless permitted the construction of the manufactured home park and the manufactured home park has operated for three years without commencement of an enforcement action by the town."

Amend the title as follows:

Page 1, line 3, delete "and" and insert a comma

Page 1, line 4, before the semicolon, insert ", and towns"

Page 1, line 6, before the period, insert "; proposing coding for new law in Minnesota Statutes, chapter 366"

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

Mr. Mondale, for Mrs. Adkins, from the Committee on Metropolitan and Local Government, to which was referred

H.F. No. 1955: A bill for an act relating to Wright county; permitting the transfer of a sheltered workshop facility to its operator without bids or consideration.

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

Ms. Piper from the Committee on Family Services, to which was referred the following appointment as reported in the Journal for February 22, 1994:

DEPARTMENT OF HUMAN SERVICES
COMMISSIONER

Maria R. Gomez

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

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

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

S.F. No. 2192: A bill for an act relating to health; MinnesotaCare; establishing and regulating community integrated service networks; defining terms; creating a reinsurance and risk adjustment association; classifying data; requiring reports; mandating studies; modifying provisions relating to the regulated all-payer option; requiring administrative rulemaking; setting time-lines and requiring plans for implementation; designating essential community providers; establishing an expedited fact finding and dispute resolution process; requiring proposed legislation; establishing task forces; providing for

demonstration models; mandating universal coverage; requiring insurance reforms; providing grant programs; establishing the Minnesota health care administrative simplification act; implementing electronic data interchange standards; creating the Minnesota center for health care electronic data interchange; providing standards for the Minnesota health care identification card; appropriating money; providing penalties; amending Minnesota Statutes 1992, sections 60A.15, subdivision 1; 62A.303; 62D.04, by adding a subdivision; 62E.02, subdivisions 10, 18, 20, and 23; 62E.10, subdivisions 1, 2, and 3; 62E.141; 62E.16; 62J.03, by adding a subdivision; 62L.02, subdivisions 9, 13, 17, 24, and by adding subdivisions; 62L.03, subdivision 1; 62L.05, subdivisions 1, 5, and 8; 62L.08, subdivisions 2, 5, 6, and 7; 62L.12; 62L.21, subdivision 2; 62M.02, subdivisions 5 and 21; 62M.03, subdivisions 1, 2, and 3; 62M.05, subdivision 3; 62M.06, subdivision 3; 62M.09, subdivision 5; and 295.50, by adding subdivisions; Minnesota Statutes 1993 Supplement, sections 43A.317, by adding a subdivision; 60K.14, subdivision 7; 61B.20, subdivision 13; 62A.011, subdivision 3; 62A.65, subdivisions 2, 3, 4, 5, and by adding a subdivision; 62D.12, subdivision 17; 62J.03, subdivision 6; 62J.04, subdivisions 1 and 1a; 62J.09, subdivision 2; 62J.33, by adding subdivisions; 62J.35, subdivisions 2 and 3; 62J.38; 62J.41, subdivision 2; 62J.45, by adding subdivisions; 62L.02, subdivisions 8, 11, 15, 16, 19, and 26; 62L.03, subdivisions 3, 4, and 5; 62L.04, subdivision 1; 62L.08, subdivisions 4 and 8; 62N.01; 62N.02, subdivisions 1, 8, and by adding a subdivision; 62N.06, subdivision 1; 62N.065, subdivision 1; 62N.10, subdivisions 1 and 2; 62N.22; 62N.23; 62P.01; 62P.03; 62P.04; 62P.05; 144.1486; 151.21, subdivisions 7 and 8; 256.9352, subdivision 3; 256.9356, subdivision 3; 256.9657, subdivision 3; 295.50, subdivisions 3, 4, and 12b; 295.52, subdivision 5; 295.53, subdivisions 1, 2, and 5; 295.54; 295.58; and 295.582; proposing coding for new law in Minnesota Statutes, chapters 62A; 62J; 62N; and 62P; proposing coding for new law as Minnesota Statutes, chapter 62Q; repealing Minnesota Statutes 1992, sections 62A.02, subdivision 5; 62E.51; 62E.52; 62E.53; 62E.531; 62E.54; 62E.55; and 256.362, subdivision 5; Minnesota Statutes 1993 Supplement, sections 62J.04, subdivision 8; 62N.07; 62N.075; 62N.08; 62N.085; and 62N.16.

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

Pages 6 and 7, delete section 6 and insert:

“Sec. 6. [62N.255] [EXPANDED PROVIDER NETWORKS.]

Subdivision 1. [PROVIDER ACCEPTANCE REQUIRED.] Every community network shall establish an expanded network of allied independent health providers, in addition to a preferred network. A community network shall accept as a provider in the expanded network any allied independent health provider who: (1) meets the community network's credentialing standards; (2) agrees to the terms of the community network's provider contract; and (3) agrees to comply with all managed care protocols of the community network.

Subd. 2. [MANAGED CARE.] The managed care protocols used by the community network may include: (1) a requirement that an enrollee obtain a referral from the community network, before obtaining services from an allied independent health provider in the expanded network; (2) limits on the number and length of visits to allied independent health providers in the expanded network allowed by each referral, as long as the number and length of visits allowed is not less than the number and length allowed for

comparable referrals to allied independent health providers in the preferred network; and (3) ongoing management and review by the community network of the care provided by an allied independent health provider in the expanded network after a referral is made.

Subd. 3. [MANDATORY OFFERING TO ENROLLEES.] Each community network shall offer to enrollees the option of receiving covered services through the expanded network of allied independent health providers established under subdivisions 1 and 2. The network may establish separate premium rates and cost-sharing requirements for this expanded network plan, as long as these premium rates and cost-sharing requirements are actuarially justified and approved by the commissioner.

Subd. 4. [PROVIDER REIMBURSEMENT.] A community network shall pay each allied independent health provider in the expanded network the same rate as paid to allied independent health providers in the preferred network.

Subd. 5. [DEFINITIONS.] (a) For purposes of this section, the following definitions apply.

(b) "Allied independent health provider" means an independently enrolled audiologist, chiropractor, dietitian, home health care provider, marriage and family therapist, nurse practitioner or advanced practice nurse, occupational therapist, optometrist, optician, outpatient chemical dependency counselor, pharmacist who is not employed by and based on the premises of a community network, physical therapist, podiatrist, licensed consulting psychologist, psychological practitioner, licensed social worker, or speech therapist.

(c) "Home health care provider" means a personal care assistant, home health aide, or a provider of homemaker, respite care, adult day care, or home health nursing services.

(d) "Independently enrolled" means that a provider can bill, and receive direct payment for services from, a third-party payer or patient.

Subd. 6. [EXEMPTION.] A community network that meets the definition of a staff model health plan company in section 295.50, subdivision 12b, is exempt from the requirements of this section."

Page 13, line 27, after "networks" insert "or health carriers"

Page 14, line 17, delete "gross premium revenues" and insert "average annual premiums on health plans as defined in section 62A.011. The total of all such surcharges upon a community network or health carrier shall not, in any one calendar year, exceed two percent of the community network's or health carrier's average annual premium in this state on health plans as defined in section 62A.011"

Page 15, line 24, delete "may" and insert "will"

Page 15, line 26, delete "The standards may require that"

Page 15, line 27, after "networks" insert "must"

Page 15, line 29, delete "may" and insert "must"

Page 18, line 35, delete "those" and insert "any"

Page 29, delete line 5

Page 29, line 6, delete everything before "persons" and insert "individuals within certain racial, cultural, and ethnic communities; individuals with low income; adolescents; the elderly; individuals with limited or no English language proficiency;"

Page 30, delete section 22

Page 30, delete section 24 and insert:

"Sec. 23. [62Q.15] [STANDARD POLICY TERMS.]

The termination of any health plan as defined in section 62A.011, subdivision 3, with the exception of individual health plans, issued or renewed after January 1, 1995, must provide coverage until the end of the month in which coverage was terminated."

Page 31, delete line 8 and insert:

"Sections 1 to 7, 9 to 18, 20, 21, and 23 are effective July 1, 1994.

Sections 8, 19, 22, and 24 are effective the day following final enactment."

Renumber the sections of article 2 in sequence

Page 49, delete line 13 and insert:

"Sections 1 to 3 and 6 are effective July 1, 1994.

Sections 4, 5, 7 to 17, and 19 to 21 are effective the day following final enactment.

Section 18 is effective July 1, 1997."

Page 52, line 22, delete "unduly"

Page 53, line 7, before "The" insert "By January 1, 1996,"

Page 53, line 9, after the period, insert "The commissioner shall also identify and address any conflict of interest issues regarding essential community provider designation for local governments."

Page 53, line 27, delete "commissioner," and insert "commissioners of health and commerce,"

Page 53, line 29, delete "commissioners of commerce and" and insert "commissioner of"

Page 53, lines 32 and 34, delete "commissioner" and insert "commissioners"

Page 54, line 8, delete "commissioner" and insert "commissioners"

Page 54, line 22, after "regarding" insert "the" and after "services" insert "other than dental services"

Page 54, line 25, after the period, insert "The committee shall report these recommendations to the commissioner by October 1, 1994."

Page 54, line 31, after the period, insert "In its analysis the committee shall study the quality and cost-effectiveness of dental services delivered through capitated dental networks, discounted dental preferred provider organizations, and independent practice dentistry."

Page 57, delete line 12 and insert:

“Sections 1, 3, and 7 are effective July 1, 1994.

Sections 2 and 8 are effective July 1, 1996.

Section 4 is effective the day following final enactment.

Sections 5 and 6 are effective July 1, 1997.”

Page 60, delete line 23 and insert:

“Sections 1 to 7 are effective the day following final enactment.”

Page 64, line 16, delete “group” and after “health” insert “benefit”

Page 64, line 17, delete “or other group sponsors”

Page 69, delete line 27 and insert:

“Sections 1 and 4 to 9 are effective the day following final enactment.

Sections 2 and 3 are effective July 1, 1994.”

Page 71, line 2, before “Community” insert “County board or”

Page 73, delete line 34 and insert:

“Sections 1 to 8 are effective the day following final enactment.”

Page 84, line 22, reinstate the stricken language

Page 84, line 23, delete “, or 62J.45”

Page 95, after line 26, insert:

“Sec. 28. [144.1492] [STATE RURAL HEALTH NETWORK REFORM INITIATIVE.]

Subdivision 1. [PURPOSE AND MATCHING FUNDS.] The commissioner of health shall apply for federal grant funding under the state rural health network reform initiative, a health care financing administration program to provide grant funds to states to encourage innovations in rural health financing and delivery systems. The commissioner may use state funds appropriated to the department of health for the provision of technical assistance for community integrated service network development as matching funds for the federal grant.

Subd. 2. [USE OF FEDERAL FUNDS.] If the department of health receives federal funding under the state rural health network reform initiative, the department shall use these funds to implement a program to provide technical assistance and grants to rural communities to establish health care networks and to develop and test a rural health network reform model.

Subd. 3. [ELIGIBLE APPLICANTS AND CRITERIA FOR AWARDING OF GRANTS TO RURAL COMMUNITIES.] (a) Funding which the department receives to award grants to rural communities to establish health care networks shall be awarded through a request for proposals process. Planning grant funds may be used for community facilitation and initial network development activities including incorporation as a nonprofit organization or cooperative, assessment of network models, and determination of the best fit for the community. Implementation grant funds can be used to enable incorporated nonprofit organizations and cooperatives to purchase technical

services needed for further network development such as legal, actuarial, financial, marketing, and administrative services.

(b) In order to be eligible to apply for a planning or implementation grant under the federally funded health care network reform program, an organization must be located in a rural area of Minnesota excluding the seven-county Twin Cities metropolitan area and the census-defined urbanized areas of Duluth, Rochester, St. Cloud, and Moorhead. The proposed network organization must also meet or plan to meet the criteria for a community integrated service network.

(c) In determining which organizations will receive grants, the commissioner may consider the following factors:

(1) the applicant's description of their plans for health care network development, their need for technical assistance, and other technical assistance resources available to the applicant. The applicant must clearly describe the service area to be served by the network, how the grant funds will be used, what will be accomplished, and the expected results. 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 applicant and the health care network. The applicant should demonstrate support from private and public health care providers in the service area, local community and government leaders, and the regional coordinating board for the area. Evidence of such support may include a commitment of financial support, in-kind services, or cash, for development of the network;

(3) the size and demographic characteristics of the population in the service area for the proposed network and the distance of the service area from the nearest metropolitan area; and

(4) the technical assistance resources available to the applicant from nonstate sources and the financial ability of the applicant to purchase technical assistance services with nonstate funds."

Page 98, line 8, delete "30, and 31" and insert "31, and 32"

Page 98, lines 9 and 10, delete "29, 32, and 33" and insert "30, 33, and 34"

Renumber the sections of article 8 in sequence

Page 114, line 16, strike ", or"

Page 114, line 17, strike "offering to sell,"

Page 122, after line 13, insert:

"Sec. 11. Minnesota Statutes 1993 Supplement, section 62A.65, is amended by adding a subdivision to read:

Subd. 8. [CESSATION OF INDIVIDUAL BUSINESS.] Notwithstanding the provisions of subdivisions 1 to 7, a health carrier may elect to cease doing business in the individual market if it complies with the requirements of this subdivision. A health carrier electing to cease doing business in the individual market shall notify the commissioner 180 days prior to the effective date of the cessation. The cessation of business does not include the failure of a health carrier to offer or issue new business in the individual market or continue an existing product line, provided that a health carrier does not terminate,

cancel, or fail to renew its current individual business or other product lines. A health carrier electing to cease doing business in the individual market shall provide 120 days' written notice to each policyholder covered by a health benefit plan issued by the health carrier. A health carrier that ceases to write new business in the individual market shall continue to be governed by this section with respect to continuing individual business conducted by the carrier. A health carrier that ceases to do business in the individual market after July 1, 1994, is prohibited from writing new business in the individual market in this state for a period of five years from the date of notice to the commissioner. This subdivision applies to any health maintenance organization that ceases to do business in the individual market in one service area with respect to that service area only. Nothing in this subdivision prohibits an affiliated health maintenance organization from continuing to do business in the individual market in that same service area."

Page 122, line 19, strike "or"

Page 122, line 20, strike "offering to sell"

Page 144, line 30, after "11" insert a comma

Page 144, lines 34 and 35, delete "14 to 25, 27 to 28, 30 to 39, and 41 to 44" and insert "15 to 26, 28, 29, 31 to 40, and 42 to 45"

Page 144, line 36, delete "and 11" and insert ", 11, and 12"

Page 145, line 1, delete "12, 13, 26, 29, and 40" and insert "13, 14, 27, 30, and 41"

Renumber the sections of article 10 in sequence

Page 153, after line 32, insert:

"Sec. 14. [EFFECTIVE DATE.]

Sections 1, 4, 6, and 9 are effective the day following final enactment.

Section 2 is effective July 1, 1994.

Sections 3, 5, 7, 8, and 10 to 13 are retroactively effective from January 1, 1994."

Amend the title as follows:

Page 1, line 37, delete "a subdivision" and insert "subdivisions"

Page 2, line 7, delete "and"

Page 2, line 8, after "62P;" insert "and 144;"

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

SECOND READING OF SENATE BILLS

S.F. Nos. 1662, 1896, 1990, 2274, 2460, 2383, 2260, 1848, 1847, 2199, 2297, 2197, 1975, 2042, 2350, 2009, 1845, 1903, 2040, 1895, 1931, 1966, 943 and 2421 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 1890 and 1955 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Stumpf moved that his name be stricken as a co-author to S.F. No. 2023. The motion prevailed.

Mr. Dille moved that the name of Mrs. Pariseau be added as a co-author to S.F. No. 2023. The motion prevailed.

Ms. Kiscaden moved that her name be stricken as a co-author to S.F. No. 2094. The motion prevailed.

Mr. Beckman moved that the name of Mr. Finn be added as a co-author to S.F. No. 2280. The motion prevailed.

Ms. Krentz moved that the name of Ms. Berglin be added as a co-author to S.F. No. 2461. The motion prevailed.

Ms. Krentz moved that the name of Ms. Berglin be added as a co-author to S.F. No. 2485. The motion prevailed.

Mr. Neuville moved that the name of Mr. Beckman be added as a co-author to S.F. No. 2513. The motion prevailed.

Mr. Finn moved that the name of Mr. Moe, R.D. be added as a co-author to S.F. No. 2600. The motion prevailed.

Ms. Johnson, J.B. moved that the name of Mr. Beckman be added as a co-author to S.F. No. 2604. The motion prevailed.

Ms. Piper moved that the name of Mr. Hottinger be added as a co-author to S.F. No. 2621. The motion prevailed.

Mr. Riveness moved that the name of Mr. Hottinger be added as a co-author to S.F. No. 2624. The motion prevailed.

Ms. Krentz moved that the name of Ms. Robertson be added as a co-author to S.F. No. 2632. The motion prevailed.

Ms. Krentz moved that the names of Messrs. Laidig and Chandler be added as co-authors to S.F. No. 2633. The motion prevailed.

Mr. Sams moved that the name of Mr. Stevens be added as a co-author to S.F. No. 2638. The motion prevailed.

Ms. Berglin moved that S.F. No. 2130 be withdrawn from the Committee on Health Care and re-referred to the Committee on Judiciary. The motion prevailed.

Mr. Vickerman moved that S.F. No. 2350, on the Consent Calendar, be stricken and returned to its author. The motion prevailed.

Ms. Krentz moved that S.F. No. 2572 be withdrawn from the Committee on Health Care and re-referred to the Committee on Family Services. The motion prevailed.

Mr. Metzen moved that S.F. No. 1950, No. 7 on General Orders, be stricken and re-referred to the Committee on Governmental Operations and Reform. The motion prevailed.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Messrs. Mondale, Pogemiller, Ms. Pappas and Mr. Riveness introduced—

S.F. No. 2646: A bill for an act relating to education; advancing metropolitan area school desegregation; creating a voluntary interdistrict coordinating council to coordinate metropolitan-wide school desegregation; directing the metropolitan council to adopt a long-range comprehensive policy plan for metropolitan area school desegregation; providing a variety of staff development incentives; establishing a metropolitan magnet school grant program; allowing interdistrict desegregation transfers under open enrollment; establishing a metropolitan desegregation financing act; increasing compensatory revenue; expanding transportation for school desegregation/integration; appropriating money; amending Minnesota Statutes 1992, sections 120.062, by adding subdivisions; 124.17, subdivision 1d; 124.223, subdivision 1; 124.278, subdivision 1; 125.188, subdivision 1; 126.69, subdivisions 1 and 3; and 129C.10, by adding a subdivision; Minnesota Statutes 1993 Supplement, sections 121.11, subdivision 7d; 124.225, subdivision 1; 124A.29, subdivision 1; 125.138, subdivision 9; 125.231, subdivisions 1 and 4; 125.623, subdivision 3; and 126.70, subdivisions 1 and 2a; Laws 1993, chapter 224, article 8, sections 20, subdivision 2; and 22, subdivision 12; proposing coding for new law in Minnesota Statutes, chapters 121; 124A; 124C; and 473; repealing Minnesota Statutes 1993 Supplement, section 120.062, subdivision 5.

Referred to the Committee on Education.

Mr. Kroening and Ms. Flynn introduced—

S.F. No. 2647: A bill for an act relating to local government; giving the Minneapolis school district and the municipal building commission the same authority as the city of Minneapolis to negotiate certain trade and craft contracts; amending Laws 1988, chapter 471, sections 1 and 2.

Referred to the Committee on Metropolitan and Local Government.

Mr. Solon introduced—

S.F. No. 2648: A bill for an act relating to real property; requiring information concerning certain building code violations by residential contractors, remodelers, and specialty contractors in the metropolitan area to be reported and disclosed; imposing a penalty; providing for voidable contracts and restitution; proposing coding for new law in Minnesota Statutes, chapter 326.

Referred to the Committee on Commerce and Consumer Protection.

Mr. Solon introduced—

S.F. No. 2649: A bill for an act relating to commerce; residential building contractors and remodelers; regulating certain coverage disclosures in loan agreements; amending Minnesota Statutes 1993 Supplement, section 326.951.

Referred to the Committee on Commerce and Consumer Protection.

Mr. Langseth introduced—

S.F. No. 2650: A bill for an act relating to alcoholic beverages; authorizing the Clay county board to issue one off-sale intoxicating liquor license.

Referred to the Committee on Commerce and Consumer Protection.

Mr. McGowan introduced—

S.F. No. 2651: A bill for an act relating to crimes; enhancing penalty to gross misdemeanor for refusing to submit to testing to determine if violator is driving under influence of alcohol or controlled substance, when child under age of 16 is in vehicle; amending Minnesota Statutes 1993 Supplement, section 169.121, subdivision 3.

Referred to the Committee on Crime Prevention.

Mr. Sams, Ms. Berglin, Mr. Samuelson, Ms. Piper and Mr. Benson, D.D. introduced—

S.F. No. 2652: A bill for an act relating to insurance; requiring that coverage of prescription drugs cover drugs prescribed by any person permitted by law to prescribe; proposing coding for new law in Minnesota Statutes, chapter 62A.

Referred to the Committee on Commerce and Consumer Protection.

Messrs. Morse, Mondale, Lessard, Merriam and Laidig introduced—

S.F. No. 2653: A bill for an act relating to the environment; toxic pollution prevention act; changing the definition of persons eligible for grants; changing fee requirements; amending Minnesota Statutes 1992, sections 115D.03, subdivision 5; 115D.05; and 115D.08, subdivision 1; Minnesota Statutes 1993 Supplement, section 115D.12, subdivision 2.

Referred to the Committee on Environment and Natural Resources.

Messrs. Morse, Price, Riveness, Finn and Chandler introduced—

S.F. No. 2654: A bill for an act relating to the environment; requiring a person that generates electricity for distribution and use in the state and that sells air pollution credits to use the proceeds of the sale for reducing air emissions or providing better control of air emissions; proposing coding for new law in Minnesota Statutes, chapter 216B.

Referred to the Committee on Environment and Natural Resources.

Messrs. Chandler, Novak and Riveness introduced—

S.F. No. 2655: A bill for an act relating to education; restoring intermediate school districts and their funding for fiscal year 1996 and thereafter; amending Minnesota Statutes 1993 Supplement, section 124.2727, subdivision 6; Laws 1992, chapter 499, article 6, section 39, subdivision 3.

Referred to the Committee on Education.

Messrs. Johnson, D.J.; Solon; Johnson, D.E. and Ms. Piper introduced—

S.F. No. 2656: A bill for an act relating to health; providing grants to establish and maintain health care access offices; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 144.

Referred to the Committee on Health Care.

Messrs. Mondale, Metzen, Ms. Wiener, Messrs. Riveness and Terwilliger introduced—

S.F. No. 2657: A bill for an act relating to state and local government; establishing a process for increasing public access to government information and services through information technology; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 15.

Referred to the Committee on Governmental Operations and Reform.

Ms. Runbeck and Mr. Oliver introduced—

S.F. No. 2658: A bill for an act relating to occupations and professions; board of medical practice; providing for reinstatement of revoked licenses; amending Minnesota Statutes 1993 Supplement, sections 147.02, subdivision 1; and 147.037, subdivision 1.

Referred to the Committee on Health Care.

Ms. Runbeck and Mr. Laidig introduced—

S.F. No. 2659: A bill for an act relating to education; modifying general education revenue formula allowance; modifying the earmark of general education revenue for staff development; appropriating money; amending Minnesota Statutes 1993 Supplement, sections 124A.22, subdivision 2; and 124A.29, subdivision 1; Laws 1993, chapter 224, article 1, section 41, subdivision 2.

Referred to the Committee on Education.

Ms. Pappas introduced—

S.F. No. 2660: A bill for an act relating to Ramsey county; providing for funding the maintenance of turnback roads in Ramsey county; amending Minnesota Statutes 1992, section 383A.16, subdivision 2, and by adding subdivisions; repealing Minnesota Statutes 1992, section 383A.16, subdivision 1.

Referred to the Committee on Transportation and Public Transit.

Mr. Hottinger, Ms. Anderson, Messrs. Finn and Marty introduced—

S.F. No. 2661: A bill for an act relating to health; prohibiting certain organizational mergers or acquisitions; providing penalties; proposing coding for new law in Minnesota Statutes, chapter 62J.

Referred to the Committee on Health Care.

Mr. Price introduced—

S.F. No. 2662: A bill for an act relating to corrections; prohibiting correctional inmates from applying for name changes more than once a year; proposing coding for new law in Minnesota Statutes, chapter 259.

Referred to the Committee on Crime Prevention.

Mr. Merriam introduced—

S.F. No. 2663: A bill for an act relating to public employees; prohibiting reemployment of certain early retirees; amending Minnesota Statutes 1992, section 356.70, by adding a subdivision.

Referred to the Committee on Governmental Operations and Reform.

Messrs. Neuville, McGowan, Stevens, Laidig and Belanger introduced—

S.F. No. 2664: A bill for an act relating to crime; prohibiting prosecutors from entering into plea or sentence negotiation agreements in certain cases involving the use or possession of a firearm; amending Minnesota Statutes 1993 Supplement, section 609.11, subdivision 7.

Referred to the Committee on Crime Prevention.

Mr. Beckman introduced—

S.F. No. 2665: A bill for an act relating to crime prevention; authorizing spending to make improvements of a capital nature to state correctional institutions; authorizing issuance of bonds; appropriating money.

Referred to the Committee on Crime Prevention.

Mr. Beckman introduced—

S.F. No. 2666: A bill for an act relating to education; directing the state board of education to include in the high school graduation rule the requirements for certificates of initial and advanced mastery that indicate academic and occupational competencies; making a certificate of initial mastery a precondition to participating in certain education programs; precluding students from seeking employment without the certificate of initial mastery; requiring recommendations; appropriating money; amending Minnesota Statutes 1992, section 121.11, by adding a subdivision.

Referred to the Committee on Education.

Mr. Beckman introduced—

S.F. No. 2667: A bill for an act relating to capital improvements; appropriating money for the farmland wildlife populations and research center; authorizing the sale of state bonds.

Referred to the Committee on Environment and Natural Resources.

Mr. Kroening introduced—

S.F. No. 2668: A bill for an act relating to public administration; authorizing spending to make public improvements of a capital nature; authorizing issuance of bonds; authorizing assessment of debt service; appropriating money.

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

Messrs. Pogemiller, Metzen, Terwilliger, Langseth and Cohen introduced—

S.F. No. 2669: A bill for an act relating to public employment; establishing a public employees insurance cooperative task force; appropriating money.

Referred to the Committee on Governmental Operations and Reform.

Mr. Janezich introduced—

S.F. No. 2670: A bill for an act relating to education; modifying provisions governing guaranteed energy savings contracts; amending Minnesota Statutes 1992, section 124.85, as amended.

Referred to the Committee on Education.

Mr. Lessard introduced—

S.F. No. 2671: A bill for an act relating to Itasca county; permitting the county board to submit a question to nonbinding referendum.

Referred to the Committee on Ethics and Campaign Reform.

Mr. Day introduced—

S.F. No. 2672: A bill for an act relating to coroners; providing for exemption from educational requirements in certain circumstances; amending Minnesota Statutes 1992, section 390.005, subdivision 3.

Referred to the Committee on Metropolitan and Local Government.

Mr. Stevens, Ms. Johnston, Messrs. Larson, Day and Oliver introduced—

S.F. No. 2673: A bill for an act relating to state government; providing for the size of the legislature; providing conditions for the organization of legislative committees; providing term limits; proposing an amendment to the Minnesota Constitution, articles IV, section 4; and V, sections 2 and 4; amending Minnesota Statutes 1992, section 2.021; proposing coding for new law in Minnesota Statutes, chapter 3.

Referred to the Committee on Ethics and Campaign Reform.

Mrs. Benson, J.E.; Ms. Robertson, Messrs. Knutson, Pogemiller and Ms. Olson introduced—

S.F. No. 2674: A bill for an act relating to education; reviving rules related to school social worker licensure; amending Laws 1993, chapter 224, article 12, section 39.

Referred to the Committee on Education.

Messrs. Kelly, Cohen, Ms. Pappas, Mr. Chandler and Ms. Anderson introduced—

S.F. No. 2675: A bill for an act relating to cities; St. Paul; appropriating money for St. Paul civic center expansion; authorizing the sale of state bonds.

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

Mr. Beckman introduced—

S.F. No. 2676: A bill for an act relating to education; authorizing borrowing for school districts for certain asbestos removal or abatement projects; proposing coding for new law in Minnesota Statutes, chapter 124.

Referred to the Committee on Education.

Messrs. Sams, Murphy, Bertram, Dille and Vickerman introduced—

S.F. No. 2677: A bill for an act relating to real property; providing for the "property rights preservation act"; proposing coding for new law as Minnesota Statutes, chapter 117A.

Referred to the Committee on Judiciary.

Mr. Pogemiller introduced—

S.F. No. 2678: A bill for an act relating to retirement; Minneapolis employees retirement fund; amending Minnesota Statutes 1992, sections 356.215, subdivision 4d; 422A.05, subdivision 2c, and by adding a subdivision; 422A.101, subdivision 3; 422A.13, subdivision 2; 422A.16, subdivisions 1, 7, and 9; 422A.23, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 422A.

Referred to the Committee on Governmental Operations and Reform.

Messrs. Pogemiller, Kelly, Ms. Ranum, Messrs. Beckman and McGowan introduced—

S.F. No. 2679: A bill for an act relating to corrections; establishing the right step academy for African-American youths as an alternative to incarceration; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 244.

Referred to the Committee on Crime Prevention.

Mr. Langseth introduced—

S.F. No. 2680: A bill for an act relating to highways; changing mileage limitation for municipal state-aid streets; amending Minnesota Statutes 1992, section 162.09, subdivision 1.

Referred to the Committee on Transportation and Public Transit.

Mr. Metzen introduced—

S.F. No. 2681: A bill for an act relating to the city of South St. Paul; authorizing the extension of the duration of a tax increment financing district.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Riveness, Metzen, Sams, Hottinger and Benson, D.D. introduced—

S.F. No. 2682: A bill for an act relating to occupations and professions; professional licensing; permitting a court to make findings of fact at a sentencing hearing on whether a conviction directly relates to a license or position of public employment sought or held by a convicted person; regulating disciplinary actions by licensing boards; describing admissibility of certain evidence in contested case hearings; amending Minnesota Statutes 1992, section 364.03, subdivisions 1, 2, 3, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 214.

Referred to the Committee on Commerce and Consumer Protection.

Mses. Anderson, Piper, Mr. Kelly, Ms. Berglin and Mr. Vickerman introduced—

S.F. No. 2683: A bill for an act relating to human services; directing the commissioner to establish an outreach program to inform potential recipients of the existence of the food stamp program; appropriating money; amending Minnesota Statutes 1992, section 256.01, subdivision 11.

Referred to the Committee on Family Services.

Messrs. Knutson, Pogemiller, Mrs. Pariseau and Ms. Wiener introduced—

S.F. No. 2684: A bill for an act relating to education; reviving rules related to school nurse licensure; amending Laws 1993, chapter 224, article 12, section 39.

Referred to the Committee on Education.

Messrs. Berg, Janezich and Bertram introduced—

S.F. No. 2685: A bill for an act relating to lawful gambling; regulating the conduct of lawful gambling; appropriating money; amending Minnesota Statutes 1992, sections 299L.02, subdivision 5, and by adding a subdivision; 349.12, subdivision 18; 349.13; 349.151, subdivision 4; and 349.211, subdivision 2a.

Referred to the Committee on Gaming Regulation.

Mr. Berg introduced—

S.F. No. 2686: A bill for an act relating to capital improvements; authorizing issuance of bonds and appropriating money for Lac qui Parle wildlife management area; appropriating money for a study by pollution control agency and for the commissioner of natural resources to plan headquarters building and interpretive center at Lac qui Parle state park.

Referred to the Committee on Environment and Natural Resources.

Messrs. Chandler, Morse, Ms. Johnson, J.B. and Mr. Merriam introduced—

S.F. No. 2687: A bill for an act relating to forests; modifying and expanding responsibilities of the department of natural resources and counties with respect to management of forest resources; appropriating money; amending Minnesota Statutes 1992, sections 89.001, subdivisions 8, 9, 10, and by adding subdivisions; 89.002, subdivision 1; 89.01, subdivision 1, and by adding subdivisions; 89.011, subdivisions 2, 3, and 4; 89.012; 90.041, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 282.

Referred to the Committee on Environment and Natural Resources.

MEMBERS EXCUSED

Mrs. Adkins, Messrs. Day, Johnson, D.J., McGowan, Neuville and Samuelson were excused from the Session of today.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 10:00 a.m., Monday, March 21, 1994. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

SEVENTY-FOURTH DAY

St. Paul, Minnesota, Monday, March 21, 1994

The Senate met at 10:00 a.m. and was called to order by the President.

CALL OF THE SENATE

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

Prayer was offered by the Chaplain, Rev. Peter Geisendorfer-Lindgren.

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

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

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

The President declared a quorum present.

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

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communication was received and referred to the committee indicated.

March 7, 1994

The Honorable Allan H. Spear
President of the Senate

Dear Sir:

The following appointment is hereby respectfully submitted to the Senate for confirmation as required by law:

STATE ETHICAL PRACTICES BOARD

Vanne Owens Hayes, 4253 - 27th Ave. S., Minneapolis, Hennepin County, has

been appointed by me, effective March 9, 1994, for a term expiring on the first Monday in January, 1998.

(Referred to the Committee on Ethics and Campaign Reform.)

Warmest regards,
Arne H. Carlson, Governor

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted, with the exception of the report pertaining to appointments. The motion prevailed.

Mr. Vickerman from the Committee on Veterans and General Legislation, to which was referred

S.F. No. 2189: A bill for an act relating to animals; changing the definition of a potentially dangerous dog; changing the identification tag requirements for a dangerous dog; amending Minnesota Statutes 1992, sections 347.50, subdivision 3; and 347.51, subdivision 7.

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

Page 1, line 15, after "property" insert " *, other than the owner's property,*"

Page 2, lines 2 and 3, delete "*and symbol for*"

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

Mr. Novak from the Committee on Jobs, Energy and Community Development, to which was referred

S.F. No. 2475: A bill for an act relating to workers' compensation; regulating insurance; limiting long-term benefits; adjusting supplemental benefits; providing coverage for independent contractors; strengthening fraud prevention; adjusting permanent partial benefits; providing for safety programs; appropriating money; amending Minnesota Statutes 1992, sections 79.085; 176.041, subdivision 1; 176.101, subdivisions 3b and 5; 176.132, subdivisions 2 and 3; 176.178; 176.185, subdivision 1; and 176.232; Minnesota Statutes 1993 Supplement, section 176.041, subdivision 1a; proposing coding for new law in Minnesota Statutes, chapters 79; 176; and 182; repealing Minnesota Statutes 1992, sections 79.01, subdivisions 7 and 8; 79.074, subdivision 2; 79.50; 79.51, as amended; 79.52; 79.53; 79.54; 79.55; 79.56; 79.57; 79.58; 79.59; 79.60; 79.61; and 79.62; Minnesota Statutes 1993 Supplement, section 72.211, subdivision 1.

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

Page 3, lines 17 to 19, reinstate the stricken language

Page 3, line 20, reinstate the stricken language and after the reinstated "contractor" insert "*nor to an independent contractor subject to section 176.042*"

Page 3, lines 21, 26, and 34, reinstate the stricken language and delete the new language

Page 4, lines 6 and 8, reinstate the stricken language and delete the new language

Page 5, line 32, after "contractor" insert "*doing commercial or residential building construction or improvements in the public or private sector*"

Page 11, after line 5, insert:

"Sec. 12. Minnesota Statutes 1992, 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 previous 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 or after October 1, 1977, but prior to October 1, 1992, under this section shall exceed six 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 percent. No adjustment increase made on or after October 1, 1992, under this section shall exceed 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 four percent. *No adjustment increase shall be made under this section on or after October 1, 1994, for any injuries occurring after October 1, 1975. The workers' compensation advisory council may consider adjustment increases and make recommendations to the legislature for adjustment increases.*"

Renumber the sections of article 1 in sequence

Amend the title as follows:

Page 1, line 11, delete "and" and after the second semicolon, insert "and 176.645, subdivision 1;"

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

Mr. Bertram from the Committee on Agriculture and Rural Development, to which was re-referred

S.F. No. 1609: A bill for an act relating to utilities; mandating studies of effects of earth as conductor of electricity, stray voltage, and electromagnetic fields; providing complaint procedure and remedies; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 216B.

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

Delete everything after the enacting clause and insert:

“Section 1. [SCIENTIFIC ADVISORY TASK FORCE.]

The public utilities commission shall appoint a scientific advisory task force for the purpose of conducting a research project that would identify the potential for, and examine the actual effects of current in the earth, originating from the utility distribution systems, on dairy cow production and health. The task force shall be advisory to the commission and consist solely of representatives selected by the commission from the scientific community as described in section 2. The task force may not include representatives from the utilities or other parties with a financial interest in the outcome of the research.

The public utilities commission may only contract with independent researchers to conduct research recommended by the scientific advisory task force. “Independent” is defined as researchers who have not been employed or contracted by, or received funding from, either public or municipal utilities, or cooperative electric associations for purposes of research or investigation of stray voltage.

Sec. 2. [TASK FORCE; MEMBERSHIP AND RESPONSIBILITIES.]

(a) The commission shall appoint a representative from the scientific community to serve as executive director of the task force. The executive director shall provide administrative oversight and direction to the task force in fulfilling its responsibilities under this act. The executive director shall consult with, and make recommendations to, the commission regarding its appointment of task force members.

(b) The task force shall consist of at least five members. The task force shall include members with education and scientific specialties that include, but are not limited to: physics, electrical engineering, animal physiology, veterinary medicine, physiological psychology, soil science specializing in the electrical nature of soil, and epidemiology.

(c) The task force created under this act shall:

(1) review existing information from other sources, including other states and dairy producers or farm organizations, on the use of the earth for carrying current and its effects on animal health and production and on human health;

(2) study the use of the earth for carrying current and its effects on animal health and production;

(3) determine the qualifications of researchers and make recommendations to the public utilities commission on their selection;

(4) explore the availability of nonstate and nonutility funds for new research under clause (2);

(5) recommend, set scope of, and oversee the conduct of new research under clause (2);

(6) submit study results for proper scientific peer review; selection; and

(7) make findings or recommendations regarding potential actions to mitigate or eliminate any effects found from current in the earth on dairy cow production or health.

Sec. 3. [SCHEDULE; REPORTING.]

(a) Before June 30, 1995, the task force shall:

(1) complete the review of existing information under section 2, paragraph (c), clause (1); and

(2) complete items required under section 2, paragraph (c), clauses (3) and (4).

(b) By January 1, 1995, the task force shall recommend to the legislature the design, scope, and estimated cost of the study of the earth for carrying current under section 2, paragraph (c), clause (2).

(c) Before June 30, 1996, the task force shall complete the study required under section 2, paragraph (c), clause (2), upon approval of the legislature based on recommendations presented under paragraph (b).

Sec. 4. [SURVEY OF FACILITIES.]

The public utilities commission shall determine, by survey or questionnaire, or other appropriate methods, the age and condition of electric distribution facilities in the state. The task force shall determine the extent to which these facilities use the earth as a conductor of electric current, whether intentionally or unintentionally, and shall study the risks to dairy animal health and welfare associated with the practice of bonding distribution system conductors to the earth in connection with a study conducted under section 2. The commission may, in accordance with Minnesota Statutes, chapter 13, order the production of any records, maps, plans, or any other documents, testimony, or recollections, relating to stray voltage, ground current, or similar phenomenon, of any owner or operator of any distribution facility or any employee of any owner or operator or any other person with knowledge related to the issue of using the earth to conduct electric current.

Sec. 5. [DATA PREPARATION.]

A dairy producer or group of producers receiving funding for data preparation under section 7, shall complete the preparation of its data for review by the task force under section 2, paragraph (c), clause (1), and submit applicable reports and recommendations to the task force within 90 days of receiving financial assistance.

Such information presented for review shall be considered public.

Sec. 6. [STRAY VOLTAGE ASSESSMENT TEAM.]

A stray voltage assessment team shall be formed to deal rapidly with emergency situations possibly associated with the effects of stray voltage. The public utilities commission shall configure an interdisciplinary team to be paid for under contracts for service. The team must be responsive to the individual needs of farmers and address stray voltage problems including assessment of distribution lines. The team may also assist the farmer in farm management. A stray voltage team must include at least one farmer experienced in stray voltage problems.

Sec. 7. [ASSESSMENT.]

To provide funding for the commission's activities under this act, the public utilities commission shall assess a total of up to \$750,000 under Minnesota Statutes, section 216B.62, against entities that transmit electric current in the state that are public utilities, cooperative electric associations, or municipal utilities. The assessment must be deposited in the general fund. This is intended to be over and above the amounts already authorized under Minnesota Statutes, section 216B.62, subdivision 3.

Sec. 8. [APPROPRIATIONS.]

\$750,000 is appropriated from the general fund to the public utilities commission for the following:

- (1) \$..... for administrative costs of the scientific advisory task force;*
- (2) \$..... for meetings of the scientific advisory task force;*
- (3) \$..... for assistance to producers or producer organizations to assist in the preparation and analysis of data for review by the scientific advisory task force;*
- (4) \$..... for assistance to producers or producer organizations to allow participation in the proceedings of the scientific advisory task force; and*
- (5) \$..... for the stray voltage assessment team under section 6.*

This appropriation is available until June 30, 1995.

Sec. 9. [EFFECTIVE DATE.]

This act is effective the day following final enactment."

Amend the title as follows:

Page 1, line 5, delete “; proposing coding” and insert a period

Page 1, delete line 6

And when so amended the bill do pass and be re-referred to the Committee on Jobs, Energy and Community Development. Amendments adopted. Report adopted.

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

S.F. No. 1977: A bill for an act relating to health; permitting the commissioner of health to conduct fetal, infant, and maternal death studies; proposing coding for new law in Minnesota Statutes, chapter 145.

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

Delete everything after the enacting clause and insert:

“Section 1. [145.90] [FETAL, INFANT, AND MATERNAL DEATH STUDIES.]

Subdivision 1. [PURPOSE.] The commissioner of health may conduct fetal, infant, and maternal death studies in order to assist the planning, implementation, and evaluation of medical, health, and welfare service systems, and to improve pregnancy outcomes and reduce the numbers of preventable fetal, infant, and maternal deaths in Minnesota.

Subd. 2. [ACCESS TO DATA.] (a) The commissioner of health has access to medical data as defined in section 13.42, subdivision 1, paragraph (b), medical examiner data as defined in section 13.83, subdivision 1, and health records created, maintained, or stored by providers as defined in section 144.335, subdivision 1, paragraph (b), without the consent of the subject of the data, and without the consent of the parent, spouse, other guardian, or legal representative of the subject of the data, when the subject of the data is:

(1) a fetus that showed no signs of life at the time of delivery, was 20 or more weeks of gestation at the time of delivery, and was not delivered by an induced abortion;

(2) a liveborn infant that died within the first two years of life;

(3) a woman who died during a pregnancy or within 12 months of a fetal death, a live birth, or other termination of a pregnancy; or

(4) the biological mother of a fetus or infant as described in clause (1) or (2).

With respect to data under clause (4), the commissioner only has access to medical data and health records that contain information that bears upon the pregnancy and the outcome of the pregnancy.

(b) The provider or responsible authority that creates, maintains, or stores the data shall furnish the data upon the request of the commissioner. The provider or responsible authority may charge a fee for providing data, not to exceed the actual cost of retrieving and duplicating the data.

(c) The commissioner shall make a good faith effort to notify the subject of the data, or the parent, spouse, other guardian, or legal representative of the subject of the data, before collecting data on the subject.

(d) The commissioner does not have access to coroner or medical examiner data that are part of an active investigation as described in section 13.83.

Subd. 3. [MANAGEMENT OF RECORDS.] After the commissioner has collected all data about a subject of a fetal, infant, or maternal death study needed to perform the study, the data from source records obtained under subdivision 2, other than data identifying the subject, must be transferred to separate records to be maintained by the commissioner. Notwithstanding section 138.17, after the data have been transferred, all source records obtained under subdivision 2 in the hands of the commissioner must be destroyed.

Subd. 4. [CLASSIFICATION OF DATA.] Data provided to or created by the commissioner for the purpose of carrying out fetal, infant, or maternal death studies, including identifying information on individual providers or patients, are classified as private data on individuals or nonpublic data on deceased individuals, as defined in section 13.02, with the following exceptions:

(1) summary data created by the commissioner, as defined in section 13.02, subdivision 19; and

(2) data provided by the commissioner of human services, which retains the classification it held when in the hands of the commissioner of human services."

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

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

S.F. No. 1835: A bill for an act relating to corrections; prohibiting payment of costs of elective or cosmetic procedures for prison and jail inmates; amending Minnesota Statutes 1992, sections 241.021, subdivision 4; and 641.15, subdivision 2.

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

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

S.F. No. 2371: A bill for an act relating to crime; imposing penalties on any person who performs female genital mutilation on a minor; providing certain exceptions; requiring the commissioner of health to carry out appropriate education, prevention, and outreach activities in communities that traditionally engage in these practices; proposing coding for new law in Minnesota Statutes, chapters 144; and 609.

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

Page 1, lines 24 and 25, delete "*minor*" and insert "*person*"

Page 2, lines 2 and 6, delete "*minor*" and insert "*person*"

Amend the title as follows:

Page 1, line 3, delete "on a minor"

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

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

S.F. No. 1593: A bill for an act relating to crime; eliminating the defense of mistake of age or consent for persons who are prosecuted for a prostitution offense; amending Minnesota Statutes 1992, section 609.325, subdivision 2.

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

Page 1, line 12, delete "*1993*" and insert "*1994*"

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

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

H.F. No. 1906: A bill for an act relating to state trails; routing an existing trail; establishing new trails; amending Minnesota Statutes 1992, section 85.015, subdivision 7, and by adding subdivisions.

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

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

S.F. No. 2149: A bill for an act relating to the environment; making the field citation pilot project permanent law; authorizing penalties for unauthorized waste disposal; proposing coding for new law in Minnesota Statutes, chapter 116.

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

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

S.F. No. 1741: A bill for an act relating to game and fish; allowing nonresidents to take rough fish by harpooning; amending Minnesota Statutes 1992, section 97C.381.

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

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

S.F. No. 2056: A bill for an act relating to local government; authorizing towns in Olmsted county to adopt and enforce the state building code.

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

Page 1, delete section 2

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

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

S.F. No. 2143: A bill for an act relating to state government; board of government innovation and cooperation; authorizing local governments to apply to the board for waivers on behalf of nonprofit organizations providing services to the local governments; modifying certain powers and duties of the board; modifying grant programs administered by the board; appropriating money; amending Minnesota Statutes 1993 Supplement, sections 465.795, subdivision 7; 465.796, subdivision 2; 465.797, subdivisions 1, 2, 3, 4, and 5; 465.798; and 465.799; proposing coding for new law in Minnesota Statutes, chapter 465; repealing Minnesota Statutes 1992, section 465.80, subdivision 3; Minnesota Statutes 1993 Supplement, section 465.80, subdivisions 1, 2, 4, and 5.

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

Page 9, lines 6 and 32, before the comma, insert "*according to the terms of the agreement*"

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

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

S.F. No. 2154: A bill for an act relating to state lands; expanding the scope of cooperative farming agreements on hunting, game refuge, or wildlife management lands; exempting agreements from treatment as leases for tax purposes; amending Minnesota Statutes 1992, section 97A.135, subdivision 3.

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

Page 1, after line 8, insert:

“Section 1. [17.4999] [STORAGE, HANDLING, AND DISPOSAL OF FISH MANURE.]

Fish manure from aquatic farm operations:

(1) is subject to the same requirements under state law and rules as other animal manures; and

(2) if managed in a pond system, may be applied as a manipulated manure under chapter 18C if certified by the commissioner.”

Page 1, after line 26, insert:

“Sec. 3. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment and applies to licensed aquatic farms in operation on or after that date.”

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, delete “state lands” and insert “natural resources; farming; clarifying requirements relating to fish manure from aquatic farms”

Page 1, line 7, before the period, insert “; proposing coding for new law in Minnesota Statutes, chapter 17”

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

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

S.F. No. 2023: A bill for an act relating to the environment; genetically engineered organisms; authorizing the department of agriculture to exempt certain federally monitored releases; authorizing the environmental quality board to adopt rules relating to certain releases; providing for certain exemptions; amending Minnesota Statutes 1992, sections 18F.01; 18F.02, subdivisions 1, 5, and by adding a subdivision; 18F.04; 18F.07; 18F.12; 116C.91, subdivision 1; 116C.94; and 116C.96; proposing coding for new law in Minnesota Statutes, chapters 18F; and 116C; repealing Minnesota Statutes 1992, section 18F.02, subdivision 7.

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

Page 2, line 3, delete “and/or” and insert “or”

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

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

H.F. No. 2016 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
		2016	1847		

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 2016 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2016 and insert the language after the enacting clause of S.F. No. 1847, the first engrossment; further, delete the title of H.F. No. 2016 and insert the title of S.F. No. 1847, the first engrossment.

And when so amended H.F. No. 2016 will be identical to S.F. No. 1847, and further recommends that H.F. No. 2016 be given its second reading and substituted for S.F. No. 1847, and that the Senate File be indefinitely postponed.

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

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

H.F. No. 2090 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
		2090	1856		

and that the above Senate File be indefinitely postponed.

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

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

H.F. No. 2074 for comparison with companion Senate File, reports the

following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
2074	1845				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 2074 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2074 and insert the language after the enacting clause of S.F. No. 1845, the second engrossment; further, delete the title of H.F. No. 2074 and insert the title of S.F. No. 1845, the second engrossment.

And when so amended H.F. No. 2074 will be identical to S.F. No. 1845, and further recommends that H.F. No. 2074 be given its second reading and substituted for S.F. No. 1845, and that the Senate File be indefinitely postponed.

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

Mr. Lessard from the Committee on Environment and Natural Resources, to which was referred the following appointment as reported in the Journal for January 19, 1993:

MINNESOTA POLLUTION CONTROL AGENCY

William A. Urseth

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

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

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

S.F. No. 1971: A bill for an act relating to limited liability companies; providing for the application of workers' compensation and unemployment compensation laws; amending Minnesota Statutes 1992, sections 176.041, subdivision 1; and 268.04, subdivision 7, and by adding a subdivision; Minnesota Statutes 1993 Supplement, sections 176.041, subdivision 1a; and 268.04, subdivision 12.

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

Page 5, delete section 3

Page 5, line 22, reinstate the stricken "any member of a limited liability company who"

Page 5, line 24, after the stricken "company" insert "*is a servant under the law of master and servant*" and reinstate the stricken semicolon

Page 5, line 25, reinstate the stricken "(c)"

Page 6, line 1, reinstate the stricken "(d)" and delete "(c)"

Page 18, delete section 5 and insert:

"Sec. 4. [EFFECTIVE DATE.]

Section 3 is effective January 1, 1995."

Re-number the sections in sequence

Amend the title as follows:

Page 1, line 5, delete "sections" and insert "section" and delete "and"

Page 1, delete line 6

And when so amended the bill do pass and be re-referred to the Committee on Jobs, Energy and Community Development. Amendments adopted. Report adopted.

SECOND READING OF SENATE BILLS

S.F. Nos. 2189, 1835, 1593, 2149, 1741, 2056 and 2023 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 1906, 2016, 2090 and 2074 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Hottinger moved that his name be stricken as a co-author to S.F. No. 1814. The motion prevailed.

Mr. Beckman moved that his name be stricken as chief author, shown as a co-author, and the name of Ms. Johnson, J.B. be added as chief author to S.F. No. 2019. The motion prevailed.

Ms. Anderson moved that her name be stricken as a co-author to S.F. No. 2223. The motion prevailed.

Ms. Pappas moved that the name of Mr. Morse be added as a co-author to S.F. No. 2223. The motion prevailed.

Mr. Chmielewski moved that the name of Mr. Janezich be added as a co-author to S.F. No. 2339. The motion prevailed.

Mr. Johnson, D.E. moved that the name of Mr. Langseth be added as a co-author to S.F. No. 2347. The motion prevailed.

Mr. Samuelson moved that the name of Ms. Hanson be added as a co-author to S.F. No. 2434. The motion prevailed.

Mr. Samuelson moved that S.F. No. 2252 be withdrawn from the Committee on Gaming Regulation and returned to its author. The motion prevailed.

Mr. Stumpf introduced—

Senate Resolution No. 65: A Senate resolution congratulating the Warroad High School Warriors hockey team for winning the 1994 State High School Class A Hockey Tournament.

Referred to the Committee on Rules and Administration.

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

CONSENT CALENDAR

H.F. No. 1956: A bill for an act relating to local government; authorizing the public library systems of the county of Anoka and the city of Anoka to merge and the county to provide library services for the city.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 1826: A bill for an act relating to metropolitan government; extending reporting and effective dates for radio systems planning by the metropolitan council; extending the moratorium on applications for 800 megahertz channels.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 1, as follows:

Those who voted in the affirmative were:

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

Mr. Kroening voted in the negative.

So the bill passed and its title was agreed to.

H.F. No. 1845: A bill for an act relating to education; permitting school boards to begin the 1994-1995 school year before Labor Day because a religious holiday is observed the day following Labor Day.

Pursuant to Rule 9, there being three objectors, H.F. No. 1845 was stricken from the Consent Calendar and placed on General Orders.

S.F. No. 2073: A bill for an act relating to taxation; making technical corrections and administrative changes; amending Minnesota Statutes 1992, sections 103B.245, subdivision 1; 103D.911, subdivision 2; 103D.915, subdivision 1; 115A.919, subdivision 3; 115A.921, subdivision 1; 115A.923, subdivision 1; 256.879, subdivisions 1 and 2; 270.12, subdivision 2; 272.025, subdivision 3; 273.111, subdivision 6; 273.13, subdivision 22; 273.134; 273.1399, subdivision 3; 275.065, subdivision 1; 278.05, subdivision 5; 279.37, subdivision 8; 282.01, subdivision 1; 282.014; 282.04, subdivision 2; 282.301; 289A.08, subdivision 7; 289A.25, subdivision 5; 290.17, subdivision 2; 290.371, subdivision 2; 290A.03, subdivision 5; 290A.05; 297.01, subdivision 14; 297.11, subdivision 5; 297A.021, subdivision 4; 297B.11; 297C.01, subdivision 5; 357.18, subdivision 2; 398.16; 398A.04, subdivision 8; 447.34, subdivision 2; 462.396, subdivision 2; 469.060, subdivision 6; 469.102, subdivision 5; 469.177, subdivision 9; 473.167, subdivision 3; 473.249, subdivision 1; 473.446, subdivision 1; 473.661, subdivision 2; 473.711, subdivision 2; 477A.011, subdivision 1b; 477A.0121, subdivision 4; 477A.0132, subdivision 3; 477A.014, subdivision 1; 477A.15; and 580.23, subdivision 3; Minnesota Statutes 1993 Supplement, sections 124.2131, subdivision 1; 270.96, subdivision 3; 272.02, subdivision 1; 272.12; 273.11, subdivision 13; 273.124, subdivisions 1 and 13; 273.1398, subdivisions 1 and 3; 273.166, subdivision 3; 275.065, subdivisions 3 and 6; 276.04, subdivision 2; 277.15; 278.04; 278.08; 290A.03, subdivisions 8 and 13; 290.091, subdivision 2; 297A.01, subdivision 3; 297A.07, subdivision 1; 298.28, subdivision 9a; 469.033, subdivision 6; 473.13, subdivision 1; and 477A.013, subdivision 8; Laws 1989, chapter 211, section 4, subdivision 2; Laws 1992, chapter 511, article 4, section 29; Laws 1993, chapter 375, article 2, section 37; proposing coding for new law in Minnesota Statutes, chapters 273 and 275; repealing Minnesota Statutes 1992, sections 16A.70; 16A.71; 115A.923, subdivision 6; and 273.22; Minnesota Statutes 1993 Supplement, section 273.1398, subdivision 2a; Laws 1993, First Special Session chapter 1, article 2, section 6.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

H.F. No. 2130: A bill for an act relating to counties; St. Louis; assigned the former town of Payne to the 7th commissioner district.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 1967: A bill for an act relating to drivers' licenses; allowing commissioner of public safety to determine driver's test taken for license reinstatement; amending Minnesota Statutes 1992, section 171.29, subdivision 1.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 2274: A bill for an act relating to Freeborn county; permitting the appointment of the recorder and auditor/treasurer; authorizing the reorganization of county offices.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 57 and nays 4, as follows:

Those who voted in the affirmative were:

Anderson	Flynn	Krentz	Mondale	Robertson
Beckman	Frederickson	Kroening	Morse	Sams
Belanger	Hanson	Langseth	Murphy	Solon
Benson, D.D.	Hottinger	Larson	Oliver	Spear
Benson, J.E.	Janezich	Lesewski	Olson	Stevens
Berg	Johnson, D.E.	Lessard	Pappas	Stumpf
Berglin	Johnson, D.J.	Luther	Pariseau	Terwilliger
Bertram	Johnson, J.B.	Marty	Piper	Vickerman
Betzold	Johnston	McGowan	Pogemiller	Wiener
Chandler	Kelly	Merriam	Ranum	
Chmielewski	Kiscaden	Metzen	Reichgott Junge	
Cohen	Knutson	Moe, R.D.	Riveness	

Messrs. Day, Dille, Finn and Laidig voted in the negative.

So the bill passed and its title was agreed to.

S.F. No. 2460: A bill for an act relating to Washington county; providing for a reverse referendum to make certain county offices appointive rather than elective.

Mr. Chandler moved that S.F. No. 2460, No. 9 on the Consent Calendar, be stricken and placed on General Orders. The motion prevailed.

S.F. No. 2383: A bill for an act relating to Koochiching county; permitting the appointment of the recorder; authorizing the reorganization of the office.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 59 and nays 4, as follows:

Those who voted in the affirmative were:

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

Messrs. Day, Dille, Finn and Laidig voted in the negative.

So the bill passed and its title was agreed to.

S.F. No. 2260: A bill for an act relating to public safety; making technical corrections; allowing special, coded license plates to be issued, following impoundment of former plates, to licensed driver identified by vehicle's registered owner; requiring department of public safety to keep records for five years of cancellations and disqualifications of drivers' licenses, unless rescinded; classifying offenses of following too closely and erratic lane change as serious traffic offenses for purposes of disqualifying driver from operating commercial motor vehicle; imposing a penalty for displaying invalid driver's license as being valid; requiring same waiting period for Minnesota limited driver's license whether offense was committed in Minne-

sota or in another state; amending Minnesota Statutes 1992, sections 168.042, subdivision 12; 171.12, subdivisions 1, 3, and 3a; 171.165, subdivision 4; and 260.151, subdivision 1; Minnesota Statutes 1993 Supplement, sections 171.22, subdivision 1; 171.29, subdivision 2; and 171.30, subdivision 2a.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 1, as follows:

Those who voted in the affirmative were:

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

Mr. Berg voted in the negative.

So the bill passed and its title was agreed to.

S.F. No. 2199: A bill for an act relating to elections; codifying the congressional district plan adopted by the Minnesota special redistricting panel; proposing coding for new law in Minnesota Statutes, chapter 2; repealing Minnesota Statutes 1992, sections 2.741; 2.751; 2.761; 2.771; 2.781; 2.791; 2.801; and 2.811.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 2197: A bill for an act relating to elections; codifying and recodifying the legislative district boundaries used for the 1992 election, with adjustments to avoid dividing the cities of Willernie and New Hope and simplify the division of Ham Lake; providing for distribution and correction of redistricting plans; amending Minnesota Statutes 1992, sections 2.031,

subdivision 2; 2.043; 2.053; 2.063; 2.073; 2.083; 2.093, subdivision 2; 2.103; 2.113; 2.123; 2.133; 2.143; 2.153, subdivision 2; 2.163; 2.173; 2.183; 2.193; 2.203, subdivision 1; 2.213; 2.223; 2.233; 2.243; 2.253; 2.263; 2.273; 2.283; 2.293; 2.313; 2.323; 2.333; 2.343; 2.353; 2.363; 2.373; 2.383; 2.393; 2.403; 2.413; 2.433; 2.443; 2.453, subdivision 1; 2.463; 2.473, subdivision 2; 2.483, subdivision 2; 2.493; 2.503; 2.513, subdivision 1; 2.523; 2.533; 2.543, subdivision 1; 2.553; 2.563; 2.573; 2.583; 2.593, subdivision 2; 2.603; 2.613, subdivision 2; 2.623; 2.633, subdivision 2; 2.643; 2.653, subdivision 1; 2.663; 2.673; 2.683, subdivision 1; 2.693; and 2.703, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 2.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 2, as follows:

Those who voted in the affirmative were:

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

Mr. Riveness and Ms. Runbeck voted in the negative.

So the bill passed and its title was agreed to.

S.F. No. 2009: A bill for an act relating to public safety; increasing membership of emergency response commission by one representative of emergency managers; amending Minnesota Statutes 1992, section 299K.03, subdivision 3.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 2040: A bill for an act relating to family law; clarifying pension plan obligations; amending Minnesota Statutes 1992, section 518.581, subdivision 2.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 1931: A bill for an act relating to health; making changes of a technical and housekeeping nature; modifying provisions relating to lead abatement enforcement; amending Minnesota Statutes 1992, sections 126A.02, subdivision 2; 144.0723, subdivisions 1, 2, 3, 4, and 6; 144.414, subdivision 3; 144.417, subdivision 1; and 144.878, by adding a subdivision; Minnesota Statutes 1993 Supplement, sections 144.651, subdivisions 21 and 26; 144.872, subdivision 4; 144.873, subdivision 1; 144.874, subdivisions 1 and 3a; 144.8771, subdivision 2; 144.878, subdivision 5; 144.99, subdivisions 1 and 6; 157.08; 253B.03, subdivisions 3 and 4; 326.71, subdivision 4; and 326.75, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 144; repealing Minnesota Statutes 1992, section 144.0723, subdivision 5; Minnesota Statutes 1993 Supplement, sections 144.8771, subdivision 5; 144.8781, subdivisions 1, 2, 3, and 5; 157.082; and 157.09; Laws 1993, chapter 286, section 11; Laws 1993, First Special Session chapter 1, article 9, section 49.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

H.F. No. 1955: A bill for an act relating to Wright county; permitting the transfer of a sheltered workshop facility to its operator without bids or consideration.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS – CONTINUED

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated H.F. No. 2074 a Special Order to be heard immediately.

SPECIAL ORDER

H.F. No. 2074: A bill for an act relating to crime prevention; juvenile justice; providing for adult court jurisdiction over juveniles alleged to have committed first degree murder or first degree criminal sexual conduct after age 16; providing for presumptive certification to adult court for juveniles alleged to have committed other prison-level felonies; authorizing the court or the prosecutor to designate a juvenile a serious youthful offender; authorizing adult felony sentences for serious youthful offenders; extending juvenile court jurisdiction to age 23; limiting certification to adult court to felony offenses; extending a right to jury trial to serious youthful offenders; requiring that a juvenile have an in-person consultation with counsel before waiving right to counsel; requiring appointment of counsel or standby counsel for juveniles charged with gross misdemeanors or felonies or when out-of-home delinquency placement is proposed; providing for adult court jurisdiction over juveniles alleged to have committed nonfelony-level traffic offenses after age 16; authorizing the juvenile court to require parents to attend delinquency hearings; providing for the sharing of certain data collected or maintained on juveniles; requiring county attorneys to establish juvenile diversion programs; providing mandatory minimum sentences for drive-by shooting crimes; expanding the crime relating to the possession of dangerous weapons on school property; increasing penalties for certain firearms offenses involving youth; establishing a task force on juvenile justice programming evaluation and planning; requiring that the department of corrections provide program-

ming for serious and repeat juvenile offenders; appropriating money; amending Minnesota Statutes 1992, sections 13.99, subdivision 79; 242.31, subdivision 1; 242.32; 260.015, subdivision 5; 260.111, by adding a subdivision; 260.115, subdivision 1; 260.121, subdivision 3; 260.125; 260.131, by adding a subdivision; 260.132; 260.155, subdivision 2, and by adding a subdivision; 260.161, subdivisions 1a, 2, and by adding a subdivision; 260.181, subdivision 4; 260.185, subdivision 3; 260.193, subdivisions 1, 3, 4, 6, and by adding a subdivision; 260.211, subdivision 1; 260.215, subdivision 1; 260.291; 268.31; 609.055, subdivision 2; 611.15; 611.19; 611.25, subdivision 1; 611A.02, by adding a subdivision; and 611A.77, subdivision 1; Minnesota Statutes 1993 Supplement, sections 13.46, subdivision 2; 144.651, subdivisions 2, 21, and 26; 253B.03, subdivisions 3 and 4; 260.155, subdivision 1; 260.161, subdivisions 1 and 3; 299A.35, subdivisions 1 and 2; 299C.65, subdivision 1; 401.065, subdivision 1, and by adding a subdivision; 609.11, subdivision 9; 609.66, subdivision 1d; 624.713, subdivision 1; 624.7132, subdivision 15; and 624.7181, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 260; 299A; 388; and 609; repealing Minnesota Statutes 1992, section 260.125, subdivision 3.

SUSPENSION OF RULES

Mr. Moe, R.D. moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota, with respect to H.F. No. 2074 and that the rules of the Senate be so far suspended as to give H.F. No. 2074, now on Special Orders, its third reading and place it on its final passage. The motion prevailed.

Ms. Ranum moved to amend H.F. No. 2074, as amended pursuant to Rule 49, adopted by the Senate March 21, 1994, as follows:

(The text of the amended House File is identical to S.F. No. 1845.)

Page 17, line 6, delete "*juvenile*" and insert "*child*" in both places

Page 17, line 9, delete the first "*juvenile*" and insert "*child*" and delete "*system*" and insert "*court*"

Page 48, lines 34 and 35, delete "in this article"

Page 52, line 7, delete "*out-of-home*" and insert "*out-of-state*"

The motion prevailed. So the amendment was adopted.

Mr. Pogemiller moved to amend H.F. No. 2074, as amended pursuant to Rule 49, adopted by the Senate March 21, 1994, as follows:

(The text of the amended House File is identical to S.F. No. 1845.)

Page 50, after line 23, insert:

"The money appropriated in this subdivision shall not be included in the budget base for the 1996-1997 biennium."

The motion prevailed. So the amendment was adopted.

Mr. Kelly moved to amend H.F. No. 2074, as amended pursuant to Rule 49, adopted by the Senate March 21, 1994, as follows:

(The text of the amended House File is identical to S.F. No. 1845.)

Page 45, line 36, delete "and"

Page 46, line 1, before the period, insert ";

(23) four members of the house of representatives; two from the majority party and two from the minority party; and

(24) four members of the senate; two from the majority party and two from the minority party"

The motion prevailed. So the amendment was adopted.

H.F. No. 2074 was read the third time, as amended, and placed on its final passage.

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

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

Those who voted in the affirmative were:

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

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

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Ms. Reichgott Junge introduced—

S.F. No. 2688: A bill for an act relating to retirement; Crystal and New Hope volunteer firefighters relief associations; authorizing a consolidated volunteer firefighters relief association for a joint powers fire department servicing the cities of Crystal and New Hope; authorizing a conversion of existing defined benefit plans to a defined contribution plan; ratifying prior benefit plans and related actions; repealing Laws 1969, chapter 1088; Laws 1971, chapter 114; Laws 1978, chapters 562, section 32; and 753; Laws 1979, chapters 97; and 201, section 27; Laws 1981, chapter 224, sections 250 and 254.

Referred to the Committee on Governmental Operations and Reform.

Mr. Cohen introduced—

S.F. No. 2689: A bill for an act relating to state government; appropriating money for development of a system of electronic access to state government information and services.

Referred to the Committee on Governmental Operations and Reform.

Messrs. Chmielewski, Bertram and Solon introduced—

S.F. No. 2690: A bill for an act relating to insurance; township mutual fire insurance; allowing companies to issue policies in combination with the policies of other insurers; proposing coding for new law in Minnesota Statutes, chapter 67A.

Referred to the Committee on Commerce and Consumer Protection.

Ms. Johnston, Messrs. Metzen, Vickerman and Ms. Krentz introduced—

S.F. No. 2691: A bill for an act relating to metropolitan government; establishing four-year community-based transit service initiative demonstration program; proposing coding for new law in Minnesota Statutes, chapter 473.

Referred to the Committee on Metropolitan and Local Government.

Mr. Belanger, Ms. Robertson, Messrs. Terwilliger and Oliver introduced—

S.F. No. 2692: A bill for an act relating to taxation; fiscal disparities; limiting the maximum amount of value a municipality contributes to 15 percent of its net tax capacity; amending Minnesota Statutes 1992, section 473F.07, subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Mr. Janezich introduced—

S.F. No. 2693: A bill for an act relating to education; establishing a pilot program for children with specific learning disabilities; appropriating money; amending Minnesota Statutes 1993 Supplement, sections 125.185, subdivision 4; and 126.70, subdivision 2a.

Referred to the Committee on Education.

Mr. Neuville, Mrs. Benson, J.E.; Messrs. Stumpf and Larson introduced—

S.F. No. 2694: A bill for an act relating to taxes; including information on saving for a post-secondary education in individual income tax return forms, instruction booklets, and tax refund mailings; amending Minnesota Statutes 1992, section 289A.08, by adding a subdivision.

Referred to the Committee on Taxes and Tax Laws.

Mr. Cohen introduced—

S.F. No. 2695: A bill for an act relating to education; modifying referendum equalization aid, training and experience aid, and general education aid; amending Minnesota Statutes 1992, sections 124A.03, subdivision 1h; 124A.22, subdivision 4b; and 124A.23, subdivision 4.

Referred to the Committee on Education.

Mr. Cohen introduced—

S.F. No. 2696: A bill for an act relating to taxation; extending the

availability of valuation exclusions for certain improvements made to property in 1992; amending Laws 1993, chapter 375, article 5, section 44.

Referred to the Committee on Taxes and Tax Laws.

Mr. Larson introduced—

S.F. No. 2697: A bill for an act relating to the city of Fergus Falls; providing for a tax increment financing district; requiring approval of the plan by Otter Tail county.

Referred to the Committee on Taxes and Tax Laws.

Ms. Berglin introduced—

S.F. No. 2698: A bill for an act relating to health; allowing the governing body of a public hospital to close meetings for purposes of peer review; amending Minnesota Statutes 1992, section 145.64, subdivision 1.

Referred to the Committee on Health Care.

Messrs. Janezich; Johnson, D.J.; Lessard and Moe, R.D. introduced—

S.F. No. 2699: A bill for an act relating to unemployment compensation; extending benefits for certain employees; proposing coding for new law in Minnesota Statutes, chapter 268.

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

Mrs. Benson, J.E.; Ms. Wiener, Messrs. Murphy, Morse and Price introduced—

S.F. No. 2700: A bill for an act relating to education; clarifying student association membership, affiliation, and fees; proposing coding for new law in Minnesota Statutes, chapter 136E.

Referred to the Committee on Education.

Ms. Runbeck and Mr. Dille introduced—

S.F. No. 2701: A bill for an act relating to workers' compensation; permitting a collective bargaining agreement to address certain obligations and procedures relating to workers' compensation; proposing coding for new law in Minnesota Statutes, chapter 176.

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

Mr. Morse introduced—

S.F. No. 2702: A bill for an act relating to human services; authorizing a rate variance for developmental achievement centers serving persons with special needs; amending Minnesota Statutes 1993 Supplement, section 252.46, subdivision 6.

Referred to the Committee on Health Care.

Mr. Marty and Ms. Berglin introduced—

S.F. No. 2703: A bill for an act relating to health; modifying provisions for nursing home moratorium exceptions; amending Minnesota Statutes 1993 Supplement, section 144A.071, subdivision 4a.

Referred to the Committee on Health Care.

Mr. Spear introduced—

S.F. No. 2704: A bill for an act relating to taxation; property; expanding open space valuation to include certain lawn bowling or croquet green property; amending Minnesota Statutes 1993 Supplement, section 273.112, subdivision 3.

Referred to the Committee on Taxes and Tax Laws.

Mr. Finn introduced—

S.F. No. 2705: A bill for an act relating to taxation; property; classifying landing areas and public access areas of privately owned public use airports; amending Minnesota Statutes 1993 Supplement, section 273.13, subdivision 23.

Referred to the Committee on Taxes and Tax Laws.

Mr. Moe, R.D. introduced—

S.F. No. 2706: A bill for an act relating to motor carriers; exempt carriers; providing an exemption for transportation of potatoes; amending Minnesota Statutes 1993 Supplement, section 221.025.

Referred to the Committee on Transportation and Public Transit.

Mr. Merriam introduced—

S.F. No. 2707: A bill for an act relating to the attorney general; changing procedures for charging fees; amending Minnesota Statutes 1992, section 8.06; Minnesota Statutes 1993 Supplement, section 8.15.

Referred to the Committee on Finance.

Mr. Samuelson, Mses. Berglin, Piper and Mr. Sams introduced—

S.F. No. 2708: A bill for an act relating to human services; appropriating money for the departments of human services and health, the veterans nursing homes board, the health-related boards, the council on disability, and the ombudsman for mental health and mental retardation.

Referred to the Committee on Family Services.

Messrs. Berg, Bertram and Vickerman introduced—

S.F. No. 2709: A bill for an act relating to agriculture; amending provisions regarding the pricing of certain dairy products; amending Minnesota Statutes 1993 Supplement, sections 32.72; and 32.73, subdivision 4.

Referred to the Committee on Agriculture and Rural Development.

Mr. Solon, Mses. Berglin, Wiener and Mr. Samuelson introduced—

S.F. No. 2710: A bill for an act relating to health; modifying provisions relating to lead abatement; amending Minnesota Statutes 1992, section 144.874, subdivision 12, and by adding a subdivision; Minnesota Statutes 1993 Supplement, sections 144.871, subdivision 7c; 144.872, subdivision 2; 144.874, subdivisions 1, 3, and 11a; and 144.878, subdivisions 2 and 5; repealing Minnesota Statutes 1993 Supplement, section 144.877.

Referred to the Committee on Health Care.

Ms. Berglin introduced—

S.F. No. 2711: A bill for an act relating to health; establishing an exception to the nursing home moratorium; modifying special provisions for moratorium exceptions; appropriating money; amending Minnesota Statutes 1992, section 256B.431, subdivision 17; Minnesota Statutes 1993 Supplement, section 144A.071, subdivision 4a.

Referred to the Committee on Health Care.

Mr. Larson introduced—

S.F. No. 2712: A bill for an act relating to domestic abuse; changing the area from which an abusing party may be excluded; amending Minnesota Statutes 1993 Supplement, section 518B.01, subdivision 6.

Referred to the Committee on Judiciary.

Mr. Larson introduced—

S.F. No. 2713: A bill for an act relating to workers' compensation; authorizing pilot projects in 24-hour care; proposing coding for new law in Minnesota Statutes, chapter 176.

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

Mr. Solon introduced—

S.F. No. 2714: A bill for an act relating to insurance; providing liability coverage for lead abatement through the Minnesota joint underwriting association; amending Minnesota Statutes 1992, section 62I.02, subdivisions 1 and 3.

Referred to the Committee on Commerce and Consumer Protection.

Ms. Piper introduced—

S.F. No. 2715: A bill for an act relating to higher education; requiring the higher education coordinating board to develop a model instructional program in language interpreting and translator services; appropriating money.

Referred to the Committee on Education.

Mr. Chmielewski introduced—

S.F. No. 2716: A bill for an act relating to education; changing the designation of Fond du Lac center; clarifying its mission; appropriating money; amending Minnesota Statutes 1992, section 136.60; proposing coding for new law in Minnesota Statutes, chapter 136.

Referred to the Committee on Education.

Messrs. Sams; Moe, R.D. and Langseth introduced—

S.F. No. 2717: A bill for an act relating to education; appropriating money for the Northwest Technical College Center for International Training.

Referred to the Committee on Education.

Mr. Sams introduced—

S.F. No. 2718: A bill for an act relating to education; providing aid to combined or consolidated school districts; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 124.

Referred to the Committee on Education.

Mr. Janezich introduced—

S.F. No. 2719: A bill for an act relating to cities; authorizing and establishing the Chisholm/Hibbing airport authority.

Referred to the Committee on Transportation and Public Transit.

Mr. Cohen introduced—

S.F. No. 2720: A bill for an act relating to human development; appropriating money for preliminary planning and programming for a human development center.

Referred to the Committee on Governmental Operations and Reform.

Mr. Chmielewski introduced—

S.F. No. 2721: A bill for an act relating to agriculture; providing for an investigation of low participation in rural finance authority programs by lenders in certain locations; promoting local lender participation in authority programs; requiring a report; appropriating money.

Referred to the Committee on Agriculture and Rural Development.

Mr. Stumpf introduced—

S.F. No. 2722: A bill for an act relating to education; changing computations for purposes of sparsity and supplemental revenue; amending Minnesota Statutes 1993 Supplement, section 124A.22, subdivision 5.

Referred to the Committee on Education.

Mr. Stumpf introduced—

S.F. No. 2723: A bill for an act relating to waters; appropriating money for cost-sharing in a hydraulic model of the Red River.

Referred to the Committee on Environment and Natural Resources.

Messrs. Stumpf; Moe, R.D. and Ms. Hanson introduced—

S.F. No. 2724: A bill for an act relating to wetlands; allowing replacement plans under approved county comprehensive wetland management plans; removing restrictions on wetlands that may be used in the statewide wetland banking program; modifying exemptions; clarifying the applicability of the wetland conservation act to the state; amending Minnesota Statutes 1992, section 103G.2242, subdivision 9; Minnesota Statutes 1993 Supplement, sections 103G.222; and 103G.2241.

Referred to the Committee on Environment and Natural Resources.

Mr. Pogemiller introduced—

S.F. No. 2725: A bill for an act relating to metropolitan government; providing for the ownership, financing, and use of certain sports facilities; permitting the issuance of bonds and other obligations; appropriating money; amending Minnesota Statutes 1992, sections 473.551; 473.552; 473.556; 473.561; 473.564, subdivision 2; 473.572; 473.581; 473.592; 473.595; and 473.596; proposing coding for new law in Minnesota Statutes, chapters 240A; and 473; repealing Minnesota Statutes 1992, sections 473.564, subdivision 1; and 473.571.

Referred to the Committee on Metropolitan and Local Government.

Mr. Pogemiller, Ms. Krentz, Reichgott Junge, Robertson and Mr. Stumpf introduced—

S.F. No. 2726: A bill for an act relating to education; establishing a grant program to assist school districts in using technology to improve education; appropriating money.

Referred to the Committee on Education.

Mr. Murphy introduced—

S.F. No. 2727: A bill for an act relating to public utilities; providing legislative authorization of the construction of a facility for the temporary dry cask storage of spent nuclear fuel at Prairie Island nuclear generating plant; providing conditions for any future expansion of storage capacity; approving the continued operation of pool storage at Monticello and Prairie Island nuclear generating plants; requiring development of wind power; creating a fund to promote electric generation using alternative forms of energy; creating a Red Wing cooperative economic assistance authority; regulating nuclear power plants; requiring increased conservation investments; amending Minnesota Statutes 1992, sections 216B.241, subdivision 1a; and 216B.243, by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 216B.

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

Mr. Neuville, Mrs. Benson, J.E. and Mr. Larson introduced—

S.F. No. 2728: A bill for an act relating to higher education; limiting student disciplinary sanctions related to speech; providing a civil action for a student so sanctioned; proposing coding for new law in Minnesota Statutes, chapter 135A.

Referred to the Committee on Education.

Mr. Johnson, D.E. introduced—

S.F. No. 2729: A bill for an act relating to capital improvements; authorizing bonds and appropriating money to renovate a living unit at the Prairie Lakes Juvenile Detention Center.

Referred to the Committee on Crime Prevention.

Mr. Marty and Ms. Anderson introduced—

S.F. No. 2730: A bill for an act relating to transportation; creating a metropolitan commission on special transportation service; prescribing duties; abolishing transportation accessibility advisory committee; appropriating money; amending Minnesota Statutes 1992, section 473.386, as amended.

Referred to the Committee on Metropolitan and Local Government.

Mr. Betzold introduced—

S.F. No. 2731: 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 1992, sections 17.47, subdivision 3; 41A.05, subdivision 2; 60B.04, subdivision 1; 60B.09, subdivisions 1 and 3; 115.41, subdivisions 1 and 2; 115.42; 115.43, subdivision 2; 115.44, subdivision 2; 115.45, subdivision 1; 115.50; 115.52; 115.53; 120.101, subdivisions 2 and 6; 121.88, subdivision 8; 125.611, subdivision 1; 136.24, subdivision 1; 136.622, subdivision 1; 152.02, subdivisions 9, 12, and 13; 160.265; 169.443, subdivision 8; 214.01, subdivision 3; 214.13, subdivision 1; 237.60, subdivision 2; 256D.06, subdivision 1b; 260.151, subdivision 1; 299C.61, subdivision 4; 309.53, subdivision 2; 326.212; 326.224; 326.461, subdivision 1; 327.32, subdivision 8; 327.33; 327.34, subdivision 1; 331A.06, subdivision 4; 348.13; 352.119, subdivision 1; 386.61, by adding a subdivision; 423B.12; 446A.07, subdivision 6; 449.06; 469.174, subdivision 10; 469.181, subdivision 1; and 471A.11; Minnesota Statutes 1993 Supplement, sections 16B.06, subdivision 2a; 16B.122, subdivision 3; 62A.31, subdivision 1n; 62N.075; 82.195, subdivision 2; 115A.542; 115C.082, subdivision 1; 124.195, subdivision 8; 138.96, subdivision 2; 144.991, subdivisions 3 and 4; 152.11, subdivision 1; 169.121, subdivision 1c; 214.103, subdivision 6; 245A.04, subdivision 3b; 256D.44, subdivision 3; 257.67, subdivision 3; 268.92, subdivision 1; 296.035; 325F.755, subdivision 5; 326.111, subdivision 4; 326.975, subdivision 2; 349.217, subdivision 1; 386.66; 491A.01, subdivision 3; 549.09, subdivision 1; 609.5312, subdivision 3; 609.605, subdivision 1; and 609.749, subdivision 5; repealing Minnesota Statutes 1992, sections 216B.164, subdivision 7; 385.08; and 473.872; Laws 1977, chapter 11, section 8; Laws 1982, chapter 514, sections 18 and 19; Laws 1983, chapter 247, section 130; Laws 1984, chapter 628, article 2, section 4; Laws 1985, First Special Session chapters 9, article 2, sections 81 and 82; 13, section 191; and 14, article 9, section 16; Laws 1987, chapters 197, section 1; 315, section 4, subdivision 2; and 336, section 35; Laws 1988, chapters 441, section 2; 486, sections 15 and 68; 496, section 8; 514, section 5; and 636, section 3; Laws 1989, chapters 89, sections 1 (in part) and 13; 133, section 1; 144, article 2, section 8; 209, article 2, sections 8 and 34; 222, sections 10, 21, 22, and 36; 271, section 32; 282, article 2, sections 144 and 186; 293, section 74; 319, article 13, sections 22-and 55; 329, article 5, section 10; 334, article 2, section 17; 335, article 1, sections 200 and 255; 353, section 10; and 356,

section 18; Laws 1990, chapters 426, article 1, sections 5 and 32; 480, articles 5, sections 6 and 9; and 9, section 3; 512, section 12; 562, article 10, section 1; 571, section 39; 574, section 5; and 594, article 3, sections 6 and 7; Laws 1991, chapters 58, sections 1, 2, 3, 4, 5, 6, 7, and 8; 130, section 24; 174, section 8; 199, article 1, section 71; 238, article 1, section 7; 265, article 4, section 19; 292, article 4, section 45; 336, article 2, section 2; 340, sections 1 and 32; and 345, article 2, section 46; Laws 1992, chapters 432, article 2, section 41; 437, section 1; and 499, article 6, section 15; Laws 1993, chapters 4, section 9; 47, sections 1, 4, 6, and 9; 78, section 3; 101, section 1; 224, article 13, sections 3 and 43; 247, articles 1, section 11; and 2, section 9; 269, section 17; 286, sections 2 and 21; 303, sections 15, 17, and 18; 339, section 12; and 369, sections 38 and 128; Laws 1993, First Special Session chapter 1, article 2, section 6.

Referred to the Committee on Judiciary.

Messrs. Price and Beckman introduced—

S.F. No. 2732: A bill for an act relating to education; special education; expanding essential personnel to include directors and supervisors; amending Minnesota Statutes 1993 Supplement, section 124.32, subdivision 1f.

Referred to the Committee on Education.

Mr. Price, Ms. Robertson, Messrs. Beckman and Janezich introduced—

S.F. No. 2733: A bill for an act relating to education; expanding payment of special education aid to include special education cooperatives or intermediate school districts as designated by a participating school district; amending Minnesota Statutes 1993 Supplement, section 124.32, subdivision 12.

Referred to the Committee on Education.

Mses. Ranum, Flynn, Anderson and Mr. Novak introduced—

S.F. No. 2734: A bill for an act relating to capital improvements; authorizing bonds and appropriating money for construction of light rail transit in the central corridor.

Referred to the Committee on Transportation and Public Transit.

Messrs. Neuville, McGowan, Belanger and Marty introduced—

S.F. No. 2735: A bill for an act relating to crime; driving while intoxicated; permitting and, under certain circumstances, requiring consecutive sentences for multiple crimes committed by repeat DWI offenders and DWI offenders who drive without insurance or without a valid driver's license; increasing the bail limit for certain persons charged with driving after license revocation or cancellation; requiring a sentencing guideline modification; authorizing grants to local governments for costs incurred in increasing their efforts to enforce traffic laws and to apprehend and prosecute DWI offenders; requiring the commissioner of public safety to study the cost and feasibility of establishing a DWI offender tracking system; appropriating money; amending Minnesota Statutes 1992, sections 169.797, subdivision 4; 171.043; and 629.471, subdivision 2; Minnesota Statutes 1993 Supplement, sections 169.121, subdivision 3; 169.129; 171.24; and 609.035.

Referred to the Committee on Crime Prevention.

Messrs. Neuville, McGowan, Belanger and Marty introduced—

S.F. No. 2736: A bill for an act relating to crimes; driving while intoxicated; permitting and, under certain circumstances, requiring consecutive sentences for multiple crimes committed by DWI offenders and DWI offenders who drive without insurance or without a valid driver's license; increasing minimum penalties and requiring intensive probation and treatment for chronic DWI offenders; increasing the bail limit for certain persons charged with driving after license revocation or cancellation; requiring chemical dependency treatment programs to contain certain elements to be eligible to receive court-ordered referrals of chronic DWI offenders; increasing the excise tax rate imposed on alcoholic beverages; reimbursing local and state agencies for costs incurred in apprehending, prosecuting, supervising, and treating chronic DWI offenders; requiring the commissioner of public safety to study the cost and feasibility of establishing a DWI offender tracking system; appropriating money; amending Minnesota Statutes 1992, sections 169.121, subdivision 3b; 169.126, subdivision 2; 169.797, subdivision 4; 171.043; 297C.02, subdivisions 1, 2, and 3; 297C.08; and 629.471, subdivision 2; Minnesota Statutes 1993 Supplement, sections 169.121, subdivisions 3 and 3a; 169.129; 171.24; and 609.035; proposing coding for new law in Minnesota Statutes, chapters 169; and 299A.

Referred to the Committee on Crime Prevention.

Ms. Johnson, J.B. introduced—

S.F. No. 2737: A bill for an act relating to energy; modifying provisions relating to liquefied petroleum gas sales; establishing an account; amending Minnesota Statutes 1993 Supplement, sections 239.785, subdivision 2, and by adding a subdivision; Laws 1993, chapter 369, section 11.

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

Mr. Sams, Ms. Piper and Mr. Mondale introduced—

S.F. No. 2738: A bill for an act relating to insurance; Medicare supplement; regulating premium rates; amending Minnesota Statutes 1993 Supplement, section 62A.31, by adding a subdivision.

Referred to the Committee on Commerce and Consumer Protection.

Mr. Hottinger introduced—

S.F. No. 2739: A bill for an act relating to taxation; property; requiring additional information on the truth in taxation newspaper advertisements; amending Minnesota Statutes 1993 Supplement, section 275.065, subdivision 5a.

Referred to the Committee on Taxes and Tax Laws.

Mses. Olson and Johnston introduced—

S.F. No. 2740: A bill for an act relating to education; increasing number of school districts that may apply for ITV revenue; amending Minnesota Statutes 1993 Supplement, section 124.91, subdivision 5.

Referred to the Committee on Education.

Messrs. Frederickson; Beckman; Benson, D.D.; Vickerman and Hottinger introduced—

S.F. No. 2741: A bill for an act relating to taxation; sales and use tax; providing an exemption for certain capital equipment purchases.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Mondale, Novak, Ms. Flynn, Messrs. Hottinger and Pogemiller introduced—

S.F. No. 2742: A bill for an act relating to contaminated sites; providing conditions for grants; providing for the property tax treatment of sites; amending Minnesota Statutes 1993 Supplement, sections 116J.556; 273.1399, subdivision 1; and 469.174, subdivision 19; repealing Minnesota Statutes 1993 Supplement, section 469.175, subdivision 7a.

Referred to the Committee on Taxes and Tax Laws.

Mses. Olson, Hanson, Robertson and Mrs. Benson, J.E. introduced—

S.F. No. 2743: A bill for an act relating to education; modifying outcome-based school admission requirements; modifying outcome-based school aids, grants, and revenue; amending Minnesota Statutes 1993 Supplement, sections 120.064, subdivision 9; and 124.248, subdivision 4.

Referred to the Committee on Education.

Messrs. Terwilliger, Mondale, Beckman, Stumpf and Dille introduced—

S.F. No. 2744: A bill for an act relating to transportation; establishing and providing for appointments to an advisory council to study and report on statewide paratransit; appropriating money.

Referred to the Committee on Transportation and Public Transit.

Messrs. Stumpf and Morse introduced—

S.F. No. 2745: A bill for an act relating to health; modifying standards for ambulance service attendants; amending Minnesota Statutes 1992, section 144.804, subdivision 1.

Referred to the Committee on Health Care.

Mr. Langseth, Mses. Johnston, Hanson and Mr. Chmielewski introduced—

S.F. No. 2746: A bill for an act relating to transportation; modifying distribution of money in transit assistance fund; establishing annual gasoline excise tax rate adjustment; modifying amounts of motor vehicle excise tax money transferred to transit assistance fund; requiring study of electric vehicle transportation technology; requiring high-speed rail study; requiring action on environmental impact statement for Wakota Bridge; authorizing issuance of state transportation bonds; appropriating money; amending Minnesota Statutes 1992, sections 296.02, by adding a subdivision; and 297B.09, subdivision 1; Minnesota Statutes 1993 Supplement, section 174.32, subdivision 2.

Referred to the Committee on Transportation and Public Transit.

Ms. Ranum introduced—

S.F. No. 2747: A bill for an act relating to data practices; modifying certain human service licensing data provisions; authorizing access by the department of human services to certain data maintained by the department of jobs and training; amending Minnesota Statutes 1992, section 256.0361, by adding a subdivision; Minnesota Statutes 1993 Supplement, section 13.46, subdivision 4.

Referred to the Committee on Judiciary.

Ms. Runbeck, Mr. Kelly, Ms. Ranum and Mr. Johnson, D.E. introduced—

S.F. No. 2748: A bill for an act relating to health; continuing the planning for the establishment of the institute for child and adolescent sexual health; providing for pilot projects; requiring reports; appropriating money.

Referred to the Committee on Health Care.

MEMBERS EXCUSED

Mrs. Adkins and Mr. Neuville were excused from the Session of today. Mr. Beckman was excused from the Session of today at 11:30 a.m. Ms. Pappas was excused from the Session of today from 10:40 a.m. to 12:00 noon. Mr. Metzen was excused from the Session of today from 10:55 to 11:30 a.m.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 12:00 noon, Wednesday, March 23, 1994. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

SEVENTY-FIFTH DAY

St. Paul, Minnesota, Tuesday, March 22, 1994

The House of Representatives met on Tuesday, March 22, 1994, which was the Seventy-Fifth Legislative Day of the Seventy-Eighth Session of the Minnesota State Legislature. The Senate did not meet on this date.

SEVENTY-SIXTH DAY

St. Paul, Minnesota, Wednesday, March 23, 1994

The Senate met at 12:00 noon and was called to order by the President.

CALL OF THE SENATE

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

Prayer was offered by the Chaplain, Rev. Michael W. Foss.

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

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

The President declared a quorum present.

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

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communication was received and referred to the committee indicated.

March 21, 1994

The Honorable Allan H. Spear
President of the Senate

Dear Sir:

The following appointment is hereby respectfully submitted to the Senate for confirmation as required by law:

CHIEF ADMINISTRATIVE LAW JUDGE,
STATE OFFICE OF ADMINISTRATIVE HEARINGS

Kevin E. Johnson, 1654 Eleanor Ave., St. Paul, Ramsey County, has been appointed by me, effective July 30, 1993, for a term expiring June 30, 1999.

(Referred to the Committee on Governmental Operations and Reform.)

Warmest regards,
Arne H. Carlson, Governor

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, herewith returned: S.F. No. 1820.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 21, 1994

Mr. President:

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

S.F. No. 1512: A bill for an act relating to elections; providing uniform local election procedures; requiring regular city elections to be held in the fall; permitting town elections to be held in November; making uniform certain local government procedures; providing for the identification of judicial offices; authorizing special elections to be conducted by mail ballot; amending Minnesota Statutes 1992, sections 103C.305, subdivision 2; 123.33, subdivision 1; 204B.14, subdivision 8; 204B.36, subdivision 4; 205.02, subdivision 2; 205.065, subdivisions 1 and 2; 205.07, subdivision 1; 205.10, by adding a subdivision; 205.13, subdivision 1, and by adding a subdivision; 205.16, subdivisions 1 and 2; 205.17, subdivision 4; 205.175; 206.90, subdivision 6; 365.51, subdivisions 1 and 3; and 367.03; proposing coding for new law in Minnesota Statutes, chapter 204D; repealing Minnesota Statutes 1992, sections 205.065, subdivision 3; 205.18; 205.20; and 410.21.

Senate File No. 1512 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 21, 1994

Mr. Luther moved that the Senate do not concur in the amendments by the House to S.F. No. 1512, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 423, 1880, 1964, 1925, 2035, 2086, 2562, 2679, 3058, 613, 1835, 1914 and 1934.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 21, 1994

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, herewith returned: S.F. No. 844.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 22, 1994

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 1966 and 2142.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 22, 1994

FIRST READING OF HOUSE BILLS

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

H.F. No. 423: A bill for an act relating to health; clean indoor air act; adding common areas of apartments to public places where smoking is prohibited; amending Minnesota Statutes 1992, section 144.413, subdivision 2.

Referred to the Committee on Health Care.

H.F. No. 1880: 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.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1700.

H.F. No. 1964: A bill for an act relating to insurance; solvency; regulating reinsurance, loss reserve certifications and annual audits, and annual statements; regulating certain guaranty association coverages; modifying the incorporation requirements of domestic mutuals; amending Minnesota Statutes 1992, sections 60A.092, subdivision 7; 60A.206, subdivision 6; 60C.02, subdivision 1; 62E.10, subdivision 2; and 66A.03; Minnesota Statutes 1993 Supplement, sections 60A.129, subdivisions 3, 5, and 7; 60A.13, subdivision 1; and 61B.19, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 60A; repealing Minnesota Statutes 1992, sections 60A.80; 60A.801; and 60A.802.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1749, now on General Orders.

H.F. No. 1925: A bill for an act relating to education; lowering the property tax revenue recognition shift; clarifying state aid payments; modifying the appeal process for school districts to revise the state-aid payment schedule; modifying the tax credit adjustment; amending Minnesota Statutes 1992, sections 121.904, subdivision 4e; and 124.195, subdivision 3a; Minnesota

Statutes 1993 Supplement, section 121.904, subdivisions 4a and 4c; Laws 1993, chapter 224, article 1, section 38.

Referred to the Committee on Education.

H.F. No. 2035: A bill for an act relating to commerce; residential building contractors and remodelers; clarifying legislative intent to require maintenance of bonds until license renewal; requiring recovery fund fee proration in certain circumstances; amending Minnesota Statutes 1993 Supplement, section 326.975, subdivision 1.

Referred to the Committee on Commerce and Consumer Protection.

H.F. No. 2086: A bill for an act relating to local government; abandoning judicial ditch number 37 in Redwood and Lyon counties.

Referred to the Committee on Environment and Natural Resources.

H.F. No. 2562: A bill for an act relating to employment; modifying experience requirements for the labor and industry boiler inspection division chief; amending Minnesota Statutes 1992, section 183.375, subdivision 2.

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

H.F. No. 2679: A bill for an act relating to boilers and engines; modifying provisions relating to hobby boilers and show engines; amending Minnesota Statutes 1992, section 183.411, subdivision 2; repealing Minnesota Statutes 1992, section 183.411, subdivision 1a.

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

H.F. No. 3058: A resolution memorializing the President and Congress to act to counter aggression and relieve human suffering in Bosnia.

Referred to the Committee on Veterans and General Legislation.

H.F. No. 613: A bill for an act relating to meetings of public bodies; changing exceptions and other conditions of the open meeting law; amending Minnesota Statutes 1992, sections 144.581, subdivision 5; and 471.705.

Referred to the Committee on Judiciary.

H.F. No. 1835: A bill for an act relating to game and fish; agreements on taking and possession of fish taken from Ontario boundary waters; amending Minnesota Statutes 1993 Supplement, section 97A.531, by adding a subdivision.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1755, now on General Orders.

H.F. No. 1914: A bill for an act relating to financial institutions; reciprocal interstate banking; reciprocal interstate savings and loan acquisitions and branching; removing the geographical limitation contained in the definition of reciprocating state; amending Minnesota Statutes 1992, sections 48.92, subdivision 7; 51A.58.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1729, now on General Orders.

H.F. No. 1934: A bill for an act relating to corporations; modifying provisions for the organization and operation of business corporations;

amending Minnesota Statutes 1992, sections 302A.135, subdivision 4; 302A.405, subdivision 1; 302A.471, subdivision 1; 302A.661, subdivision 1; 302A.725, subdivision 3; and 302A.751, subdivisions 1, 2, and 3a; Minnesota Statutes 1993 Supplement, sections 302A.401, subdivision 1; 302A.435, subdivision 1; and 302A.673, subdivision 3.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1767, now on General Orders.

H.F. No. 1966: A bill for an act relating to peace officers; authorizing officers of states adjoining Minnesota to render assistance to peace officers of this state on request; granting these officers arrest authority in this state under certain circumstances; extending the state and local government tort liability laws to the conduct of these officers; proposing coding for new law in Minnesota Statutes, chapter 626.

Referred to the Committee on Crime Prevention.

H.F. No. 2142: A bill for an act relating to the city of Brooklyn Park; authorizing the city's economic development authority to make certain small business loans.

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

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted, with the exception of the reports on S.F. Nos. 2194, 1369 and 2177. The motion prevailed.

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

S.F. No. 2019: A bill for an act relating to driving while intoxicated; establishing a pilot program to evaluate the effectiveness of electronic alcohol monitoring of DWI offenders; appropriating money.

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

Page 2, line 17, delete "\$....." and insert "\$800,000"

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

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

S.F. No. 2237: A bill for an act relating to game and fish; changing the end date for the season for spearing through the ice; amending Minnesota Statutes 1992, section 97C.371, subdivision 4.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1992, section 97C.345, subdivision 1, is amended to read:

Subdivision 1. [PERIOD WHEN USE PROHIBITED.] Except as specifi-

cally authorized; a person may not take fish from *the third Tuesday in February 16* to April 30 with a spear, fish trap, net, dip net, seine, or other device capable of taking fish.

Sec. 2. Minnesota Statutes 1992, section 97C.345, subdivision 2, is amended to read:

Subd. 2. [POSSESSION.] (a) Except as specifically authorized, a person may not possess a spear, fish trap, net, dip net, seine, or other device capable of taking fish on or near any waters. Possession includes personal possession and in a vehicle.

(b) A person may possess spears, dip nets, bows and arrows, and spear guns allowed under section 97C.381 on or near waters between sunrise and sunset between May 1 and *the third Monday in February 15*.

Sec. 3. Minnesota Statutes 1992, section 97C.345, subdivision 3, is amended to read:

Subd. 3. [DIP NETS.] A person may possess and use a dip net between one hour before sunrise and one hour after sunset between May 1 and *the third Monday in February 15*.

Sec. 4. Minnesota Statutes 1992, section 97C.355, subdivision 7, is amended to read:

Subd. 7. [DATES AND TIMES HOUSES MAY REMAIN ON ICE.] (a) A fish house or dark house may not be on the ice between 12:00 a.m. and one hour before sunrise after the following dates:

(1) February 28, for state waters south of a line starting at the Minnesota-North Dakota border and formed by rights-of-way of *U.S. Route No. 10, then east along U.S. Route No. 10 to Trunk Highway No. 34, then east along Trunk Highway No. 34 to Trunk Highway No. 200, then east along Trunk Highway No. 200 to U.S. Route No. 2, then east along U.S. Route No. 2 to the Minnesota-Wisconsin border; and*

(2) March 15, for other state waters.

A fish house or dark house on the ice in violation of this subdivision is subject to the enforcement provisions of paragraph (b). The commissioner may, by rule, change the dates in this paragraph for any part of state waters. Copies of the rule must be conspicuously posted on the shores of the waters as prescribed by the commissioner.

(b) A conservation officer must confiscate a fish house or dark house in violation of paragraph (a). The officer may remove, burn, or destroy the house. The officer shall seize the contents of the house and hold them for 60 days. If the seized articles have not been claimed by the owner, they may be retained for the use of the division or sold at the highest price obtainable in a manner prescribed by the commissioner.

Sec. 5. Minnesota Statutes 1992, section 97C.371, subdivision 4, is amended to read:

Subd. 4. [OPEN SEASON.] The open season for spearing through the ice is December 1 to *the third Monday in February 15*."

Delete the title and insert:

"A bill for an act relating to game and fish; changing certain dates relating

to the taking of fish; changing requirements relating to when fish houses and dark houses may be on the ice; amending Minnesota Statutes 1992, sections 97C.345, subdivisions 1, 2, and 3; 97C.355, subdivision 7; and 97C.371, subdivision 4.”

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

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

S.F. No. 2194: A bill for an act relating to legislative audit commission; appropriating money for the legislative auditor to perform best practices review audits; amending Minnesota Statutes 1992, sections 3.97, subdivision 11; and 3.971, by adding a subdivision.

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

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1992, section 3.97, subdivision 11, is amended to read:

Subd. 11. “Audit” as used in this subdivision means a financial audit, a program evaluation, a *best practices review*, or an investigation. Data relating to an audit are not public or with respect to data on individuals are confidential until the final report of the audit has been published or the audit is no longer being actively pursued. Data that support the conclusions of the report and that the legislative auditor reasonably believes will result in litigation are not public and with respect to data on individuals are confidential until the litigation has been completed or is no longer being actively pursued. Data on individuals that could reasonably be used to determine the identity of an individual supplying data for an audit are private if the data supplied by the individual were needed for an audit and the individual would not have provided the data to the legislative auditor without an assurance that the individual’s identity would remain private, or the legislative auditor reasonably believes that the subject would not have provided the data. The definitions of terms provided in section 13.02 apply for purposes of this subdivision.

Sec. 2. Minnesota Statutes 1992, section 3.971, is amended by adding a subdivision to read:

Subd. 4. To perform best practices reviews, the legislative auditor, through the program evaluation division, shall examine the procedures and practices used to deliver services by local governments, including municipalities and counties. The legislative auditor shall determine the methods of service delivery used by various local governments, identify variations in cost and effectiveness, and identify practices that will save money or result in more effective service delivery. The legislative auditor shall recommend to local governments service delivery methods and practices that will deliver services more cost effectively. The commission shall identify local government services to be reviewed, with advice from an advisory council whose membership consists of three representatives from the Association of Minnesota Counties, three representatives from the League of Minnesota Cities, and two represen-

tatives from the Association of Metropolitan Municipalities. This subdivision expires June 30, 1999.

Sec. 3. [APPROPRIATION.]

\$300,000 is appropriated from the general fund to the legislative auditor for best practices reviews, to be available for the fiscal year ending June 30, 1995."

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

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

S.F. No. 2195: A bill for an act relating to state government; reports to the legislature; prohibiting standing requirements for periodic reports; amending Minnesota Statutes 1992, section 3.302, subdivisions 3 and 3a; proposing coding for new law in Minnesota Statutes, chapter 3; repealing Minnesota Statutes 1992, section 3.195.

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

Page 1, delete lines 10 to 12

Page 2, line 24, delete "1994" and insert "1995"

Amend the title as follows:

Page 1, lines 3 and 4, delete "prohibiting standing requirements for periodic reports;"

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

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

S.F. No. 2242: A bill for an act relating to crimes; defining escaping while held in lawful custody to include absconding from electronic monitoring devices; amending Minnesota Statutes 1992, section 609.485, subdivision 2.

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

Page 2, line 7, delete "leg" and insert "body"

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

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

S.F. No. 2005: A bill for an act relating to occupations and professions; board of dentistry; expanding the size of the board; providing for exchange of information with other states; providing for board immunity; establishing grounds for discipline; requiring reporting by employers; providing for temporary and limited licenses; providing for appeal of denial of license; amending Minnesota Statutes 1992, sections 150A.02; 150A.03, by adding a subdivision; and 150A.06, by adding subdivisions; Minnesota Statutes 1993

Supplement, sections 150A.06, subdivision 4a; and 150A.08, subdivisions 1 and 8; proposing coding for new law in Minnesota Statutes, chapter 150A.

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

Page 3, line 4, delete "shall" and insert "may"

Page 3, line 26, delete "in" and insert "by requesting that the board initiate"

Page 3, line 31, after the comma, insert "upon request,"

Page 3, line 33, after "has" insert "satisfactorily"

Page 3, line 35, delete everything after "4" and insert a period

Page 3, delete line 36

Page 4, line 1, delete "meeting."

Page 4, line 2, delete everything after the period

Page 4, delete lines 3 and 4

Page 4, delete section 5

Page 7, line 27, delete "AGENCIES" and insert "ADVERSE EMPLOYMENT ACTION"

Page 8, line 6, after the period, insert "This subdivision does not apply to data collected pursuant to section 13.38 or sections 214.17 to 214.25."

Page 8, delete lines 7 to 24

Page 8, line 25, delete "3" and insert "2" and delete "INSURERS" and insert "MALPRACTICE SETTLEMENTS OR AWARDS"

Page 8, line 29, after the comma, insert "persons regulated by the board who self-insure, self-insurers of persons regulated by the board,"

Page 9, line 19, after "a" insert "nonmalicious"

Page 9, after line 31, insert:

"Sec. 9. [QUALITY CONTROL PLAN.]

By January 1, 1995, the board shall prepare a plan for how it may review internal protocols, quality assurance standards, and guidelines that influence decisions about the dental treatment that is provided to patients. The purpose of the review is to identify the impact of specifically developed protocols, standards, or guidelines on accepted standards of dental care. The plan must define what materials would be submitted to the board by providers, who would review the material, what the basis for evaluating the protocols, standards, and guidelines would be, how the board would act upon protocols that it identified as potentially compromising the quality of dental care, how confidentiality of the protocols could be maintained if comments were to be made available to the public, what the volume of work would be and how it would be managed, and how the board's role would relate to the roles of the commissioner of health, the Data Institute, and the practice parameters advisory committee. The board shall consult with the commissioner of health,

the practice parameters advisory committee, and the Minnesota health care commission in developing the plan."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 7, delete "and limited"

Page 1, line 11, delete "subdivisions" and insert "a subdivision"

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

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

S.F. No. 1369: 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.

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

Page 1, line 7, delete "[148.631]"

Page 1, line 15, after "of" insert "*Minnesota Statutes,*" and after "148.638" insert a comma

Page 1, line 20, delete "148.631" and insert "148.632"

Page 2, line 15, delete "*The locations*"

Page 2, delete lines 16 to 18

Page 3, line 18, delete "*after September 1, 1995,*"

Page 4, line 12, delete "*has*" and insert "*have*"

Page 4, line 20, delete "*shall*"

Page 5, lines 4 and 7, delete "*shall*" and insert "*must*"

Page 6, line 17, delete "*shall*" and insert "*may*"

Page 6, line 21, delete "*An*" and insert "*The*"

Page 6, line 22, delete "*is created*" and delete "*. The*"

Page 6, line 23, delete everything before "*of*" and insert "*consists*"

Page 6, delete line 24 and insert "*commissioner to three-year terms.*"

Page 6, lines 25, 26, and 28, delete "*shall*" and insert "*must*"

Page 6, delete lines 30 to 36

Page 7, delete lines 1 to 4

Page 7, line 5, delete "3" and insert "2"

Page 7, line 6, delete "*established and*"

Page 7, line 8, delete "*shall*" and insert "*does*"

Page 7, line 9, delete "4" and insert "3"

Page 7, line 30, delete "must" and insert "shall"

Page 9, line 11, delete "gross"

Page 9, lines 18 and 19, delete "shall" and insert "may"

Page 9, line 32, after "The" insert "commissioner shall establish the"

Page 9, line 33, delete "shall be" and insert a period.

Page 9, delete line 34

Page 9, line 36, delete "shall be" and insert "is"

Page 10, line 2, before "A" insert "The commissioner shall establish" and delete "shall be"

Page 10, line 3, delete everything before "in"

Page 10, after line 10, insert:

"Sec. 9. [CERTIFICATION DEADLINE.]

Notwithstanding Minnesota Statutes, section 148.633, subdivision 1, a person may engage in the practice of acupuncture without a valid certification until September 1, 1995.

Sec. 10. [INITIAL ADVISORY COUNCIL.]

(a) Notwithstanding Minnesota Statutes, section 148.634, the four members of the advisory council required by that section to be acupuncture practitioners, who are appointed to the initial advisory committee, need not be certified under section 148.633, but must satisfy the qualifications for certification provided in section 148.633, subdivision 3, and must have been engaged in acupuncture practice a minimum of three years.

(b) One member of the initial advisory committee appointed must have an initial term of one year, two members an initial term of two years, and two members an initial term of three years."

Page 10, line 11, delete "9" and insert "11"

Page 10, line 12, delete "8" and insert "10"

Amend the title as follows:

Page 1, line 3, delete "licensure" and insert "certification"

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

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

S.F. No. 1870: A bill for an act relating to crime victims; requiring the court at sentencing to inform victims how to implement their right to notice of offender release from correctional facilities; proposing coding for new law in Minnesota Statutes, chapter 611A.

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

Page 1, line 10, after "in" insert "a case in"

Page 1, line 14, after the period, insert "If the victim is a minor, the court or its designee shall, if appropriate, also make reasonable good faith efforts to inform the victim's parent or guardian of the right to notice of release."

Page 1, line 18, after "corrections" insert "or other custodial authority"

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

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

S.F. No. 2227: A bill for an act relating to crime victims; raising attendance fees for victims and witnesses subpoenaed to testify; extending prohibition against employer retaliation for testifying in court to witnesses; providing that the court may not refuse to enforce an order of restitution on the basis that a civil judgment has been docketed; providing for an automatic docketing of unpaid restitution as a civil judgment at the end of an executed or stayed sentence; providing for notice to victim when offender is released to a less secure facility; extending required notice to police to 30 days for reparations claimants; extending application period for reparations claimants to two years; allowing reparations board to set a maximum for mental health benefits for reparations claimants at the beginning of each fiscal year; amending Minnesota Statutes 1992, sections 357.22; 357.241; 357.242; 611A.036; and 611A.53, subdivision 2; Minnesota Statutes 1993 Supplement, sections 357.24; 611A.04, subdivisions 1 and 3; 611A.06, subdivision 1; and 611A.52, subdivision 8.

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

Pages 5 and 6, delete sections 7 and 8 and insert:

"Sec. 7. Minnesota Statutes 1993 Supplement, section 611A.06, subdivision 1, is amended to read:

Subdivision 1. [NOTICE OF RELEASE REQUIRED.] The commissioner of corrections or other custodial authority shall make a good faith effort to notify the victim that the offender is to be released from imprisonment or incarceration, including release on extended furlough and for work release; released from a juvenile correctional facility; released from a facility in which the offender was confined due to incompetency, mental illness, or mental deficiency, or commitment under section 253B.18; or ~~transferred to a minimum security setting~~ if the offender's custody status is reduced, if the victim has mailed to the commissioner of corrections or to the head of the facility in which the offender is confined a written request for this notice. The good faith effort to notify the victim must occur prior to the offender's release, ~~transfer, or change in security~~ when the offender's custody status is reduced. For a victim of a felony crime against the person for which the offender was sentenced to imprisonment for more than 18 months, the good faith effort to notify the victim must occur 60 days before the offender's release, ~~transfer, or change to minimum security status.~~"

Page 6, line 24, delete "determined" and insert "set" and delete "at the beginning of each"

Page 6, line 25, delete "fiscal year"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 11, delete everything after "when" and insert "offender's custody status is reduced"

Page 1, line 12, delete "facility"

Page 1, line 21, delete "subdivisions 1 and 3" and insert "subdivision 1"

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

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

H.F. No. 1788: A bill for an act relating to marriage; providing for postnuptial contracts; amending Minnesota Statutes 1992, section 519.11.

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

Page 2, line 18, before the period, insert "*or rights of child custody or visitation*"

Page 2, line 21, after "by" insert "*separate*"

Page 2, line 27, after "total" insert "*net*"

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

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

S.F. No. 2177: A bill for an act relating to children; modifying liability provisions for child abuse investigations; providing for attorney fees in certain actions; providing for the establishment of protocols for investigations; prohibiting certain conflicts of interest; providing for access to data regarding determinations of maltreatment; amending Minnesota Statutes 1992, section 626.556, subdivisions 4, 10è, and by adding subdivisions; Minnesota Statutes 1993 Supplement, section 626.556, subdivision 11.

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

Page 1, line 22, strike "social worker" and delete the new language and insert "*person with responsibility for performing duties under this section*"

Page 2, line 2, delete the new language

Page 2, line 3, strike "social worker" and insert "*person with responsibility for performing duties under this section*"

Page 2, line 21, delete "*a report,*" and insert "*an*" and delete "*or*" and after "*determination*" insert "*, or bad faith report*"

Page 2, line 22, after "*and*" insert "*reasonable*"

Page 2, line 24, after the period, insert "*This subdivision does not affect the immunity provisions of this section.*"

Page 3, line 4, delete the first "and"

Page 3, line 6, before the period, insert ", and representatives of communities of color"

Page 5, line 33, delete everything after "the"

Page 5, line 34, delete everything before "responsible" and insert "person"

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

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

S.F. No. 2112: A bill for an act relating to prostitution; creating a civil cause of action for persons who are coerced into prostitution; proposing coding for new law in Minnesota Statutes, chapter 611A.

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

Page 3, delete line 32 and insert:

"Coercion is not disproved if the only defense is:"

Page 5, line 6, delete "EXTENSION" and insert "SUSPENSION" and after "(a)" insert "Upon a showing by the plaintiff," and delete "grant an"

Page 5, line 7, delete "extension of" and insert "suspend" and delete "upon a showing" and insert "during a period of time"

Page 5, line 19, after "(b)" insert "Upon a showing by the plaintiff," and delete "grant an extension of" and insert "suspend"

Page 5, lines 20 and 30, delete "upon a showing" and insert "during a period of time"

Page 5, line 29, after "(c)" insert "Upon a showing by the plaintiff," and delete "grant an extension of" and insert "suspend"

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

Mr. Mondale, for Mrs. Adkins, from the Committee on Metropolitan and Local Government, to which was referred

S.F. No. 2218: A bill for an act relating to local government; changing the taxing authority of certain municipalities in Itasca county; authorizing additional levy authority to fund the Greenway joint recreation board and the Lakeview Cemetery Association; amending Laws 1981, chapter 281, section 1.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Taxes and Tax Laws. Report adopted.

Mr. Mondale, for Mrs. Adkins, from the Committee on Metropolitan and Local Government, to which was referred

S.F. No. 2526: A bill for an act relating to the city of Mankato; allowing the city to exercise the powers of a port authority; proposing coding for new law in Minnesota Statutes, chapter 469.

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

Mr. Mondale, for Mrs. Adkins, from the Committee on Metropolitan and Local Government, to which was referred

S.F. No. 2522: A bill for an act relating to Wadena county; permitting the consolidation of the offices of auditor and treasurer.

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

Mr. Mondale, for Mrs. Adkins, from the Committee on Metropolitan and Local Government, to which was referred

H.F. No. 1901: A bill for an act relating to local government; permitting the city of Hutchinson to incur debt for certain improvements; authorizing a reverse referendum on the issuance of city bonds.

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

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

S.F. No. 1951: A bill for an act relating to insurance; health; restricting termination or reductions of coverage for fibrocystic conditions; proposing coding for new law in Minnesota Statutes, chapter 62A.

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

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

S.F. No. 2311: A bill for an act relating to commerce; regulating currency exchanges; expanding the definition of a currency exchange; providing for a national criminal history check on license applicants; requiring employees to register and undergo a background check; requiring a new owner to file an initial license application; increasing the required surety bond principal amount; prohibiting the issuance of money orders; prescribing penalties; amending Minnesota Statutes 1992, sections 53A.01, subdivision 1; 53A.05, subdivision 2; 53A.08; 53A.09; and 53A.10; Minnesota Statutes 1993 Supplement, section 53A.03; proposing coding for new law in Minnesota Statutes, chapter 53A.

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

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1992, section 53A.01, subdivision 1, is amended to read:

Subdivision 1. [CURRENCY EXCHANGE.] “Currency exchange” means

any person, except a bank, trust company, savings bank, savings and loan association, credit union, or industrial loan and thrift company, engaged in the business of wire transfers, of selling money orders, or of cashing checks, drafts, money orders, or travelers' checks for a fee. "Currency exchange" does not include a person who provides these services incidental to the person's primary business if the charge for cashing a check or draft does not exceed \$1 or one percent of the value of the check or draft, whichever is greater, and if currency exchange services comprise less than ten percent of gross sales.

Sec. 2. Minnesota Statutes 1993 Supplement, section 53A.03, is amended to read:

53A.03 [APPLICATION FOR LICENSE; FEES.]

(a) An application for a license must be in writing, under oath, and in the form prescribed and furnished by the commissioner and must contain the following:

(1) the full name and residential and business address (both of residence and place of business) of the applicant; and if the applicant is a partnership or association, the full name and residential and business address of every partner or member; and the name and business address if the applicant is a corporation or a limited liability company, the full name and residential and business address of each officer, director, and shareholder or manager, governor, and member;

(2) the county and municipality, with street and number, if any, of all currency exchange locations operated by the applicant; and

(3) the applicant's occupation or profession, for the ten years immediately preceding the application; present or previous connection with any other currency exchange in this or any other state; whether the applicant has ever been convicted of any crime; and the nature of the applicant's occupancy of the premises to be licensed; and. If the applicant is a partnership, limited liability company, or a publicly held corporation, the information specified in this paragraph must be supplied for each partner and; each officer and director of the corporation and each shareholder owning in excess of ten percent of the corporation's shares; and each manager and governor of the limited liability company and each member owning in excess of ten percent of the membership interests. If the applicant is a partnership or a nonpublicly held corporation, the information specified in this paragraph must be required of each partner and each officer, director, and stockholders owning in excess of ten percent of the corporate stock of the corporation shareholder.

(b) The application shall be accompanied by a nonrefundable fee of \$250 for the review of the initial application. Upon approval by the commissioner, an additional license fee of \$50 must be paid by the applicant as an annual license fee for the remainder of the calendar year. An annual license fee of \$50 is due for each subsequent calendar year of operation upon submission of a license renewal application on or before September 1. Fees must be deposited in the state treasury and credited to the general fund. Upon payment of the required annual license fee, the commissioner shall issue a license for the year beginning January 1.

(c) The commissioner shall require the applicant to submit to a background investigation conducted by the bureau of criminal apprehension as a condition of licensure. As part of the background investigation, the bureau of criminal

apprehension shall conduct a national criminal history checks of Minnesota records check and is authorized to exchange fingerprints and other necessary information with the Federal Bureau of Investigation for the purpose of a criminal background check of the national files. The cost of the investigation must be paid by the applicant. *Notwithstanding chapter 364, an applicant who has been convicted of a felony may not engage in the business of a currency exchange. A person who has been convicted of a felony and who is currently licensed to engage in the currency exchange business may continue to engage in that business subject to any subsequent felony convictions.*

(d) For purposes of this section, "applicant" includes an employee who exercises management or policy control over the company, a director, a governor, an officer, a limited or general partner, a manager, or a shareholder holding more than ten percent of the outstanding stock shares of the corporation, or a member holding more than ten percent of the membership interests that have been issued.

Sec. 3. Minnesota Statutes 1992, section 53A.05, subdivision 2, is amended to read:

Subd. 2. [OWNERSHIP.] The licensee shall notify the commissioner 30 business days in advance of any change in ownership of the currency exchange. ~~The commissioner may revoke the currency exchange license if the new ownership would have resulted in a denial of the initial license under the provisions of chapter 53A.~~ *A new owner of a currency exchange must file an initial application for a license under chapter 53A.*

Sec. 4. Minnesota Statutes 1992, section 53A.08, is amended to read:

53A.08 [BOND.]

Before a license may be issued to a currency exchange, the applicant shall file annually with and have approved by the commissioner a surety bond, issued by a bonding company authorized to do business in this state in the principal amount of ~~\$10,000~~ *\$50,000*. The bond must run to the commissioner and is for the benefit of creditors of the currency exchange for liability incurred by the currency exchange on money orders issued or sold by the currency exchange, for liability incurred by the currency exchange for sums due to a payee or endorsee of a check, draft, or money order left with the currency exchange for collection, and for liability incurred by the currency exchange in connection with providing currency exchange services. The commissioner may require a licensee to file a bond in an additional amount if the commissioner considers it necessary to meet the requirements of this section. In determining the additional amount of the bond which may be required, the commissioner may require the licensee to file its financial records, including all bank statements, pertaining to the sale of money orders for the preceding 12-month period. In no case may the bond be less than the initial ~~\$10,000~~ *\$50,000* or more than the outstanding liabilities.

Sec. 5. Minnesota Statutes 1992, section 53A.09, is amended to read:

53A.09 [POWERS; LIMITATIONS; PROHIBITIONS.]

A currency exchange may not accept money or currency for deposit, or act as bailee or agent for persons, firms, partnerships, associations, or corporations to hold money or currency in escrow for others for any purpose. *A currency exchange may not issue money orders. A currency exchange may sell preprinted money orders issued by a company regulated by a governmental*

entity. ~~However, A currency exchange may act as agent for the issuer of money orders or travelers' checks.~~

Sec. 6. Minnesota Statutes 1992, section 53A.10, is amended to read:

53A.10 [VIOLATIONS.]

Any person, firm, association, partnership, *limited liability company*, or corporation that violates Laws 1989, chapter 247, shall be guilty of a gross misdemeanor."

Delete the title and insert:

"A bill for an act relating to commerce; regulating currency exchanges; expanding the definition of a currency exchange; providing for a national criminal history check on license applicants; requiring employees to register and undergo a background check; requiring a new owner to file an initial license application; increasing the required surety bond principal amount; prohibiting the issuance of money orders; prescribing penalties; amending Minnesota Statutes 1992, sections 53A.01, subdivision 1; 53A.05, subdivision 2; 53A.08; 53A.09; and 53A.10; Minnesota Statutes 1993 Supplement, section 53A.03."

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

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

S.F. No. 2425: A bill for an act relating to occupations and professions; requiring that fireworks operators be certified by the state fire marshal; appropriating money; amending Minnesota Statutes 1992, section 624.22.

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

Delete everything after the enacting clause and insert:

"Section 1. [FIREWORKS STUDY.]

The state fire marshal shall conduct a study concerning safety aspects of public fireworks displays and fireworks display operator qualifications that makes recommendations for:

- (1) *legislation to increase the level of safety of public fireworks displays;*
- (2) *minimum qualification requirements for fireworks operators; and*
- (3) *methods for establishing a program for the certification of public display operators by the state fire marshal.*

The study shall be completed and submitted to the senate finance committee and the house of representatives committee on financial institutions and insurance by December 31, 1994."

Delete the title and insert:

"A bill for an act relating to occupations and professions; requiring the state fire marshal to conduct a study on fireworks safety and operator qualifications."

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Mr. Mondale, for Mrs. Adkins, from the Committee on Metropolitan and Local Government, to which was referred

S.F. No. 2132: A bill for an act relating to real property; eliminating authority of county recorders to collect certain fees; repealing Minnesota Statutes 1993 Supplement, section 357.18, subdivision 3.

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

Page 1, after line 6, insert:

"Section 1. Minnesota Statutes 1993 Supplement, section 508.82, is amended to read:

508.82 [REGISTRAR'S FEES.]

The fees to be paid to the registrar shall be as follows:

(1) of the fees provided herein, five percent of the fees collected under clauses (3), (4), (10), (12), (13), (14), (16), (17), and (18), for filing or memorializing shall be paid to the state treasurer and credited to the general fund; ~~plus a \$4.50 surcharge shall be charged and collected in addition to the total fees charged for each transaction under clauses (2) to (5), (10), (12), (14), and (18), with 50 cents of this surcharge to be retained by the county to cover its administrative costs and \$4 to be paid to the state treasury and credited to the general fund;~~

(2) for registering each original certificate of title, and issuing a duplicate of it, \$30;

(3) for registering each instrument transferring the fee simple title for which a new certificate of title is issued and for the issuance and registration of the new certificate of title, \$30;

(4) for the entry of each memorial on a certificate and endorsements upon duplicate certificates, \$15;

(5) for issuing each residue certificate, \$20;

(6) for exchange certificates, \$10 for each certificate canceled and \$10 for each new certificate issued;

(7) for each certificate showing condition of the register, \$10;

(8) for any certified copy of any instrument or writing on file in the registrar's office, the same fees allowed by law to county recorders for like services;

(9) for a noncertified copy of any instrument or writing on file in the office of the registrar of titles, or any specified page or part of it, an amount as determined by the county board for each page or fraction of a page specified. If computer or microfilm printers are used to reproduce the instrument or writing, a like amount per image;

(10) for filing two copies of any plat in the office of the registrar, \$30;

(11) for any other service under this chapter, such fee as the court shall determine;

(12) for issuing a duplicate certificate of title pursuant to the directive of the examiner of titles in counties in which the compensation of the examiner is paid in the same manner as the compensation of other county employees, \$50, plus \$10 to memorialize;

(13) for issuing a duplicate certificate of title pursuant to the directive of the examiner of titles in counties in which the compensation of the examiner is not paid by the county or pursuant to an order of the court, \$10;

(14) for filing a condominium plat or an amendment to it in accordance with chapter 515, §30;

(15) for a copy of a condominium plat filed pursuant to chapters 515 and 515A, the fee shall be \$1 for each page of the condominium plat with a minimum fee of \$10;

(16) for filing a condominium declaration and plat or an amendment to it in accordance with chapter 515A, \$10 for each certificate upon which the document is registered and \$30 for the filing of the condominium plat or an amendment thereto;

(17) for the filing of a certified copy of a plat of the survey pursuant to section 508.23 or 508.671, \$10;

(18) for filing a registered land survey in triplicate in accordance with section 508.47, subdivision 4, §30;

(19) for furnishing a certified copy of a registered land survey in accordance with section 508.47, subdivision 4, §10.

Sec. 2. Minnesota Statutes 1993 Supplement, section 508A.82, is amended to read:

508A.82 [REGISTRAR'S FEES.]

The fees to be paid to the registrar shall be as follows:

(1) of the fees provided herein, five percent of the fees collected under clauses (3), (4), (10), (12), (13), (14), (16), and (18), for filing or memorializing shall be paid to the state treasurer and credited to the general fund; ~~plus a \$4.50 surcharge shall be charged and collected in addition to the total fees charged for each transaction under clauses (2) to (5), (10), (12), (14), and (18), with 50 cents of this surcharge to be retained by the county to cover its administrative costs and \$4 to be paid to the state treasury and credited to the general fund;~~

(2) for registering each original CPT, and issuing a duplicate of it, \$30;

(3) for registering each instrument transferring the fee simple title for which a new CPT is issued and for the issuance and registration of the new CPT, \$30;

(4) for the entry of each memorial on a certificate and endorsements upon duplicate CPTs, \$15;

(5) for issuing each residue CPT, \$20;

(6) for exchange CPTs, \$10 for each CPT canceled and \$10 for each new CPT issued;

- (7) for each certificate showing condition of the register, \$10;
- (8) for any certified copy of any instrument or writing on file in the registrar's office, the same fees allowed by law to county recorders for like services;
- (9) for a noncertified copy of any instrument or writing on file in the office of the registrar of titles, or any specified page or part of it, an amount as determined by the county board for each page or fraction of a page specified. If computer or microfilm printers are used to reproduce the instrument or writing, a like amount per image;
- (10) for filing two copies of any plat in the office of the registrar, \$30;
- (11) for any other service under sections 508A.01 to 508A.85, the fee the court shall determine;
- (12) for issuing a duplicate CPT pursuant to the directive of the examiner of titles in counties in which the compensation of the examiner is paid in the same manner as the compensation of other county employees, \$50, plus \$10 to memorialize;
- (13) for issuing a duplicate CPT pursuant to the directive of the examiner of titles in counties in which the compensation of the examiner is not paid by the county or pursuant to an order of the court, \$10;
- (14) for filing a condominium plat or an amendment to it in accordance with chapter 515, \$30;
- (15) for a copy of a condominium plat filed pursuant to chapters 515 and 515A, the fee shall be \$1 for each page of the plat with a minimum fee of \$10;
- (16) for filing a condominium declaration and condominium plat or an amendment to it in accordance with chapter 515A, \$10 for each certificate upon which the document is registered and \$30 for the filing of the condominium plat or an amendment to it;
- (17) in counties in which the compensation of the examiner of titles is paid in the same manner as the compensation of other county employees, for each parcel of land contained in the application for a CPT, as the number of parcels is determined by the examiner, a fee which is reasonable and which reflects the actual cost to the county, established by the board of county commissioners of the county in which the land is located;
- (18) for filing a registered land survey in triplicate in accordance with section 508A.47, subdivision 4, \$30;
- (19) for furnishing a certified copy of a registered land survey in accordance with section 508A.47, subdivision 4, \$10."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, after "recorders" insert "and registrars of titles" and after the semicolon, insert "amending Minnesota Statutes 1993 Supplement, sections 508.82; and 508A.82;"

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

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

S.F. No. 1689: A bill for an act relating to family violence; providing that the juvenile court has grounds to involuntarily terminate the parental rights of a parent who has been convicted of domestic assault involving the use of a firearm; expanding the crime of first degree manslaughter to include certain domestic violence-related homicides; providing that a person who commits domestic assault while using a firearm is permanently prohibited from possessing a firearm; amending Minnesota Statutes 1992, sections 609.20; and 609.224, subdivision 3; Minnesota Statutes 1993 Supplement, sections 260.221, subdivision 1; and 624.713, subdivision 1.

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

Page 4, line 13, delete "*firearm in any way*" and insert "*dangerous weapon as defined in section 609.02, subdivision 6,*"

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

Mr. Metzen from the Committee on Governmental Operations and Reform, to which was re-referred

S.F. No. 2367: A bill for an act relating to education; defining higher education board authority for bargaining with certain employees; designating certain higher education board employees as unclassified; clarifying transfer provisions for the merger of community colleges, state universities, and technical colleges; transferring bonding authority for the state universities to the higher education board; clarifying the calculation of instructional appropriations; establishing the higher education board as the sole state agency for federal funding for vocational education; providing for appointments of additional student members on the higher education board; authorizing the higher education board to supervise and control construction, improvement, and repair of its facilities; amending Minnesota Statutes 1992, sections 43A.06, subdivision 1; 43A.08, subdivision 1; 43A.18, by adding a subdivision; 135A.03, subdivision 1; 136.31; 136.32; 136.33; 136.34; 136.35; 136.36; 136.37; 136.38; 136.41, by adding a subdivision; 136C.06; 136E.01, subdivisions 1 and 2; and 179A.10, subdivision 1; Minnesota Statutes 1993 Supplement, sections 43A.18, subdivision 4; and 136.41, subdivision 8; Laws 1991, chapter 356, article 9, sections 8, subdivision 1; 9; 12; and 13; proposing coding for new law in Minnesota Statutes, chapter 136E; repealing Minnesota Statutes 1992, sections 136.31, subdivision 6; 136.40; 136.41, subdivisions 1, 2, 3, 4, 5, 6, and 7; and 136.42.

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

Page 2, delete lines 7 to 17 and insert:

"(c) In consultation with the commissioner of employee relations and except as specified in this paragraph, the higher education board may exercise the powers under this section. The power and authority to engage in collective bargaining or to enter into interest arbitration remains with the commissioner of employee relations, who shall exercise those powers in consultation with the higher education board."

Page 7, after line 12, insert:

"Subd. 2. [MEMORANDUM OF UNDERSTANDING RATIFIED.] The memorandum of understanding dated between the chancellor of the higher education board, the state negotiator, and the bargaining representatives of state employees concerning employee security during the merger of the state universities, the community colleges, and the state technical colleges is ratified."

Page 7, line 13, delete "2" and insert "3"

Page 7, line 21, delete "9" and insert "1, clause (9)"

Page 8, line 1, delete "3" and insert "4"

Page 8, line 6, delete "4" and insert "5"

Page 10, delete lines 19 to 24 and insert:

"Subd. 3. [BENEFITS.] All accumulations of leaves, years of service, and benefits must be credited to each employee subject to terms negotiated in the successor contract. Effective July 1, 1995, all transferred employees will be enrolled in the state employees group insurance program as provided in Minnesota Statutes, sections 43A.22 to 43A.31. The commissioner of employee relations shall provide, to transferred employees, open enrollment in all state employee health and dental insurance plans with no limitation on preexisting conditions except as specified in existing state employee certificates of coverage. The commissioner of employee relations shall provide, to transferred employees, the opportunity to purchase optional life and disability insurance in amounts equivalent to amounts previously purchased by a transferred employee or provided by the employer without limitation on preexisting conditions."

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

Mr. Mondale, for Mrs. Adkins, from the Committee on Metropolitan and Local Government, to which was referred

S.F. No. 1740: A bill for an act relating to local government; requiring the metropolitan council to study housing redevelopment and rehabilitation costs.

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

Page 1, line 9, delete "the costs" and insert "what standards local units of government should use when evaluating the costs and benefits"

Page 1, line 10, after "Costs" insert "and benefits"

Page 1, line 14, delete "must" and insert "should"

Page 1, line 20, delete "impact of the costs of" and insert "costs and benefits associated with"

Page 2, line 6, after the semicolon, insert "and"

Page 2, line 10, delete "; and" and insert a period

Page 2, delete lines 11 to 14

Page 2, line 15, delete "*as requested.*" and insert:

"(c)" and after "*costs*" insert "*and benefits*"

Page 2, line 16, delete "*shall*"

Page 2, delete lines 17 and 18 and insert "*may use a case study approach utilizing at least three representative housing redevelopment and rehabilitation projects. By July 1,*"

Page 2, after line 21, insert:

"Sec. 2. [STATE AND LOCAL SUPPORT.]

The Minnesota housing finance agency, the Minnesota office of strategic and long range planning, and all housing and redevelopment authorities in the metropolitan area, as defined in Minnesota Statutes, section 473.121, subdivision 2, shall provide the data and information that the metropolitan council determines is necessary to conduct the study required in section 1. When requested by the metropolitan council, those local units of government that have adopted zoning ordinances or a building code must provide the council data and information on the impact of those zoning ordinances or building codes on housing redevelopment and rehabilitation projects within the jurisdiction of the local unit of government.

Sec. 3. [EFFECTIVE DATE; APPLICATION.]

This act is effective the day following final enactment and applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington."

Amend the title as follows:

Page 1, line 4, before the period, insert "*and benefits; requiring local governments in the seven-county metropolitan area to cooperate with the metropolitan council for purposes of the study*"

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

Mr. Mondale, for Mrs. Adkins, from the Committee on Metropolitan and Local Government, to which was referred

S.F. No. 2551: A bill for an act relating to the city of Duluth; establishing the powers and duties of the board of directors of trusts of Miller-Dwan Hospital in the establishment, administration, management, maintenance, improvement, and financing of the hospital; amending Laws 1969, chapter 224, sections 1, 2, and 3.

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

Delete everything after the enacting clause and insert:

"Section 1. Laws 1969, chapter 224, section 1, is amended to read:

Section 1. [Duluth, city of; hospitals.] All rights, powers, and duties of the city of Duluth concerning property and estate donated to or otherwise acquired by the city for the establishment and maintenance of hospitals has for many years been and shall continue to be exercised and discharged by the city

through the instrumentality of a board of ~~seven~~ 15 persons called directors of trusts. Funds were donated to the city for the establishment of a free and public hospital and dispensary for secular use and benefit of worthy sick and helpless poor, without distinction of sex, creed, or nationality. This purpose has been fulfilled by the establishment of the ~~Miller Memorial~~ Miller-Dwan Hospital which is now owned and operated by the city through the instrumentality of the directors of trusts, in accordance with orders of the district court construing the terms of said donation. To renovate, remodel, and enlarge the existing building and facilities of this hospital, to develop a building program based on present and future community needs for the purpose of re-establishing and thereafter maintaining it as a general hospital, to construct additions, including facilities to be jointly occupied with the ~~St. Louis county health department~~ and other public agencies, and to establish connections with adjoining private rehabilitation facilities serving the public on a nonprofit basis, the directors of trusts are authorized to acquire in the name of the city of Duluth all real and personal property necessary and incidental to such a building program and to the operation, administration, management, and control of the expanded hospital facilities, to enter into all contracts on behalf of the city necessary and incidental to the building program, and to finance the cost thereof, in excess of funds on hand and funds provided by governmental or private grants, by the issuance, *with the approval of the Duluth economic development authority*, of revenue bonds of the city, and to pledge for the payment and security of such bonds and the interest thereon all or any defined portion of the net revenues of all hospital facilities now and hereafter owned by the city, in excess of the normal, reasonable, and current costs of the operation, administration, and maintenance thereof. The bonds may be issued and sold at such times, upon such notice, if any, in such form and denominations, bearing interest at such rate or rates, maturing on such dates, either without option of prior payment or subject to prepayment upon such notice and at such times and prices, payable at such bank or banks, within or without the state, with such provisions for registration, conversion, and exchange and for the issuance of notes in anticipation of the sale and delivery of definitive bonds, and in accordance with such terms and covenants as the directors of trusts shall establish by resolution, and not subject to the conditions or limitations set forth in Minnesota Statutes, chapter 475, or any other law; provided that in the event the full faith and credit of the city is pledged to the payment of any series of such bonds, the issuance thereof as proposed in a resolution of the directors of trusts shall be authorized by ~~an ordinance~~ a resolution duly adopted by the city council in accordance with the provisions of the city charter, and the bonds shall not be sold or delivered until and unless ~~such ordinance~~ the resolution has become effective, and shall be sold and secured in the manner provided by Minnesota Statutes, chapter 475.

All real estate owned by the city of Duluth for hospital purposes in the name and style of "Miller Memorial Hospital, doing business as Miller-Dwan Medical Center by and through its Directors of Trusts pursuant to Laws 1969, chapter 224" or otherwise, may be sold, conveyed, transferred, or otherwise disposed of by the directors of trusts only after a duly noticed public hearing held before the Duluth city council, and approval of the council evidenced by an ordinance adopted at a meeting held at least seven days after such public hearing. The provisions of this paragraph shall not apply to the transfer of an interest in such real estate that is incidental to the issuance of revenue bonds approved by the Duluth economic development authority under this section.

Sec. 2. Laws 1969, chapter 224, section 2, is amended to read:

Sec. 2. The mayor of the city shall be ex officio a member of the board of directors of trusts and *may appoint a person to serve as a member in the mayor's absence.* The other ~~six current~~ members shall *complete their current terms, and their successors shall* be residents of the city and appointed by the judges of the district court of the district in which the city is located, by concurrent action of a majority of the judges, for the ~~following terms beginning with date of appointment; two for a term of two years, two for a term of four years and two for a term of six years, and thereafter as these terms expire the vacancies caused thereby shall be filled by appointment for six year terms.~~ Upon petition of the board of directors of trusts, these judges, by like ~~concurrent action,~~ may increase the number of members on the board of directors of trusts to as many as fifteen, without amendment of this act. If an increase in membership should be made, the new members shall be appointed for terms deemed appropriate by such district judges, but not exceeding six years. These judges, by like ~~concurrent action,~~ shall appoint members to fill out the ~~unexpired term of any member who for any reason ceases to be a member before the expiration of his term.~~ *terms of six years. However, beginning with the first vacancy on the board of directors of trusts occurring after the effective date of this act, the Duluth city council shall appoint one of its members to fill the vacancy and shall appoint the successive successors to that initial appointment. Members of the council who are appointed by the council to the board of directors of trusts shall be approved by the judges and serve for a term of six years or until their tenure on the council ends, whichever occurs sooner. Vacancies on the board in positions appointed by the judges occurring before the end of a term must be filled by the judges for the unexpired term in the same manner as used in making full-term appointments.* The judges of this district court shall meet and take action upon any of the matters in this section specified, upon call of the senior judge of the district or upon the petition of the mayor or any resident taxpayer of the city. However, the directors of trusts may take any action authorized in this act without prior order of the court.

Sec. 3. Laws 1969, chapter 224, section 3, is amended to read:

Sec. 3. The directors of trusts shall have power to make rules and bylaws for the proper conduct of their business; to appoint and remove from time to time such agents and employees as in their judgment may be required for the proper discharge of their duties; to determine the duties and compensation of all such agents and employees, who may but are not required to be members of the public employees retirement association; to employ legal counsel; to make such contracts and agreements as in their judgment may from time to time be required in the acquisition, betterment, operation, administration, maintenance, control, and management of city hospital facilities, ~~in conformity with the provisions of the city charter and of ordinances enacted by the council relating to the procedure to be followed by the directors of trusts in the award of contracts and the making of purchases, except that the directors of trusts shall designate a person other than the city purchasing agent to act for such purchasing agent in awarding contracts and making purchases; and to do, perform, and discharge all and singular whatever acts and duties are or from time to time may become proper or necessary to be done by the city in discharge of its duties in connection with any use or trust affecting hospital properties. The directors of trusts shall file with the city clerk on or before February 15 of each year a report for the preceding calendar year showing all~~

receipts and disbursements with the sources and purposes thereof, together with a statement of assets under their control and property acquired or disposed of during the year, and such other general information as to the management and control of the trust property as in their judgment is proper. Their official books and records shall be audited at least annually by the state public examiner auditor or by a certified public accountant, as determined by the directors of trusts, notwithstanding the provisions of any law requiring audit of hospital books and records by the state public examiner. If the directors of trusts determine that the hospital books and records shall be audited by a certified public accountant, the directors shall notify the state public examiner that an audit by his office will not be necessary. The report of each such audit shall be filed promptly with the public examiner and the city council. The directors of trusts shall file with the city clerk copies of all financial reports which it is required by law or rule to submit to the state of Minnesota, within seven days of the submission of the report to the state agency receiving the report. The directors of trusts shall also annually file with the city clerk copies of all audit reports of its financial affairs prepared by the state auditor or by a certified public accountant, within 30 days of the completion of the audit report.

The board of directors of trusts is a "public body" for purposes of the open meeting law, Minnesota Statutes, section 471.705. Notwithstanding section 471.705, the board of directors of trusts may meet in closed session to discuss and take action on specific matters involving contracts or marketing activity in cases when the board of directors of trusts are in competition with health care providers that offer similar goods or services, and when the board reasonably believes that the disclosure of information pertaining to those matters would cause harm to the competitive position of the board of directors of trusts. The board of directors of trusts may by a majority vote in a public meeting decide to hold a closed meeting pursuant to the previous sentence. The time of commencement and place of the closed meeting must be announced at the public meeting. A written roll of members present at the closed meeting must be made available to the public after the closed meeting. The proceedings of a closed meeting must be tape recorded at the expense of the board of directors of trusts and preserved by it for two years. The data on the tape are considered nonpublic data pursuant to Minnesota Statutes, section 13.02, subdivision 9.

Sec. 4. [EFFECTIVE DATE.]

This act is effective the day after compliance with Minnesota Statutes, section 645.021, subdivision 3, by the governing body of the city of Duluth."

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

Mr. Vickerman from the Committee on Veterans and General Legislation, to which was referred

S.F. No. 2219: A bill for an act relating to capital improvements; authorizing bonds and appropriating money to build an addition to the Grand Rapids civic center.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Jobs, Energy and Community Development. Report adopted.

Mr. Vickerman from the Committee on Veterans and General Legislation, to which was referred

S.F. No. 2422: A bill for an act relating to burial grounds; modifying provisions for enforcement of certain civil actions; amending Minnesota Statutes 1993 Supplement, section 307.082.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Judiciary. Report adopted.

Mr. Vickerman from the Committee on Veterans and General Legislation, to which was referred

S.F. No. 2376: A bill for an act relating to capital improvements; appropriating money to the Minnesota historical society for a museum and center of American Indian history; authorizing the sale of state bonds.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Finance. Report adopted.

Mr. Vickerman from the Committee on Veterans and General Legislation, to which was referred

S.F. No. 2437: A bill for an act relating to amateur sports; appropriating money to support the 1995 Indigenous Games.

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

Page 1, line 6, delete "\$....." and insert "\$300,000"

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

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

S.F. No. 2267: A bill for an act relating to real estate; authorizing title insurance companies governed by chapter 68A, or their appointed agents to discharge, release, or satisfy mortgages; amending Minnesota Statutes 1992, section 507.40.

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

Delete everything after the enacting clause and insert:

"Section 1. [507.401] [TITLE INSURANCE COMPANIES; CERTIFICATES OF RELEASE OF MORTGAGE.]

Subdivision 1. [DEFINITIONS.] (a) The definitions in this subdivision apply to this section.

(b) "Mortgage" means a mortgage or mortgage lien on an interest in real property in this state given to secure a loan in the original principal amount of \$500,000 or less.

(c) "Mortgagee" means:

(1) the grantee of a mortgage; or

(2) if a mortgage has been assigned of record, the last person to whom the mortgage has been assigned of record.

(d) "Mortgage servicer" means the last person to whom a mortgagor or the mortgagor's successor in interest has been instructed by a mortgagee to send payments on a loan secured by a mortgage. A person transmitting a payoff statement is the mortgage servicer for the mortgage described in the payment statement.

(e) "Mortgagor" means the grantor of a mortgage.

(f) "Payoff statement" means a statement of the amount of:

(1) the unpaid balance of a loan secured by a mortgage, including principal, interest, and any other charges properly due under or secured by the mortgage; and

(2) interest on a per day basis for the unpaid balance.

(g) "Record" means to record with the county recorder or file with the registrar of titles.

(h) "Title insurance company" means a corporation or other business entity authorized and licensed to transact the business of insuring titles to interests in real property in this state under chapter 68A.

Subd. 2. [CERTIFICATE OF RELEASE.] An officer or duly appointed agent of a title insurance company may, on behalf of a mortgagor or a person who acquired from the mortgagor title to all or a part of the property described in a mortgage, execute a certificate of release that complies with the requirements of this section and record the certificate of release in the real property records of each county in which the mortgage is recorded if: (i) a satisfaction or release of the mortgage has not been executed and recorded within 60 days after the date payment in full of the loan secured by the mortgage was sent in accordance with a payoff statement furnished by the mortgagee or the mortgage servicer, and (ii) the title insurance company, its officer, or agent has sent to the last known address of the mortgagee or the mortgage servicer, at least 30 days prior to executing the certificate of release, written notice of its intention to execute and record a certificate of release in accordance with this section after the expiration of the 60-day period.

Subd. 3. [CONTENTS.] A certificate of release executed under this section must contain substantially all of the following:

(1) the name of the mortgagor, the name of the original mortgagee, and, if applicable, the mortgage servicer, the date of the mortgage, the date of recording, and volume and page or document number in the real property records where the mortgage is recorded, together with similar information for the last recorded assignment of the mortgage;

(2) a statement that the mortgage was in the original principal amount of \$500,000 or less;

(3) a statement that the person executing the certificate of release is an officer or a duly appointed agent of a title insurance company authorized and licensed to transact the business of insuring titles to interests in real property in this state under chapter 68A;

(4) a statement that the certificate of release is made on behalf of the mortgagor or a person who acquired title from the mortgagor to all or a part of the property described in the mortgage;

(5) a statement that the mortgagee or mortgage servicer provided a payoff statement which was used to make payment in full of the unpaid balance of the loan secured by the mortgage;

(6) a statement that payment in full of the unpaid balance of the loan secured by the mortgage was made in accordance with the written or verbal payoff statement, and received by the mortgagee or mortgage servicer, as evidenced by one or more of the following in the records of the title insurance company or its agent:

(i) a bank check, certified check, escrow account check from the title company or title insurance agent, or attorney trust account check that has been negotiated by the mortgagee or mortgage servicer; or

(ii) other documentary evidence of payment to the mortgagee or mortgage servicer;

(7) a statement that more than 60 days have elapsed since the date payment in full was sent;

(8) a statement that after the expiration of the 60-day period referred to in subdivision 2, the title insurance company, its officer, or agent sent to the last known address of the mortgagee or mortgage servicer, at least 30 days prior to executing the certificate of release, notice in writing of its intention to execute and record a certificate of release in accordance with this section, with an unexecuted copy of the proposed certificate of release attached to the written notice; and

(9) a statement that the title insurance company, its officer, or agent has not received notification in writing of any reason why the certificate of release should not be executed and recorded after the expiration of the 30-day notice period referred to in subdivision 2.

Subd. 4. [EXECUTION.] (a) A certificate of release authorized by subdivision 2 must be executed and acknowledged as required by law in the case of a deed and may be executed by a duly appointed agent of a title insurance company, but such delegation to an agent by a title insurance company shall not relieve the title insurance company of any liability for damages caused by its agent for the wrongful or erroneous execution of a certificate of release.

(b) The appointment of agent must be executed and acknowledged as required by law in the case of a deed and must state:

(1) the title insurance company as the grantor;

(2) the identity of the person, partnership, or corporation authorized to act as agent to execute and record certificates of release provided for in this section on behalf of the title insurance company;

(3) that the agent has the full authority to execute and record certificates of release provided for in this section on behalf of the title insurance company;

(4) the term of appointment of the agent; and

(5) that the agent has consented to and accepts the terms of the appointment.

(c) A single appointment of agent may be recorded in each county in each recording or filing office. A separate appointment of agent shall not be necessary for each certificate of release. For registered land the appointment of agent shall be shown as a memorial on each certificate of title on which a mortgage to be released by a certificate of release under this section is a memorial. The appointment of agent may be rerecorded where necessary to establish authority of the agent, but such authority shall continue until a revocation of appointment is recorded in the office of the county recorder, or registrar of titles, where the appointment of agent was recorded.

Subd. 5. [EFFECT.] For purposes of releasing the mortgage, a certificate of release containing the information and statements provided for in subdivision 3 and executed as provided in this section is prima facie evidence of the facts contained in it, is entitled to be recorded with the county recorder or registrar of titles, and operates as a release of the mortgage described in the certificate of release. The county recorder and the registrar of titles shall rely upon it to release the mortgage. Recording of a wrongful or erroneous certificate of release by a title insurance company or its agent shall not relieve the mortgagor, or the mortgagor's successors or assigns, from any personal liability on the loan or other obligations secured by the mortgage. In addition to any other remedy provided by law, a title insurance company wrongfully or erroneously recording a certificate of release under this section shall be liable to the mortgagee for actual damage sustained due to the recordings of the certificate of release.

Subd. 6. [RECORDING.] If a mortgage is recorded in more than one county and a certificate of release is recorded in one of them, a certified copy of the certificate of release may be recorded in another county with the same effect as the original. In all cases, the certificate of release shall be entered and indexed as satisfactions of mortgage are entered and indexed.

Subd. 7. [APPLICATION.] This section applies only to a mortgage in the original principal amount of \$500,000 or less.

Sec. 2. [EXPIRATION.]

Section 1 expires July 31, 1996, but real property released from a mortgage by a certificate of release recorded on or before July 31, 1996 continues to be released after July 31, 1996."

Delete the title and insert:

"A bill for an act relating to real estate; authorizing title insurance companies governed by chapter 68A, or their appointed agents to execute certificates of release of mortgages; proposing coding for new law in Minnesota Statutes, chapter 507."

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

Mr. Vickerman from the Committee on Veterans and General Legislation, to which was referred

S.F. No. 2333: A bill for an act relating to capital improvements;

appropriating money for the Battle Point historic site; authorizing the sale of state bonds.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Finance. Report adopted.

Mr. Vickerman from the Committee on Veterans and General Legislation, to which was referred

S.F. No. 2380: A bill for an act relating to capital improvements; authorizing bonds and appropriating money to build an addition to the St. Louis County Heritage and Arts Center.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Finance. Report adopted.

Mr. Vickerman from the Committee on Veterans and General Legislation, to which was referred

S.F. No. 2450: A bill for an act relating to the Minnesota historical society; clarifying law relating to its status; amending Minnesota Statutes 1992, section 138.01, subdivision 1.

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

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

S.F. No. 2388: A bill for an act relating to consumer protection; regulating deceptive trade practices related to environmental marketing claims; proposing coding for new law in Minnesota Statutes, chapter 325E.

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

Page 1, after line 6, insert:

“Section 1. Minnesota Statutes 1992, section 8.31, subdivision 1, is amended to read:

Subdivision 1. [INVESTIGATE OFFENSES AGAINST THE PROVISIONS OF CERTAIN DESIGNATED SECTIONS; ASSIST IN ENFORCEMENT.] The attorney general shall investigate violations of the law of this state respecting unfair, discriminatory, and other unlawful practices in business, commerce, or trade, and specifically, but not exclusively, the nonprofit corporation act (sections 317A.001 to 317A.909), the act against unfair discrimination and competition (sections 325D.01 to 325D.08), the unlawful trade practices act (sections 325D.09 to 325D.16), the antitrust act (sections 325D.49 to 325D.66), ~~section sections~~ 325E.41, 325F.67, and other laws against false or fraudulent advertising, the antidiscrimination acts contained in section 325D.67, the act against monopolization of food products (section 325D.68), the act regulating telephone advertising services (section 325E.39), the prevention of consumer fraud act (sections 325F.68 to 325F.70), and chapter 53A regulating currency exchanges and assist in the enforcement of those laws as in this section provided.”

Page 1, line 18, delete “, including a private right of action”

Page 1, line 24, delete the first "1" and insert "2"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, after the semicolon, insert "amending Minnesota Statutes 1992, section 8.31, subdivision 1;"

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted,

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

S.F. No. 2104: A bill for an act relating to children; establishing an abused child program under the commissioner of corrections; creating an advisory committee; specifying powers and duties of the commissioner and the advisory committee; proposing coding for new law in Minnesota Statutes, chapter 241.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Governmental Operations and Reform. Report adopted.

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

S.F. No. 2111: A bill for an act relating to drivers' licenses; prohibiting issuance of a license to a person under age 18 years unless the person has graduated from or is attending a secondary school; requiring suspension of a license when a person under age 18 withdraws from school, is dismissed from school, has been habitually truant, or has committed a juvenile offense; amending Minnesota Statutes 1992, sections 171.04, subdivision 1, and by adding a subdivision; 171.043; 171.16, subdivision 5; and 171.18, subdivision 3, and by adding subdivisions; Minnesota Statutes 1993 Supplement, section 171.30, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 120; and 260.

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

Page 2, lines 2 and 12, delete the first "age" and insert "who is at least" and after the first "years" insert "old"

Page 2, line 15, delete "age" and insert "who is at least" and after "years" insert "old"

Page 4, line 26, after "under" insert "the" and after "age" insert "of" and delete "years"

Page 5, line 11, delete "minor" and insert "applicant"

Page 6, delete section 4

Page 11, line 5, delete "II" and insert "10"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 10, delete "171.043;"

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

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

S.F. No. 2475: A bill for an act relating to workers' compensation; regulating insurance; limiting long-term benefits; adjusting supplemental benefits; providing coverage for independent contractors; strengthening fraud prevention; adjusting permanent partial benefits; providing for safety programs; appropriating money; amending Minnesota Statutes 1992, sections 79.085; 176.041, subdivision 1; 176.101, subdivisions 3b and 5; 176.132, subdivisions 2 and 3; 176.178; 176.185, subdivision 1; 176.232; and 176.645, subdivision 1; Minnesota Statutes 1993 Supplement, section 176.041, subdivision 1a; proposing coding for new law in Minnesota Statutes, chapters 79; 176; and 182; repealing Minnesota Statutes 1992, sections 79.01, subdivisions 7 and 8; 79.074, subdivision 2; 79.50; 79.51, as amended; 79.52; 79.53; 79.54; 79.55; 79.56; 79.57; 79.58; 79.59; 79.60; 79.61; and 79.62; Minnesota Statutes 1993 Supplement, section 72.211, subdivision 1.

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

Pages 11 and 12, delete section 12

Renumber the sections of article 1 in sequence

Amend the title as follows:

Page 1, line 11, delete everything after the first semicolon and insert "and 176.232;"

Page 1, line 19, delete "72.211" and insert "79.211".

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

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

S.F. No. 1725: A bill for an act relating to crime; making the requirement for holding a bias-motivated crimes course permanent; requiring the criminal and juvenile information policy group to make recommendations of race data in criminal justice information systems; appropriating money for establishing a judicial interpreter certification and training program; amending Minnesota Statutes 1992, section 8.34, subdivision 2; Minnesota Statutes 1993 Supplement, section 299C.65, subdivision 1.

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

Page 3, line 10, delete "interpreter" and insert "translator"

Page 3, line 11, after the period, insert "Interpreters, translators, non-English speaking persons, persons for whom English is a second language, and other interested members of the public must have an opportunity to assist in the development of the certification program criteria."

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

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

S.F. No. 2583: A bill for an act relating to crime prevention; expanding the duties of the office of drug policy and violence prevention; requiring the office to monitor and report annually on expenditures for crime prevention programs and to develop a strategy for coordinating the funding and evaluation of these programs; amending Minnesota Statutes 1992, section 299A.30, subdivision 2.

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

Delete everything after the enacting clause and insert:

“Section 1. [VIOLENCE PREVENTION PLANNING AND OVERSIGHT.]

Subdivision 1. [REPORT TO THE LEGISLATURE.] The chemical abuse prevention resource council shall report to the legislature and the chairs of the standing committees of the senate and house of representatives with jurisdiction over criminal justice policy by January 1, 1995, the results of the study of the advisory task force appointed under subdivision 2. The advisory task force shall make recommendations for:

- (1) a state violence prevention policy statement;*
- (2) development of measurable violence prevention goals and objectives and procedures for amending, assessing, and publicly reporting progress toward meeting goals and objectives;*
- (3) a state violence prevention policy and funding framework;*
- (4) identification of state violence prevention policy and funding areas, procedures for adapting and integrating the state violence prevention policy statement, goals, and objectives into the missions of appropriate state agencies, and procedures for assessing agency progress toward meeting violence prevention goals and objectives;*
- (5) a state violence prevention program inventory;*
- (6) coordination of violence prevention policy responsibilities and funding to meet federal mandates, avoid duplication of state agency efforts, maximize funding, and simplify grant procedures and policy and budget oversight;*
- (7) development of long-term and biennial violence prevention budget goals, procedures for their integration into the state budget process, and procedures for assessing and publicly reporting progress toward meeting these goals;*
- (8) interim violence prevention policy and budget goals for the 1996-1997 biennium; and*
- (9) development of an ongoing, coordinated system to provide technical assistance, monitor performance, and evaluate the effectiveness of violence prevention programs funded by the state, and to report results on a regular basis to the legislature in a manner that will facilitate effective policy and budget decisions.*

Subd. 2. [VIOLENCE PREVENTION PLANNING AND OVERSIGHT ADVISORY TASK FORCE.] For purposes of conducting the study under

subdivision 1, the chemical abuse prevention resource council shall establish a 38-member violence prevention planning and oversight advisory task force consisting of the members of the council and:

(1) one member or designee of the council on Asian-Pacific Minnesotans, the council on Black Minnesotans, the Indian affairs council, and the council on the affairs of Spanish-speaking people, appointed by the council;

(2) four members of the legislative commission on children, youth, and their families, selected by the commission; and

(3) 11 persons appointed by the council who shall represent:

(i) to the extent possible, the broad variety of nonprofit and community-based agencies and organizations which advocate or provide services or funding for violence prevention and at-risk youth programs;

(ii) individuals who engage in crime prevention and risk and resiliency research;

(iii) individuals knowledgeable about family education and child development;

(iv) the demographic and geographic composition of the state; and

(v) racial and ethnic minority communities.

Subd. 3. [TASK FORCE CHAIR.] The task force shall be chaired jointly by the members of the chemical abuse prevention resource council representing the commissioners of public safety and education.

Sec. 2. [APPROPRIATION.]

\$25,000 is appropriated from the general fund to the chemical abuse prevention resource council for purposes of section 1. The council may use all or part of this appropriation to hire up to one staff position.

Sec. 3. [EFFECTIVE DATE.]

Sections 1 and 2 are effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to crime prevention; providing for oversight and planning of crime prevention programs; appropriating money."

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

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

S.F. No. 2523: A bill for an act relating to the environment; reestablishing the office of waste management as the office of environmental assistance; transferring environmental assistance programs from the pollution control agency to the office; transferring waste management and policy planning from the metropolitan council to the office; amending Minnesota Statutes 1992, sections 115A.03, by adding a subdivision; 115A.055; 115A.06, subdivision 2; 115A.072; 115A.12; 115A.14, subdivision 4; 115A.15, subdivision 5; 115A.411, subdivision 1; 115A.42; 115A.5501, subdivision 2; 115A.84,

subdivision 3; 115A.86, subdivision 2; 115A.912, subdivision 1; 115A.96, subdivision 2; 116.96, subdivision 4; 116.97, subdivision 1; 116F.02, subdivision 2; 473.149, subdivisions 1, 3, 5, and by adding a subdivision; 473.8011; 473.803, subdivisions 2 and 4; and 473.823, subdivision 5; Minnesota Statutes 1993 Supplement, sections 115A.551, subdivision 4; 115A.96, subdivisions 3 and 4; 115A.981, subdivision 3; 473.149, subdivision 6; 473.803, subdivision 3; and 473.846; repealing Minnesota Statutes 1992, sections 115A.81, subdivision 3; 115A.914, subdivision 1; 115A.952; 116.96, subdivision 2; 116F.06, subdivisions 2, 3, 4, and 5; 116F.08; 473.181, subdivision 4; and 473.803, subdivision 1b; Minnesota Statutes 1993 Supplement, section 473.149, subdivision 4.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Governmental Operations and Reform. Report adopted.

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

S.F. No. 1956: A bill for an act relating to water resources; authorizing planning, design, and engineering work on the proposed Lewis and Clark rural water system; designating a lead state agency to negotiate with federal authorities; appropriating money.

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

Page 1, line 16, delete "*negotiate*" and insert "*coordinate state water policy issues and respond to proposals to establish*"

Page 1, lines 23 and 24, delete "; PLANNING, DESIGN, AND ENGINEERING GRANT"

Page 2, line 2, delete "*planning, design, and*" and insert "*activities described in paragraph (b), clauses (1) to (4).*"

Page 2, delete lines 3 and 4

Page 2, line 6, delete "*to*" and insert "*for approval by*"

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

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

S.F. No. 1915: A bill for an act relating to game and fish; requiring return to the water of fish snagged in certain waters; amending Minnesota Statutes 1993 Supplement, section 97C.331.

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

Page 1, line 15, after the comma, insert "*and on tributaries to Lake Superior with no posted boundaries,*" and after "*a*" insert "*live*"

Page 1, line 17, delete everything after "*water*" and insert a period

Page 1, delete line 18

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

Mr. Lessard from the Committee on Environment and Natural Resources, to which was referred

S.F. No. 2608: A bill for an act relating to state lands; requiring that certain leased lakeshore lots in Cook county be reoffered for public sale.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 13, after the period, insert "*Notwithstanding Minnesota Statutes, section 92.16, subdivision 1, the purchaser may bid at the sale.*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Bertram from the Committee on Agriculture and Rural Development, to which was referred

S.F. No. 2150: A bill for an act relating to agriculture; transferring responsibility for control of pollution by animal feedlots to the department of agriculture; providing for development of feedlot rules; creating a feedlot pollution control equipment income tax credit; changing definitions in the corporate farming law; appropriating money; amending Minnesota Statutes 1992, sections 115.01, subdivision 11; 116.07, subdivision 7; 290.06, by adding a subdivision; 500.24, subdivision 2; and 561.19, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 17.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [17.136] [ANIMAL FEEDLOTS; POLLUTION CONTROL; FEEDLOT AND MANURE MANAGEMENT ADVISORY COMMITTEE.]

(a) The commissioner of agriculture and the commissioner of the pollution control agency shall establish a feedlot and manure management advisory committee to identify needs, goals, and suggest policies for research, monitoring, and regulatory activities regarding feedlot and manure management.

(b) The committee must include representation from beef, dairy, pork, and poultry producer organizations. The committee shall not exceed 15 members, but must include representatives from at least three environmental organizations, eight livestock producers, and four experts in soil and water science, nutrient management, and animal husbandry. In addition, the department of agriculture, the pollution control agency, board of water and soil resources, soil and water conservation districts, the federal Soil Conservation Service, the association of Minnesota counties, and the Agricultural Stabilization and Conservation Service shall serve on the committee as ex-officio nonvoting members.

(c) The advisory committee shall elect a chair from its members. The department and the agency shall provide staff support to the committee.

(d) *The commissioner of agriculture and the commissioner of the pollution control agency shall consult with the advisory committee during the development of any policies, rules, or funding proposals or recommendations relating to feedlots or feedlot-related manure management.*

(e) *The commissioner of agriculture shall consult with the advisory committee on establishing a list of manure management research needs and priorities.*

(f) *The advisory committee shall advise the commissioners on other appropriate matters.*

(g) *Nongovernment members of the advisory committee shall receive expenses, in accordance with section 15.059, subdivision 6: The livestock advisory committee expires on June 30, 1997.*

Sec. 2. [17.138] [MANURE MANAGEMENT RESEARCH AND MONITORING PRIORITIES; COORDINATION OF RESEARCH.]

Subdivision 1. [PRIORITIES.] (a) The commissioner, in consultation with the commissioner of the pollution control agency and the feedlot and manure management advisory committee, shall develop and maintain a list of manure management research and monitoring needs and priorities.

(b) *The commissioner shall solicit the needs and ideas of livestock producers and consult with producers in developing the list.*

(c) *The commissioner shall also consult with agricultural and environmental researchers, state and federal agencies, and other appropriate organizations to identify current efforts as well as to assist in the development of research and monitoring needs and priorities.*

Subd. 2. [COORDINATION OF RESEARCH.] The commissioner shall coordinate manure management research and monitoring and make recommendations on manure management research and monitoring funding priorities to the legislature and other funding bodies.

Sec. 3. [17.139] [MEMORANDUM OF AGREEMENT AMONG STATE AGENCIES ON INSPECTIONS OF AGRICULTURAL OPERATIONS.]

The commissioner shall develop memorandums of agreement among all state and federal agencies that have authority to inspect property in agricultural use, as defined in section 17.81, subdivision 4, to ensure that reasonable and effective protocols are followed when inspecting sites in agricultural use. The memorandum shall specify procedures that address, but are not limited to, the following:

(1) *when appropriate, advance notice to the agricultural use landowner or operator;*

(2) *procedures for notification of the inspection results or conclusions to the owner or operator; and*

(3) *special procedures as might be necessary, such as to prevent the introduction of diseases.*

Sec. 4. Minnesota Statutes 1992, section 41B.02, is amended by adding a subdivision to read:

Subd. 10a. [LIVESTOCK EXPANSION.] "Livestock expansion" means

improvements to a livestock operation, except poultry, including the purchase and construction or installation of improvements to land, buildings, and other permanent structures, including equipment incorporated in or permanently affixed to the land, buildings, or structures, which are useful for and intended to be used for the purpose of raising livestock.

Sec. 5. Minnesota Statutes 1993 Supplement, section 41B.03, subdivision 3, is amended to read:

Subd. 3. [ELIGIBILITY FOR BEGINNING FARMER LOANS.] (a) In addition to the requirements under subdivision 1, a prospective borrower for a beginning farm loan in which the authority holds an interest, must:

(1) have sufficient education, training, or experience in the type of farming for which the loan is desired;

(2) have a total net worth, including assets and liabilities of the borrower's spouse and dependents, of less than \$200,000 in 1991 and an amount in subsequent years which is adjusted for inflation by multiplying \$200,000 by the cumulative inflation rate as determined by the United States All-Items Consumer Price Index;

(3) demonstrate a need for the loan;

(4) demonstrate an ability to repay the loan;

(5) certify that the agricultural land to be purchased will be used by the borrower for agricultural purposes;

(6) certify that farming will be the principal occupation of the borrower;

(7) agree to participate in a farm management program approved by the commissioner of agriculture for at least the first five years of the loan, if an approved program is available within 45 miles from the borrower's residence. The commissioner may waive this requirement for any of the programs administered by the authority if the participant requests a waiver and has either a four-year degree in an agricultural program or certification as an adult farm management instructor; and

(8) agree to file an approved soil and water conservation plan with the soil conservation service office in the county where the land is located.

(b) If a borrower fails to participate under paragraph (a), clause (7), the borrower is subject to penalty as determined by the authority.

Sec. 6. [41B.045] [LIVESTOCK EXPANSION LOAN PROGRAM.]

Subdivision 1. [ESTABLISHMENT.] *The authority may establish, adopt rules for, and implement a loan program to finance livestock expansions in the state.*

Subd. 2. [LOAN PARTICIPATION.] *The authority may participate in a livestock expansion loan with an eligible lender to a livestock farmer who meets the requirements of section 41B.03, subdivision 1, clauses (1) and (2), and who are actively engaged in a livestock operation. Participation is limited to 45 percent of the principal amount of the loan or \$200,000, whichever is less. The interest rates and repayment terms of the authority's participation interest may be different from the interest rates and repayment terms of the lender's retained portion of the loan.*

Subd. 3. [SPECIFICATIONS.] No loan may be made to refinance an existing debt. Each loan participation must be secured by a mortgage on real property and such other security as the authority may require.

Subd. 4. [APPLICATION AND ORIGINATION FEE.] The authority may impose a reasonable nonrefundable application fee for each application for a loan participation and an origination fee for each loan issued under the livestock expansion loan program. The origination fee initially shall be set at 1.5 percent and the application fee at \$50. The authority may review the fees annually and make adjustments as necessary. The fees must be deposited in the state treasury and credited to an account in the special revenue fund. Money in this account is appropriated to the commissioner for administrative expenses of the livestock expansion loan program.

Subd. 5. [INTEREST RATE.] The interest rate per annum on the livestock expansion loan participation must be at the rate of interest determined by the authority to be necessary to provide for the timely payment of principal and interest when due on bonds or other obligations of the authority issued under this chapter, to provide financing for loan participations made under the livestock expansion loan program, and to provide for reasonable and necessary costs of issuing, carrying, administering, and securing the bonds or notes and to pay the costs incurred and to be incurred by the authority in the implementation of the livestock expansion loan program.

Sec. 7. Minnesota Statutes 1992, section 116.07, subdivision 7, is amended to read:

Subd. 7. [COUNTIES; PROCESSING OF APPLICATIONS FOR ANIMAL LOT PERMITS.] Any Minnesota county board may, by resolution, with approval of the pollution control agency, assume responsibility for processing applications for permits required by the pollution control agency under this section for livestock feedlots, poultry lots or other animal lots. The responsibility for permit application processing, if assumed by a county, may be delegated by the county board to any appropriate county officer or employee.

(a) For the purposes of this subdivision, the term "processing" includes:

(a) (1) the distribution to applicants of forms provided by the pollution control agency;

(b) (2) the receipt and examination of completed application forms, and the certification, in writing, to the pollution control agency either that the animal lot facility for which a permit is sought by an applicant will comply with applicable rules and standards, or, if the facility will not comply, the respects in which a variance would be required for the issuance of a permit; and

(c) (3) rendering to applicants, upon request, assistance necessary for the proper completion of an application.

(b) For the purposes of this subdivision, the term "processing" may include, at the option of the county board:

(d) issuing, denying, modifying, imposing conditions upon, or revoking permits pursuant to the provisions of this section or rules promulgated pursuant to it, subject to review, suspension, and reversal by the pollution control agency. The pollution control agency shall, after written notification, have 15 days to review, suspend, modify, or reverse the issuance of the permit.

After this period, the action of the county board is final, subject to appeal as provided in chapter 14.

(c) For the purpose of administration of rules adopted under this subdivision, the commissioner and the agency may provide exceptions for cases where the owner of a feedlot has specific written plans to close the feedlot within five years. These exceptions include waiving requirements for major capital improvements.

(d) For purposes of this subdivision, a discharge caused by an extraordinary natural event such as a precipitation event of greater magnitude than the 25-year, 24-hour event, tornado, or flood in excess of the 100-year flood is not a "direct discharge of pollutants."

(e) The development of rules to be enforced under paragraph (a) must be based on valid scientific research that is generally accepted by the scientific community. The rules may also attempt to regulate only to the level where the cost-benefit relationship is still positive.

(f) In adopting and enforcing rules this subdivision, the commissioner shall cooperate closely with other governmental agencies.

(g) The pollution control agency shall work with the Minnesota extension service, the department of agriculture, the board of water and soil resources, producer groups, local units of government, as well as with appropriate federal agencies such as the Soil Conservation Service and the Agricultural Stabilization and Conservation Service, to notify and educate producers of rules under this subdivision at the time the rules are being developed and adopted and at least every two years thereafter.

(h) The pollution control agency shall adopt rules governing the issuance and denial of permits for livestock feedlots, poultry lots or other animal lots pursuant to this section. These rules apply both to permits issued by counties and to permits issued by the pollution control agency directly.

(i) The pollution control agency shall exercise supervising authority with respect to the processing of animal lot permit applications by a county.

Sec. 8. [1994 and 1995 DEMONSTRATION PROGRAM; RESTRICTIONS.]

(a) During the years 1994 and 1995, loan participations under Minnesota Statutes, section 41B.045, must comply with the restrictions in this section.

(b) To the extent that herd health will not be jeopardized, farms receiving assistance from the authority must be available for tours within the first two years after completion of the expansion.

(c) All livestock expansion loans must be for expansions that include some of the most up-to-date, efficient systems available. Projects must be approved by a University of Minnesota extension livestock specialist prior to approval by the authority.

Sec. 9. [REVISOR'S INSTRUCTION.]

In the next and subsequent editions of Minnesota Statutes, the revisor shall renumber section 116.07, subdivision 7, as section 17.137.

Sec. 10. [APPROPRIATIONS.]

\$. is appropriated from the general fund to the University of Minnesota for the fiscal year ending June 30, 1995, to fund research at the University of Minnesota on manure management practices, earthen manure storage basins and lagoons, alternative ways to treat feedlot runoff, odor reduction practices and products, and nutrient management. The University of Minnesota shall share the results of this research with livestock farmers in Minnesota.

\$.50,000 is appropriated from the general fund to the commissioner of agriculture for farm safety programs.

\$.250,000 is appropriated from the general fund to the commissioner of agriculture for a grant to the dairy leaders roundtable.

\$.200,000 is appropriated from the general fund to the commissioner of agriculture for debt service on the general obligation bonds sold for, and administrative expenses of, the livestock expansion loan program under Minnesota Statutes, section 41B.045."

Delete the title and insert:

"A bill for an act relating to agriculture; establishing a feedlot and manure management advisory committee; providing for development of manure management research and monitoring priorities; amending eligibility requirements for beginning farmer loans; establishing livestock expansion loan program; providing for development of feedlot rules; changing definitions in the corporate farming law; appropriating money; amending Minnesota Statutes 1992, sections 41B.02, by adding a subdivision; and 116.07, subdivision 7; Minnesota Statutes 1993 Supplement, section 41B.03, subdivision 3; proposing coding for new law in Minnesota Statutes, chapters 17; and 41B."

And when so amended the bill do pass and be re-referred to the Committee on Environment and Natural Resources. Amendments adopted. Report adopted.

SECOND READING OF SENATE BILLS

S.F. Nos. 2237, 2195, 2242, 1870, 2112, 2526, 2522, 1951, 2425, 1740, 2551, 2450, 2388, 1915 and 2608 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 1788 and 1901 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Betzold moved that the name of Mr. Moe, R.D. be added as a co-author to S.F. No. 1759. The motion prevailed.

Mr. Cohen moved that the name of Ms. Runbeck be added as a co-author to S.F. No. 1890. The motion prevailed.

Mr. Berg moved that the names of Messrs. Vickerman, Stevens and Dille be added as co-authors to S.F. No. 1948. The motion prevailed.

Ms. Johnson, J.B. moved that the name of Mr. Johnson, D.J. be added as a co-author to S.F. No. 2451. The motion prevailed.

Mr. Berg moved that the name of Mr. Larson be added as a co-author to S.F. No. 2709. The motion prevailed.

Mr. Riveness moved that S.F. No. 715 be withdrawn from the Committee on Governmental Operations and Reform and re-referred to the Committee on Judiciary. The motion prevailed.

Mr. Larson introduced—

Senate Resolution No. 66: A Senate resolution congratulating Dave Retzlaff on being named 1994 Minnesota Community College Men's Basketball Coach of the Year.

Referred to the Committee on Rules and Administration.

Mr. Benson, D.D. moved that his name be stricken as chief author, shown as a co-author, and the name of Mr. Sams be shown as chief author to S.F. No. 2413. The motion prevailed.

Mr. Janezich moved that S.F. No. 2719 be withdrawn from the Committee on Transportation and Public Transit and re-referred to the Committee on Metropolitan and Local Government. The motion prevailed.

Mr. Larson introduced—

Senate Resolution No. 67: A Senate resolution congratulating the Fergus Falls Community College Spartans Men's Basketball team for winning the 1994 Minnesota Community College State Men's Basketball Tournament.

Referred to the Committee on Rules and Administration.

Mr. Riveness moved that S.F. No. 1709 be taken from the table. The motion prevailed.

S.F. No. 1709: A bill for an act relating to taxation; property tax refund; uncapping the appropriation for targeting for 1994 only; requiring counties to provide the commissioner of revenue with certain data; appropriating money; amending Minnesota Statutes 1993 Supplement, section 290A.04, subdivision 2h.

CONCURRENCE AND REPASSAGE

Mr. Riveness moved that the Senate concur in the amendments by the House to S.F. No. 1709 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 1709: A bill for an act relating to taxation; property tax refund; uncapping the appropriation for targeting for 1994 only; requiring that certain information be made available; requiring counties to notify homeowners of certain eligibility changes; appropriating money; amending Minnesota Statutes 1993 Supplement, section 290A.04, subdivision 2h.

Was read the third time, as amended by the House, and placed on its repassage.

The question was taken on the repassage of the bill, as amended.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Frederickson	Laidig	Murphy	Robertson
Beckman	Hanson	Langseth	Neuville	Runbeck
Belanger	Hottinger	Larson	Novak	Sams
Benson, J.E.	Janezich	Lesewski	Oliver	Samuelson
Berg	Johnson, D.E.	Lessard	Olson	Solon
Berglin	Johnson, D.J.	Luther	Pappas	Spear
Bertram	Johnson, J.B.	Marty	Pariseau	Stevens
Betzold	Johnston	McGowan	Piper	Stumpf
Chandler	Kelly	Merriam	Pogemiller	Terwilliger
Chmielewski	Kiscaden	Metzen	Price	Vickerman
Dille	Knutson	Moe, R.D.	Ranum	Wiener
Finn	Krentz	Mondale	Reichgott Junge	
Flynn	Kroening	Morse	Riveness	

So the bill, as amended, was repassed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Hottinger moved that S.F. No. 2526, on the Consent Calendar, be stricken and re-referred to the Committee on Taxes and Tax Laws. The motion prevailed.

Mr. Dille moved that H.F. No. 1901, on the Consent Calendar, be stricken and re-referred to the Committee on Taxes and Tax Laws. The motion prevailed.

Ms. Berglin moved that S.F. No. 1867, No. 6 on General Orders, be stricken and re-referred to the Committee on Finance. The motion prevailed.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time and referred to the committees indicated.

Ms. Piper and Mr. Benson, D.D. introduced—

S.F. No. 2749: A bill for an act relating to state lands; authorizing the sale of certain tax-forfeited lands that border public water in Mower county.

Referred to the Committee on Environment and Natural Resources.

Mr. Vickerman introduced—

S.F. No. 2750: A bill for an act relating to municipal contracts; allowing awards of contracts to certain bidders; amending Minnesota Statutes 1992, section 471.345, by adding a subdivision.

Referred to the Committee on Metropolitan and Local Government.

Mr. Vickerman introduced—

S.F. No. 2751: A bill for an act relating to education; providing for school building accessibility grants; authorizing the issuance and sale of bonds; appropriating money.

Referred to the Committee on Education.

Mr. Merriam introduced—

S.F. No. 2752: A bill for an act relating to real property; excepting the modification of certain fees from the authority of the commissioner of health; amending Minnesota Statutes 1992, section 103I.101, subdivision 5.

Referred to the Committee on Governmental Operations and Reform.

Mr. Merriam introduced—

S.F. No. 2753: A bill for an act relating to real property; providing an exemption from the state deed tax; amending Minnesota Statutes 1993 Supplement, section 287.22.

Referred to the Committee on Judiciary.

Mr. Chandler introduced—

S.F. No. 2754: A bill for an act relating to vocational rehabilitation; establishing a statewide grant program for special employment support services for persons with mental illness; requiring a reimbursement plan; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 268A.

Referred to the Committee on Jobs, Energy and Community Development.

Mr. Merriam introduced—

S.F. No. 2755: A bill for an act relating to courts; clarifying and changing certain responsibilities of court administrators; amending Minnesota Statutes 1992, sections 485.06; 600.23, subdivision 1; 508.11; repealing Minnesota Statutes 1992, section 629.69.

Referred to the Committee on Judiciary.

Messrs. McGowan, Samuelson, Sams and Metzen introduced—

S.F. No. 2756: A bill for an act relating to crime; providing that the commissioner of corrections' decision to parole or grant supervised release to an inmate serving a life sentence is subject to the approval of the board of pardons; requiring the commissioner to conduct an investigation into community sentiment regarding the inmate; providing the victim with the right to be notified of and submit a statement at the parole or supervised release review hearing; amending Minnesota Statutes 1992, section 243.05, subdivision 1, and by adding a subdivision; Minnesota Statutes 1993 Supplement, section 244.05, subdivision 5.

Referred to the Committee on Crime Prevention.

Mr. Price introduced—

S.F. No. 2757: A bill for an act relating to natural resources; authorizing the commissioner of natural resources to make subgrants of certain money; amending Minnesota Statutes 1992, section 84.085, subdivision 1; repealing Minnesota Statutes 1992, section 88.063.

Referred to the Committee on Environment and Natural Resources.

Mr. Morse introduced—

S.F. No. 2758: A bill for an act relating to water; creating programs to provide financial assistance to address nonpoint source water pollution in the departments of agriculture and trade and economic development and the pollution control agency; establishing the drinking water revolving fund administered by the public facilities authority and the department of health; changing the membership of the public facilities authority; increasing the authority's bonding authority; requiring rulemaking; providing for certain exemptions from rulemaking; appropriating money; amending Minnesota Statutes 1992, sections 13.99, by adding a subdivision; 116.182, subdivisions 2, 3, 4, and 5; 446A.02, subdivision 1, and by adding a subdivision; 446A.03, subdivision 3; 446A.07, subdivisions 4, 6, 8, 9, 10, and 11; 446A.071, subdivision 1; 446A.11, subdivision 1; 446A.12, subdivision 1; and 446A.15, subdivision 6; Minnesota Statutes 1993 Supplement, section 446A.03, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 17; 116; and 446A; repealing Minnesota Statutes 1992, section 446A.08.

Referred to the Committee on Environment and Natural Resources.

Ms. Hanson introduced—

S.F. No. 2759: A bill for an act relating to retirement; teachers retirement association; permitting certain retired members to choose a different annuity option.

Referred to the Committee on Governmental Operations and Reform.

Messrs. Oliver, Stevens and McGowan introduced—

S.F. No. 2760: A bill for an act relating to local government; prohibiting cities from selling or giving away certain trees; proposing coding for new law in Minnesota Statutes, chapter 471.

Referred to the Committee on Metropolitan and Local Government.

Mr. Day introduced—

S.F. No. 2761: A bill for an act relating to state lands; directing sale and conveyance of certain state-owned lands to the city of Medford.

Referred to the Committee on Environment and Natural Resources.

Messrs. Solon and Johnson, D.J. introduced—

S.F. No. 2762: A bill for an act relating to taxation; sales and use; providing an exemption to cities or counties for certain adult and juvenile correctional facilities projects; appropriating money; amending Minnesota Statutes 1992, sections 297A.15, by adding a subdivision; and 297A.25, by adding a subdivision.

Referred to the Committee on Taxes and Tax Laws.

Ms. Johnston and Mr. Belanger introduced—

S.F. No. 2763: A bill for an act relating to crime; extending the crime of fourth degree assault to cover assaults against physicians, nurses, and other

persons providing health care services in a hospital emergency department; amending Minnesota Statutes 1992, section 609.2231, subdivision 2.

Referred to the Committee on Crime Prevention.

Messrs. Metzen, Price, Lessard, Riveness and Laidig introduced—

S.F. No. 2764: A bill for an act relating to capital improvements; appropriating money for a public water access site on the Mississippi river; authorizing the sale of state bonds.

Referred to the Committee on Environment and Natural Resources.

Mses. Piper; Johnson, J.B.; Messrs. Moe, R.D.; Merriam and Marty introduced—

S.F. No. 2765: A bill for an act relating to human services; increasing the state standard of need in the program of aid to families with dependent children; proposing coding for new law in Minnesota Statutes, chapter 256.

Referred to the Committee on Family Services.

Ms. Reichgott Junge, Messrs. Price and Johnson, D.J. introduced—

S.F. No. 2766: A bill for an act relating to taxation; individual income and corporate franchise; conforming to changes in the federal income tax law; changing estimated tax rules; accelerating certain cost recovery subtractions; changing the definition of capital equipment for purposes of the sales and use tax and providing for the exemption for replacement capital equipment; exempting special tooling from the sales and use tax; abolishing the capital equipment refund requirements; providing for the expansion of individual income tax brackets; amending Minnesota Statutes 1992, sections 289A.02, by adding a subdivision; 289A.25, subdivision 5; 290.01, by adding a subdivision; 290.05, subdivision 3; 290.06, subdivisions 2c; 290.068, subdivision 2; 290.0802, subdivision 1; 290.0921, subdivision 2; 297.01, by adding a subdivision; 297A.01, by adding a subdivision; 297A.02, subdivision 2, and by adding a subdivision; 297A.021, by adding a subdivision; 297A.15, subdivision 5; 297A.25, by adding a subdivision; 297A.44, subdivision 4; and 298.017, subdivision 2; Minnesota Statutes 1993 Supplement, sections 289A.26, subdivision 7; 290.01, subdivision 19; 290.091, subdivision 2; and 297A.01, subdivision 16; repealing Minnesota Statutes 1992, sections 290.067, subdivision 6; Minnesota Statutes 1993 Supplement, section 289A.25, subdivision 5a.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Sams; Samuelson; Benson, D.D.; Ms. Kiscaden and Mr. Moe, R.D. introduced—

S.F. No. 2767: A bill for an act relating to health; establishing health care network cooperatives and health provider cooperatives; establishing licensure, solvency and other requirements for health care cooperatives; providing loans to integrated service networks; expanding the summer health care intern program; providing grants for emergency room coverage and rural medical school planning; requiring a study of physical therapist degree programs; appropriating money; amending Minnesota Statutes 1992, section 256.9657, by adding a subdivision; Minnesota Statutes 1993 Supplement, sections

62N.23; and 144.1464; proposing coding for new law in Minnesota Statutes, chapters 62E; and 144; proposing coding for new law as Minnesota Statutes, chapter 308B.

Referred to the Committee on Health Care.

Mr. Sams introduced—

S.F. No. 2768: A bill for an act relating to education; directing the state board of education to define “dangerously cold weather” for purposes of determining the required minimum number of school days; amending Minnesota Statutes 1993 Supplement, section 124.19, subdivision 1.

Referred to the Committee on Education.

Messrs. Sams, Morse, Finn and Metzen introduced—

S.F. No. 2769: A bill for an act relating to buildings; specifying a required ratio of women’s to men’s restroom facilities for certain buildings; proposing coding for new law in Minnesota Statutes, chapter 16B.

Referred to the Committee on Governmental Operations and Reform.

Mr. Mondale, Ms. Reichgott Junge, Messrs. Riveness, Chandler and Terwilliger introduced—

S.F. No. 2770: A bill for an act relating to education; restoring intermediate school districts and their funding for fiscal year 1996 and thereafter; amending Minnesota Statutes 1993 Supplement, section 124.2727, subdivision 6; and Laws 1992, chapter 499; article 6, section 39, subdivision 3.

Referred to the Committee on Education.

Mr. Riveness introduced—

S.F. No. 2771: A bill for an act relating to state government; creating an employee training incentive program; proposing coding for new law in Minnesota Statutes, chapter 43A.

Referred to the Committee on Governmental Operations and Reform.

Mr. Morse introduced—

S.F. No. 2772: A bill for an act relating to agriculture; changing the corporate farming law; amending Minnesota Statutes 1992, section 500.24, subdivisions 2, 3, 4, 5, and by adding a subdivision.

Referred to the Committee on Agriculture and Rural Development.

Ms. Runbeck, Messrs. Benson, D.D. and Stevens introduced—

S.F. No. 2773: A bill for an act relating to retirement; excluding future employees or officers of labor and professional organizations from participation in certain public pension plans; amending Minnesota Statutes 1992, sections 352.75, subdivision 1; and 422A.09, subdivision 2; repealing Minnesota Statutes 1992, sections 352.029; and 354.41, subdivisions 4, 5, 7, and 9; Minnesota Statutes 1993 Supplement, section 353.017; and Laws 1992, chapter 598, article 3, section 2.

Referred to the Committee on Governmental Operations and Reform.

Mr. Price introduced—

S.F. No. 2774: A bill for an act relating to occupations and professions; providing for the licensing of electrologists; creating a board of electrologists; providing powers and duties; providing appointments; amending Minnesota Statutes 1992, section 214.01, subdivision 3; and section 214.04, subdivision 3; proposing coding for new law as Minnesota Statutes, chapter 155B.

Referred to the Committee on Commerce and Consumer Protection.

Mr. Stevens introduced—

S.F. No. 2775: A bill for an act relating to state government; providing for the size of the legislature; providing conditions for the organization of legislative committees; providing for legislative pensions; providing term limits; proposing an amendment to the Minnesota Constitution, article IV, section 4, and article V, sections 2 and 4; amending Minnesota Statutes 1992, sections 2.021; 3A.03; 3A.04, subdivisions 1 and 2; 3A.12, subdivision 1; 352D.03; 352D.04, subdivision 2; 352D.11, subdivision 1; and 352D.12; Minnesota Statutes 1993 Supplement, sections 3A.02, subdivision 1; and 352D.02, subdivision 3; proposing coding for new law in Minnesota Statutes, chapters 3; 3A; and 352D.

Referred to the Committee on Ethics and Campaign Reform.

Mrs. Benson, J.E.; Meses. Olson, Robertson, Messrs. Terwilliger and Larson introduced—

S.F. No. 2776: A bill for an act relating to education; permitting a school district to not comply with a state mandate under certain conditions; proposing coding for new law in Minnesota Statutes, chapter 126.

Referred to the Committee on Education.

Ms. Wiener introduced—

S.F. No. 2777: A bill for an act relating to retirement; authorizing the city of Eagan to make certain lump sum payments to volunteer firefighters.

Referred to the Committee on Governmental Operations and Reform.

Mr. Novak introduced—

S.F. No. 2778: A bill for an act relating to housing; requiring copies of evacuation plans for residents of manufactured home parks; amending Minnesota Statutes 1992, sections 290A.19; 327C.01, by adding a subdivision; and 327C.02, subdivision 5; Minnesota Statutes 1993 Supplement, section 327.20, subdivision 1.

Referred to the Committee on Jobs, Energy and Community Development.

Messrs. Metzen and Johnson, D.E. introduced—

S.F. No. 2779: A bill for an act relating to insurance; regulating claims practices; authorizing a private right of action for violations of certain auto

claims standards; amending Minnesota Statutes 1992, section 72A.201, subdivision 6, and by adding a subdivision.

Referred to the Committee on Commerce and Consumer Protection.

Mr. Vickerman introduced—

S.F. No. 2780: A bill for an act relating to education; making the use of mouthguards optional for certain state high school league sports; amending Minnesota Statutes 1992, section 128C.02, by adding a subdivision.

Referred to the Committee on Education.

Mr. Betzold introduced—

S.F. No. 2781: A bill for an act relating to the environment; automobile emissions; providing that a vehicle need not be inspected until the year of its registration is five years more than its model year; amending Minnesota Statutes 1992, section 116.61, subdivision 1, and by adding a subdivision.

Referred to the Committee on Environment and Natural Resources.

Mr. Solon introduced—

S.F. No. 2782: A bill for an act relating to education; establishing a rural psychiatry program at the University of Minnesota Duluth; proposing coding for new law in Minnesota Statutes, chapter 137.

Referred to the Committee on Education.

Ms. Johnson, J.B. introduced—

S.F. No. 2783: A bill for an act relating to public administration; authorizing spending to make public improvements of a capital nature; authorizing issuance of bonds; authorizing assessment of debt service; appropriating money.

Referred to the Committee on Jobs, Energy and Community Development.

Mr. Chmielewski introduced—

S.F. No. 2784: A bill for an act relating to Pine county; permitting the county board to further extend certain temporary land use controls; amending Laws 1993, chapter 55, section 1.

Referred to the Committee on Metropolitan and Local Government.

Ms. Olson, Mrs. Benson, J.E. and Mr. Knutson introduced—

S.F. No. 2785: A bill for an act relating to education; modifying development of high school graduation rule; amending Minnesota Statutes 1993 Supplement, section 121.11, subdivision 7c; repealing Laws 1992, chapter 499, article 8, section 33, as amended.

Referred to the Committee on Education.

Ms. Piper, Messrs. Sams and Samuelson introduced—

S.F. No. 2786: A bill for an act relating to health; modifying exceptions for the nursing home moratorium; amending Minnesota Statutes 1993 Supplement, section 144A.071, subdivision 4a.

Referred to the Committee on Health Care.

Messrs. Sams and Hottinger introduced—

S.F. No. 2787: A bill for an act relating to human services; modifying certain provisions concerning nursing facility reimbursement costs; amending Minnesota Statutes 1993 Supplement, section 256B.431, subdivision 22.

Referred to the Committee on Health Care.

Mr. Price introduced—

S.F. No. 2788: A bill for an act relating to education; providing for an elected board for intermediate school districts; restoring intermediate school districts and their funding for fiscal year 1996 and thereafter; amending Minnesota Statutes 1992, sections 136D.22, by adding subdivisions; 136D.72, by adding subdivisions; and 136D.82, by adding subdivisions; Minnesota Statutes 1993 Supplement, section 124.2727, subdivision 6; and Laws 1992, chapter 499, article 6, section 39, subdivision 3.

Referred to the Committee on Education.

Ms. Hanson introduced—

S.F. No. 2789: A bill for an act relating to education; clarifying that special education aids and levies for school districts are not reduced by medical assistance and insurance payments; amending Minnesota Statutes 1992, section 124.90, by adding a subdivision.

Referred to the Committee on Education.

Ms. Pappas introduced—

S.F. No. 2790: A bill for an act relating to bilingual communication services; requiring the Spanish-speaking affairs council and the council on Asian-Pacific Minnesotans to report on coordination with the department of administration; requiring all public agencies that deal directly with non-English-speaking people to provide information and services in the language of the non-English-speaking people; amending Minnesota Statutes 1992, sections 3.9223, subdivision 7; 3.9226, subdivision 7; and 15.441.

Referred to the Committee on Governmental Operations and Reform.

Mr. Metzen introduced—

S.F. No. 2791: A bill for an act relating to motor carriers; regulating and establishing classification of distilled spirits and wine carrier; amending Minnesota Statutes 1992, sections 221.011, by adding a subdivision; 221.121, subdivision 1, and by adding a subdivision; and 340A.907.

Referred to the Committee on Transportation and Public Transit.

Mr. Neuville introduced—

S.F. No. 2792: A bill for an act relating to education; transferring certain land to independent school district No. 656, Faribault.

Referred to the Committee on Education.

Mr. Johnson, D.J.; Ms. Ranum, Messrs. Kelly, McGowan and Marty introduced—

S.F. No. 2793: A bill for an act relating to corrections; establishing productive day initiative programs in local correctional facilities in Hennepin, Ramsey, and St. Louis counties; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 241.

Referred to the Committee on Crime Prevention.

Mr. Solon introduced—

S.F. No. 2794: A bill for an act relating to insurance; no-fault auto; requiring coordination of benefits to prevent overpayment by insureds for duplicate coverage; amending Minnesota Statutes 1992, section 65B.61, subdivision 3.

Referred to the Committee on Commerce and Consumer Protection.

Mr. Merriam introduced—

S.F. No. 2795: A bill for an act relating to state finance; requiring fees to cover costs; requiring commissioner of finance to approve fees not set by rule; amending Minnesota Statutes 1992, sections 16A.127, subdivision 1; 116.07, subdivision 4d; 144.98, subdivision 3; 221.0335; 326.2421, subdivision 3; and 341.10; Minnesota Statutes 1993 Supplement, sections 4A.05, subdivision 2; 16A.1285, subdivisions 2, 4, and 5; and 18E.03; subdivision 3; repealing Minnesota Statutes 1992, sections 14.1311; 14.235; and 14.305.

Referred to the Committee on Finance.

Mr. Kroening introduced—

S.F. No. 2796: A bill for an act relating to public housing; appropriating money from the bond proceeds fund to improve public housing in the city of Minneapolis; authorizing the sale of bonds.

Referred to the Committee on Jobs, Energy and Community Development.

Mr. Kelly introduced—

S.F. No. 2797: A bill for an act relating to retirement; making the 1993 early retirement incentive program retroactive in certain instances.

Referred to the Committee on Governmental Operations and Reform.

Mr. Kelly introduced—

S.F. No. 2798: A bill for an act relating to retirement; permitting the purchase of service credit for St. Paul bureau of health service.

Referred to the Committee on Governmental Operations and Reform.

Mr. Pogemiller introduced—

S.F. No. 2799: A bill for an act relating to crime prevention; prohibiting physical interference with religious observance; amending Minnesota Statutes 1992, section 609.28.

Referred to the Committee on Crime Prevention.

Ms. Runbeck, Messrs. Metzen, Novak and Frederickson introduced—

S.F. No. 2800: A bill for an act relating to unemployment compensation; changing its name; modifying provisions relating to reporting requirements, eligibility conditions, and liability for benefits; amending Minnesota Statutes 1992, sections 268.03; 268.08, subdivision 1; and 268.10, subdivision 1; Minnesota Statutes 1993 Supplement, sections 268.08, subdivision 6; 268.09, subdivision 1; 268.10, subdivision 2; and 268.161, subdivision 9.

Referred to the Committee on Jobs, Energy and Community Development.

Ms. Berglin introduced—

S.F. No. 2801: A bill for an act relating to taxation; increasing the rate of the excise tax on cigarettes; providing that the proceeds of the tax increase will be deposited in the health care access fund; amending Minnesota Statutes 1992, sections 297.02, subdivision 1; 297.03, subdivision 5; and 297.13, subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Chmielewski and Frederickson introduced—

S.F. No. 2802: A bill for an act relating to employment; providing a cost-of-living adjustment for certain employment programs; appropriating money; amending Minnesota Statutes 1992, section 268A.09, subdivision 2.

Referred to the Committee on Jobs, Energy and Community Development.

Ms. Wiener, Messrs. Spear, Beckman, Ms. Ranum and Mr. Terwilliger introduced—

S.F. No. 2803: A bill for an act relating to education; providing for comprehensive parent involvement programs to prevent violence; establishing a parent advisory council; requiring program evaluation; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 126.

Referred to the Committee on Education.

Mr. Knutson, Mses. Ranum, Robertson, Krentz and Mr. Cohen introduced—

S.F. No. 2804: A bill for an act relating to family law; requiring consent for a parent to remove a child from this state for the purpose of leaving the country; imposing penalties; amending Minnesota Statutes 1992, section 609.26, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 257.

Referred to the Committee on Judiciary.

Mses. Piper, Berglin, Messrs. Stumpf and Sams introduced—

S.F. No. 2805: A bill for an act relating to health; establishing a physician substitute demonstration project for rural communities; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 144.

Referred to the Committee on Health Care.

Mr. Solon, Ms. Wiener, Messrs. Benson, D.D.; Samuelson and Ms. Berglin introduced—

S.F. No. 2806: A bill for an act relating to lead abatement; developing directives; modifying definition of asbestos-related work; amending Minnesota Statutes 1992, sections 144.871, subdivision 3; and 144.874, subdivision 12, and by adding a subdivision; Minnesota Statutes 1993 Supplement, sections 16B.61, subdivision 3; 144.871, subdivision 2; 144.872, subdivision 2; 144.874, subdivisions 1, 3, 9, and 11a; 144.878, subdivisions 2 and 5; and 326.71, subdivision 4; repealing Minnesota Statutes 1993 Supplement, section 144.877.

Referred to the Committee on Health Care.

Without objection, the Senate reverted to the Order of Business of Reports of Committees.

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Report at the Desk be now adopted. The motion prevailed.

Mr. Bertram from the Committee on Agriculture and Rural Development, to which was referred

S.F. No. 2093: A bill for an act relating to agriculture; establishing certification and labeling program to identify milk and milk products free of recombinant bovine growth hormone; amending regulations regarding use and clarification of recombinant bovine somatotropin; appropriating money; amending Minnesota Statutes 1992, sections 32.103; 151.01, subdivision 28; 151.15, subdivision 3; and 151.25; proposing coding for new law in Minnesota Statutes, chapter 32.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1992, sections 32.103, is amended to read:

32.103 [INSPECTION OF DAIRIES.]

(a) At times the commissioner determines proper, the commissioner shall cause to be inspected all places where dairy products are made, stored, or served as food for pay, and all places where cows are kept by persons engaged in the sale of milk, and shall require the correction of all insanitary conditions and practices found. *During routine inspections or as necessary, the commissioner shall inspect for evidence of use of rBGH in violation of section 32.75, by producers providing affidavits of nontreatment under that section.*

(b) A refusal or physical threat that prevents the completion of an inspection or neglect to obey a lawful direction of the commissioner or the commission-

er's agent given while carrying out this section may result in the suspension of the offender's permit or certification. The offender is required to meet with a representative of the offender's plant or marketing organization and a representative of the commissioner within 48 hours excluding holidays or weekends or the suspension will take effect. A producer may request a hearing before the commissioner or the commissioner's agent if a serious concern exists relative to the retention of the offender's permit or certification to sell milk.

Sec. 2. Minnesota Statutes 1993 Supplement, section 32.394, subdivision 8d, is amended 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 for retail sale in Minnesota. Beginning May 1, 1993, the fee is six cents per hundredweight. If the commissioner determines that a different fee, not less than five cents and not more than nine cents per hundredweight, when combined with general fund appropriations and fees charged under sections 31.39 and 32.394, subdivision 8, is needed to provide adequate funding for the Grades A and B inspection programs and the administration and enforcement of Laws 1993, chapter 65, the commissioner may, by rule, change the fee on processors within the range provided within this subdivision.

(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 production of records as necessary to determine compliance with this subdivision.

(c) *Processors of milk or dairy products labeled under section 32.75 shall pay to the commissioner a fee of ... cents per hundred weight of fluid milk processed and milk used in the manufacture of such products.*

Sec. 3. [32.75] [RECOMBINANT BOVINE GROWTH HORMONE; LABELING.]

Subdivision 1. [DEFINITION.] For purposes of this section and section 32.103, "recombinant bovine growth hormone" or "rBGH" means a growth hormone, intended for use in bovine animals, that has been produced through recombinant DNA techniques, described alternately as recombinant bovine somatotropin, or rBST.

Subd. 2. [LABELING.] (a) Products offered for wholesale or retail sale in this state which contain milk, cream, or any product or by-product of milk or cream, which have been processed and handled pursuant to the requirements of this section, may be labeled: "Milk in this product is from cows not treated with rBGH." Labeling of dairy products under this section which are offered for sale within this state may also include an indication that the milk used is "farmer certified rBGH-free." The label must include the statement: "The federal government has determined that no significant difference has been shown between milk derived from rBGH-treated cows and non-rBGH-treated cows." Products offered for wholesale or retail sale within this state need not contain any further label information relative to the use of rBGH in milk production. A manufacturer or processor of dairy products for interstate or international sale may apply to the commissioner for additional label compliance approval if that product label contains any reference to rBGH.

(b) The label described in paragraph (a) may appear on the principal display panel, as defined in section 31.01, subdivision 22, of a packaged product, be conspicuously attached to the container of a bulk product, or appear in any advertisement, as defined in section 31.01, subdivision 26, for a product, including radio advertisements or displays or placards posted in retail stores.

(c) Products offered for wholesale or retail sale in this state which contain milk, cream, or any product or by-product of milk or cream, may display a label indicating that the product is produced from cows not treated with rBGH, if the label conforms with labeling requirements of another state for such products.

(d) All labeling or advertising statements relating to rBST must be factually supported. False or misleading statements are prohibited.

Subd. 3. [AFFIDAVIT; RECORDS.] (a) A dairy plant purchasing milk or cream to be used in products labeled pursuant to subdivision 2 shall require an affidavit approved by the commissioner from producers supplying such milk. This affidavit must be signed by the producer or authorized representative and state that all cows used in the producer's dairy operations have not and will not be treated with rBGH, without advanced written notice of at least 30 days to the dairy plant.

(b) Dairy plants shall keep original affidavits on file for a period of not less than two years after receiving written notice from the producer of anticipated rBGH use, as provided in paragraph (a). These affidavits and corresponding records must be made available for inspection by the commissioner. Dairy plants supplying milk or cream to a processor or manufacturer of a product to be labeled pursuant to subdivision 2, for use in that product, shall supply a certification to that processor or manufacturer stating that producers of the supplied milk or cream have executed and delivered affidavits pursuant to paragraph (a).

Subd. 4. [SEPARATION OF NONTREATED COWS AND MILK.] All milk or cream from non-rBGH-treated cows used in manufacturing or processing of products labeled pursuant to subdivision 2, or milk or cream supplied by a producer under an affidavit pursuant to subdivision 3, must be kept fully separate from any other milk or cream through all stages of storage, transportation, and processing until the milk or resulting dairy products are in final packaged form in a properly labeled container. Records of the separation must be kept by the dairy plant and product processor or manufacturer at all stages and made available to the commissioner for inspection.

Sec. 4. Minnesota Statutes 1992, 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, 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. 5. Minnesota Statutes 1992, 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, 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. 6. Minnesota Statutes 1992, 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, 1992, to other than a pharmacy, except as provided in this chapter.

Sec. 7. [APPROPRIATION.]

§..... is appropriated from the dairy services account to the commissioner of agriculture for use in the enforcement and management of the recombinant bovine growth hormone labeling under Minnesota Statutes, section 32.75. This appropriation is available until June 30, 1995.

Sec. 8. [EFFECTIVE DATE.]

Sections 1 and 3 are effective the day following final enactment."

Amend the title as follows:

Page 1, delete line 5 and insert "removing and clarifying regulations concerning veterinary use"

Page 1, line 6, delete "somatotropin" and insert "growth hormone"

Page 1, line 9, after the semicolon, insert "Minnesota Statutes 1993 Supplement, section 32.394, subdivision 8d;"

And when so amended the bill do pass and be re-referred to the Committee on Environment and Natural Resources. Amendments adopted. Report adopted.

MEMBERS EXCUSED

Mrs. Adkins was excused from the Session of today.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 8:00 a.m., Thursday, March 24, 1994. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

SEVENTY-SEVENTH DAY

St. Paul, Minnesota, Thursday, March 24, 1994

The Senate met at 8:00 a.m. and was called to order by the President.

CALL OF THE SENATE

Ms. Flynn imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

Prayer was offered by the Chaplain, Rev. Erwin C. Barron.

The roll was called, and the following Senators answered to their names:

Anderson	Finn	Kroening	Murphy	Runbeck
Beckman	Flynn	Laidig	Neuville	Sams
Belanger	Frederickson	Langseth	Novak	Samuelson
Benson, D.D.	Hanson	Larson	Oliver	Solon
Benson, J.E.	Hottinger	Lesewski	Olson	Spear
Berg	Janezich	Lessard	Pappas	Stevens
Berglin	Johnson, D.E.	Luther	Pariseau	Stumpf
Bertram	Johnson, D.J.	Marty	Piper	Terwilliger
Betzold	Johnson, J.B.	McGowan	Pogemiller	Vickerman
Chandler	Johnston	Merriam	Price	Wiener
Chmielewski	Kelly	Metzen	Ranum	
Cohen	Kiscaden	Moe, R.D.	Reichgott Junge	
Day	Knutson	Mondale	Riveness	
Dille	Krentz	Morse	Robertson	

The President declared a quorum present.

The reading of the Journal was dispensed with and the Journal, as printed and corrected, was approved.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communication was received.

March 22, 1994

The Honorable Irv Anderson
Speaker of the House of Representatives

The Honorable Allan H. Spear
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1994 Session of the State Legislature have been received from the Office of the

Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

S.F. No.	H.F. No.	Session Laws Chapter No.	Time and Date Approved 1994	Date Filed 1994
	2213	376	11:43 a.m. March 22	March 22
	1863	377	11:41 a.m. March 22	March 22

Sincerely,
Joan Anderson Growe
Secretary of State

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

Ms. Reichgott Junge from the Committee on Judiciary, to which was referred

S.F. No. 1823: A bill for an act relating to government data practices; listing provisions codified outside the government data practices act that limit access to data; amending Minnesota Statutes 1992, section 13.99, subdivisions 7, 39, 45, 53, 60, 71, and by adding subdivisions.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Ms. Reichgott Junge from the Committee on Judiciary, to which was re-referred

S.F. No. 1700: 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.

Reports the same back with the recommendation that the resolution do pass. Report adopted.

Ms. Reichgott Junge from the Committee on Judiciary, to which was re-referred

S.F. No. 1784: A bill for an act relating to insurance; requiring disclosure of information relating to insurance fraud; granting immunity for reporting suspected insurance fraud; requiring insurers to develop antifraud plans; prescribing penalties; proposing coding for new law in Minnesota Statutes, chapter 60A.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 26, delete “, incomplete.”

Page 2, line 1, after “information” insert “or a material and misleading omission”

Page 3, line 21, after "release" insert "or reporting"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Berg from the Committee on Gaming Regulation, to which was referred

S.F. No. 2067: A bill for an act relating to the lottery; authorizing and regulating the use of video lottery machines for the play of poker, keno, slots, and bingo; regulating video lottery manufacturers, distributors, operators, and licensed establishments; authorizing the use of pull-tab dispensing devices; prescribing penalties; establishing fees; providing rulemaking, including exempt rulemaking; amending Minnesota Statutes 1992, sections 349.12, subdivision 18; 349.13; 349.151, subdivision 4; and 349A.13; proposing coding for new law in Minnesota Statutes, chapter 349A.

Reports the same back with the recommendation that the bill be amended as follows:

Page 4, line 3, after "means" insert "(1)"

Page 4, line 4, after "liquor" insert "or 3.2 percent malt liquor"

Page 4, line 5, after "sold" insert ", or (2) an establishment licensed as a bingo hall under chapter 349"

Page 5, line 34, delete from "The" through page 5, line 35, to "14."

Page 6, line 23, delete from ", excluding" through page 6, line 25, to "year"

Page 9, line 6, delete "the duration of the" and insert "a period of two years after the date of enactment."

Page 9, delete lines 7 and 8

Page 10, line 19, delete from "has" through page 10, line 28, to "299L.07" and insert "is not qualified to be licensed according to the provisions of section 349.161"

Page 12, line 4, delete "No" and insert "A"

Page 12, line 7, delete the first "or" and insert "and may"

Page 12, line 8, delete "except" and insert "but only"

Page 13, line 8, after the period, insert "A maintenance worker must report to an operator any break or tear in a sealed tape and specify whether the break or tear occurred during the maintenance worker's inspection or repair."

Page 15, line 30, after the period, insert "If more than one organization conducts lawful gambling in a licensed establishment, each organization is entitled to ten percent of the net machine income."

Page 16, line 3, delete the first "the"

And when so amended the bill do pass and be re-referred to the Committee on Taxes and Tax Laws. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Crime Prevention, to which was referred

S.F. No. 1759: A bill for an act relating to corrections; requiring certain correctional facility personnel to participate in educational programs relating to mental health of inmates; prescribing powers and duties of the commissioners of corrections and human services; amending Minnesota Statutes 1992, section 241.69, subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. [INMATE MENTAL HEALTH TRAINING STUDY.]

Subdivision 1. [STUDY.] The commissioners of corrections and human services shall convene a group to evaluate current training programs and practices relating to appropriate identification, care, and treatment of inmates who are mentally ill for correctional staff who have direct contact with inmates. The study group shall determine whether current practices are appropriate and sufficient to help correctional staff identify and understand mental illness and treatment issues. The study group shall:

(1) make a specific recommendation whether correctional staff who have direct contact with inmates should be required to attend continuing education on mental health issues; and

(2) develop a plan for addressing inmate mental health issues, including early intervention.

Subd. 2. [PARTICIPANTS.] In convening the study group, the commissioners shall include representatives of the following:

(1) the ombudsman for corrections;

(2) mental health experts;

(3) mental health advocates;

(4) inmate advocates; and

(5) correctional officers.

Subd. 3. [REPORT.] The study group shall submit a joint report to the chairs of the senate crime prevention committee and the house of representatives judiciary committee and the chairs of the senate health care committee and the house of representatives health and human services committee by December 15, 1994, with its recommendations.

Sec. 2. [INMATE HIV/AIDS TRAINING STUDY.]

Subdivision 1. [STUDY.] The commissioners of corrections and health shall convene a group to evaluate current training programs and practices relating to appropriate identification, care, and treatment of inmates who are affected with HIV/AIDS for correctional staff who have direct contact with inmates. The study group shall determine whether current practices are appropriate and sufficient to help correctional staff identify and understand HIV/AIDS issues. The study group shall:

(1) make a specific recommendation whether correctional staff who have direct contact with inmates should be required to attend continuing education on HIV/AIDS issues; and

(2) develop a plan for addressing inmate HIV/AIDS issues, including prevention and education, early intervention, health care, release preparations, and risks of discrimination and harassing treatment.

Subd. 2. [PARTICIPANTS.] In convening the study group, the commissioners shall include representatives of the following:

- (1) the ombudsman for the department of corrections;
- (2) the ombudsman for the department of health;
- (3) HIV/AIDS advocates;
- (4) inmate advocates; and
- (5) correctional officers.

Subd. 3. [REPORT.] The study group shall submit a joint report to the chairs of the senate crime prevention committee and the house of representatives judiciary committee and the chairs of the senate health care committee and the house of representatives health and human services committee by December 15, 1994, with their recommendations."

Delete the title and insert:

"A bill for an act relating to corrections; requiring a study of the need for training of correctional staff regarding mental health needs of inmates; requiring a study of the need for training of correctional staff regarding HIV/AIDS issues."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Chmielewski from the Committee on Transportation and Public Transit, to which was referred

S.F. No. 1802: A bill for an act relating to transportation; changing eligibility requirements for distribution of funds from the town road account; amending Minnesota Statutes 1993 Supplement, section 162.081, subdivision 4.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Chmielewski from the Committee on Transportation and Public Transit, to which was referred

S.F. No. 2013: A bill for an act relating to taxation; motor fuels; providing for the disposition of unrefunded gasoline tax attributable to off-highway motorcycle use; amending Minnesota Statutes 1992, section 296.16, subdivision 1; Minnesota Statutes 1993 Supplement, section 84.794, subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, lines 22 and 27, delete "... " and insert "0.046"

Page 2, after line 29, insert:

"Sec. 3. [EFFECTIVE DATE.]

Sections 1 and 2 are effective July 1, 1994, and section 2 applies to gasoline received or produced in or brought into this state on and after that date.

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Chmielewski from the Committee on Transportation and Public Transit, to which was referred

S.F. No. 2415: A bill for an act relating to traffic regulations; increasing from \$500 to \$1,000 the threshold level of reportable motor vehicle accidents; amending Minnesota Statutes 1993 Supplement, section 169.09, subdivision 7.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Mr. Chmielewski from the Committee on Transportation and Public Transit, to which was referred

S.F. No. 1807: A bill for an act relating to motor vehicles; authorizing special license plates for vehicles owned by volunteer ambulance drivers; amending Minnesota Statutes 1992, section 168.12, by adding a subdivision.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Chmielewski from the Committee on Transportation and Public Transit, to which was referred

S.F. No. 2006: A bill for an act relating to taxation; motor fuels; establishing permit system for alternate fuel vehicles; setting permit fees based on vehicle weight; amending Minnesota Statutes 1993 Supplement, sections 296.02, subdivision 1a; and 296.025, subdivision 1a; proposing coding for new law in Minnesota Statutes, chapter 296.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Chmielewski from the Committee on Transportation and Public Transit, to which was referred

S.F. No. 2035: A bill for an act relating to traffic regulations; allowing any city to establish citizen enforcement programs to enforce vehicle parking laws relating to the physically disabled; amending Minnesota Statutes 1993 Supplement, section 169.346, subdivision 4.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Chmielewski from the Committee on Transportation and Public Transit, to which was re-referred

S.F. No. 1968: A bill for an act relating to veterans; extending eligibility for special veterans' license plates to allied veterans; amending Minnesota Statutes 1992, section 168.123, subdivisions 1 and 2.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Mr. Chmielewski from the Committee on Transportation and Public Transit, to which was referred

S.F. No. 2178: A bill for an act relating to taxation; exempting transit providers receiving reimbursement for transporting persons needing medical assistance from payment of excise tax on gasoline; amending Minnesota Statutes 1993 Supplement, section 296.02, subdivision 1a.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Chmielewski from the Committee on Transportation and Public Transit, to which was referred

S.F. No. 1816: A bill for an act relating to motor carriers; amending and eliminating the repeal of regulations related to personal transportation service providers; defining terms and setting requirements related to personal transportation service; increasing a fee; amending Minnesota Statutes 1992, sections 168.1281, subdivisions 1, 2, and by adding a subdivision; 221.011, subdivision 34; and 221.85, subdivision 3, and by adding a subdivision; Minnesota Statutes 1993 Supplement, section 168.011, subdivision 36; Laws 1993, chapter 323, section 5; repealing Minnesota Statutes 1993 Supplement, section 168.1281, subdivision 4; Laws 1992, chapter 578, section 56; Laws 1993, chapter 323, sections 3 and 4.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1993 Supplement, section 168.011, subdivision 36, is amended to read:

Subd. 36. [PERSONAL TRANSPORTATION SERVICE VEHICLE.] “Personal transportation service vehicle” is a means an unmarked passenger vehicle, other than a taxicab licensed by a municipality or other vehicle equipped with a meter, that has a seating capacity of up to six persons excluding the driver, or a van or station wagon with a seating capacity of up to 14 persons excluding the driver, that provides personal transportation service as defined in section 221.011, subdivision 34. For purposes of this subdivision, “unmarked” means without visible numbers, letters, symbols, graphic representations, or advertising, but does not include any means of identification required by federal law or rules adopted by the commissioner of transportation under section 221.85.

Sec. 2. Minnesota Statutes 1992, section 168.1281, subdivision 1, is amended to read:

Subdivision 1. [LICENSE PLATES.] A person who operates a personal transportation service vehicle shall apply to register the vehicle as provided in this section. The registrar shall issue personal transportation service plates after determining that the vehicle meets the definition in section 168.011, subdivision 36, and on the applicant’s compliance with laws relating to registration and licensing of motor vehicles and drivers, and certification by

the owner that an insurance policy meeting the requirements of subdivision 2 is in effect for the entire period of registration. *After the effective date of rules adopted by the commissioner of transportation under section 221.85, subdivision 1, personal transportation service plates shall be issued only after the applicant obtains a valid permit to provide personal transportation service issued under section 221.85 and presentation of a valid safety certificate, described under section 221.85, subdivision 1.* The applicant must provide the registrar with proof that the passenger automobile license tax and a \$10 fee have been paid for each vehicle receiving personal transportation service license plates. The registrar shall design personal transportation service license plates so that the plates identify the vehicle as a personal transportation service vehicle, and clearly display the letters "LS." Personal transportation service license plates issued to a vehicle may not be transferred to another vehicle, except that they may be transferred to another personal transportation service vehicle owned by the same owner on notification to the registrar, *presentation of a valid safety certificate, described under section 221.85, subdivision 1,* and payment of a \$5 transfer fee.

Sec. 3. Minnesota Statutes 1992, section 168.1281, subdivision 2, is amended to read:

Subd. 2. [INSURANCE.] An application under subdivision 1 must include a certificate of insurance that (1) verifies that a valid commercial *for-hire* insurance policy is in effect, and (2) gives the name of the insurance company and the number of the policy. The policy must provide stated limits of liability, exclusive of interest and costs, with respect to each vehicle for which coverage is granted, of (1) not less than ~~\$100,000~~ \$250,000 because of bodily injury to one person in any one accident, (2) subject to the limit for one person, not less than ~~\$300,000~~ \$500,000 because of injury to two or more persons in any one accident, and (3) not less than \$100,000 because of injury to or destruction of property. *The certificate of insurance, or attached policy endorsement must require the named insurance company must to notify the commissioner if the policy is canceled or if the policy no longer provides the coverage required by this subdivision.*

Sec. 4. Minnesota Statutes 1992, section 168.1281, is amended by adding a subdivision to read:

Subd. 5. [RECALL OF LICENSE PLATES.] *Upon determining that personal transportation service license plates have been issued to a vehicle that does not meet the definition in section 168.011, subdivision 36, that a personal transportation service vehicle is no longer covered by a valid insurance policy as required by subdivision 2, or that the operator of the personal transportation vehicle does not possess a valid permit issued under section 221.85, subdivision 3, the commissioner shall immediately notify the registered owner of the vehicle that the license plates must be surrendered. The owner shall then immediately surrender the license plates to the commissioner. Upon surrender of the license plates, the registrar shall issue appropriate alternate license plates to the vehicle's registered owner without cost.*

Sec. 5. Minnesota Statutes 1992, section 221.011, subdivision 34, is amended to read:

Subd. 34. [PERSONAL TRANSPORTATION SERVICE.] "Personal transportation service" means service that:

- (1) is not provided on a regular route;

(2) is provided in a personal transportation service vehicle as defined in section 168.011, subdivision 36; and

(3) is not metered for the purpose of determining fares;

(4) provides is prearranged pickup of passengers;

(5) charges more than a taxicab fare for a comparable trip at the initiation and request of a passenger or passenger's representative before pickup.

Sec. 6. Minnesota Statutes 1992, section 221.85, subdivision 1, is amended to read:

Subdivision 1. [PERMIT REQUIRED; RULES.] No person may provide personal transportation service for hire without having obtained a personal transportation service permit from the commissioner. The commissioner shall adopt rules governing the issuance of permits and furnishing of personal transportation service. The rules must provide for:

(1) annual inspections of vehicles, including the designation of authorized inspection facilities throughout the state for the purposes of conducting periodic vehicle safety inspections, on behalf of the state and at the expense of the applicant, and the issuance of safety certificates which shall be required before issuance or renewal of a license plate under section 168.1281, subdivision 1;

(2) driver qualifications including requiring a criminal history check of drivers;

(3) insurance requirements;

(4) advertising regulations, including requiring a copy of the permit to be carried in the personal transportation service vehicle and the use of the words "licensed and insured";

(5) agreements with political subdivisions for sharing enforcement costs with the state;

(6) issuance of temporary permits and fees therefor; and

(7) other requirements the commissioner deems necessary to carry out the purposes of this section.

Sec. 7. Minnesota Statutes 1992, section 221.85, is amended by adding a subdivision to read:

Subd. 1a. [GENERAL REQUIREMENTS.] *A personal transportation service provider:*

(1) may not solicit an individual, or individuals to form a group, for the purpose of transporting them;

(2) must keep a written log of reservations for personal transportation service and actual services provided, including the times and locations of the reservations and services; and

(3) must keep the logs on file, and available for inspection by the commissioner, for a period of two years.

Sec. 8. Minnesota Statutes 1992, section 221.85, subdivision 3, is amended to read:

Subd. 3. [PERMITS; DECALS.] (a) The commissioner shall design a

distinctive decal to be issued to permit holders under this section. A decal is valid for one year from the date of issuance. No person may provide personal transportation service in a personal transportation service vehicle that does not conspicuously display a decal issued under this subdivision.

(b) ~~From August 1, 1992, to June 30, 1993, the fee for each decal issued under this section is \$150. On and after July 1, 1993, The fee for each decal issued under this section is \$80. The fee for each permit issued under this section is \$150 \$500. The commissioner shall deposit all fees under this subdivision in the trunk highway fund.~~

Sec. 9. Laws 1993, chapter 323, section 5, is amended to read:

Sec. 5. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment. ~~Sections 3 and 4 are effective August 1, 1994.~~

Sec. 10. [TRANSITION.]

A person providing personal transportation service as defined in section 5, in a personal transportation service vehicle as defined in section 1, on the day following final enactment may continue to provide personal transportation service in the vehicle without a permit under Minnesota Statutes, section 221.85, subdivision 1, until the effective date of the final rules adopted by the commissioner under that section, except that 30 days following final enactment personal transportation vehicles must be covered by a valid commercial for-hire insurance policy in the amounts specified in section 3.

Sec. 11. [REPEALER.]

(a) *Minnesota Statutes 1993 Supplement, section 168.1281, subdivision 4, is repealed.*

(b) *Laws 1992, chapter 578, section 56, is repealed.*

(c) *Laws 1993, chapter 323, sections 3 and 4, are repealed.*

Sec. 12. [EFFECTIVE DATE.]

Sections 1, 2, and 4 to 11 are effective the day following final enactment. Section 3 is effective 30 days following the date of final enactment."

Amend the title as follows:

Page 1, line 9, delete the second "subdivision" and insert "subdivisions 1,"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Chmielewski from the Committee on Transportation and Public Transit, to which was referred

S.F. No. 2510: A bill for an act relating to traffic regulations; regulating use and operation of Head Start school buses; amending Minnesota Statutes 1992, sections 169.01, by adding a subdivision; 169.28, subdivision 1; 169.441, subdivisions 2 and 4; 169.442, subdivision 5; 169.443, subdivisions 5 and 6; 169.447; 169.448, subdivisions 1 and 3; 169.451; 169.64, subdivision 8; 169.781, subdivision 1; 169.87, subdivision 3; 171.01, by adding a subdivision; 171.3215; 221.011, subdivision 21; and 631.40, subdivision 1a; Minne-

sota Statutes 1993 Supplement, sections 171.321, subdivision 2; 221.025; and 221.031, subdivision 3b.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Ms. Reichgott Junge from the Committee on Judiciary, to which was referred

H.F. No. 1496: A bill for an act relating to health; clarifying the scope of confidentiality of records of review organizations; including preferred provider organizations in definition of review organizations; amending Minnesota Statutes 1992, sections 145.61, subdivision 5, and by adding a subdivision; and 145.64, subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1992, section 145.61, is amended by adding a subdivision to read:

Subd. 4c. [PREFERRED PROVIDER ORGANIZATION.] “Preferred provider organization” means an organization that contracts with insurance carriers or other entities to arrange a network of health care providers whose services are offered to the insureds or other covered persons.

Sec. 2. Minnesota Statutes 1992, section 145.61, subdivision 5, is amended to read:

Subd. 5. “Review organization” means a nonprofit organization acting according to clause (k) or a committee whose membership is limited to professionals, administrative staff, and consumer directors, except where otherwise provided for by state or federal law, and which is established by *one or more of the following*: a hospital, ~~by~~ a clinic, ~~by~~ a nursing home, ~~by~~ one or more state or local associations of professionals, ~~by~~ an organization of professionals from a particular area or medical institution, ~~by~~ a health maintenance organization as defined in chapter 62D, ~~by~~ a nonprofit health service plan corporation as defined in chapter 62C, *a preferred provider organization*, ~~by~~ a professional standards review organization established pursuant to United States Code, title 42, section 1320c-1 et seq., ~~or by~~ a medical review agent established to meet the requirements of section 256B.04, subdivision 15, or 256D.03, subdivision 7, paragraph (b), ~~or by~~ the department of human services, *or a corporation organized under chapter 317A that owns, operates, or is established by one or more of the above referenced entities*, to gather and review information relating to the care and treatment of patients for the purposes of:

(a) evaluating and improving the quality of health care rendered in the area or medical institution *or by the entity or organization that established the review organization*;

(b) reducing morbidity or mortality;

(c) obtaining and disseminating statistics and information relative to the treatment and prevention of diseases, illness and injuries;

(d) developing and publishing guidelines showing the norms of health care in the area or medical institution *or in the entity or organization that established the review organization*;

(e) developing and publishing guidelines designed to keep within reasonable bounds the cost of health care;

(f) reviewing the quality or cost of health care services provided to enrollees of health maintenance organizations, health service plans, *preferred provider organizations*, and insurance companies;

(g) acting as a professional standards review organization pursuant to United States Code, title 42, section 1320c-1 et seq.;

(h) determining whether a professional shall be granted staff privileges in a medical institution, membership in a state or local association of professionals, or participating status in a nonprofit health service plan corporation, health maintenance organization, *preferred provider organization*, or insurance company, or whether a professional's staff privileges, membership, or participation status should be limited, suspended or revoked;

(i) reviewing, ruling on, or advising on controversies, disputes or questions between:

(1) health insurance carriers, nonprofit health service plan corporations, ~~or~~ health maintenance organizations, *self-insurers* and their insureds, subscribers, ~~or~~ enrollees, *or other covered persons*;

(2) professional licensing boards and health providers licensed by them;

(3) professionals and their patients concerning diagnosis, treatment or care, or the charges or fees therefor;

(4) professionals and health insurance carriers, nonprofit health service plan corporations, ~~or~~ health maintenance organizations, *or self-insurers* concerning a charge or fee for health care services provided to an insured, subscriber, ~~or~~ enrollee, *or other covered person*;

(5) professionals or their patients and the federal, state, or local government, or agencies thereof;

(j) providing underwriting assistance in connection with professional liability insurance coverage applied for or obtained by dentists, or providing assistance to underwriters in evaluating claims against dentists;

(k) acting as a medical review agent under section 256B.04, subdivision 15, or 256D.03, subdivision 7, paragraph (b);

(l) providing recommendations on the medical necessity of a health service, or the relevant prevailing community standard for a health service;

(m) reviewing a provider's professional practice as requested by the health care analysis unit under section 62J.32; ~~or~~

(n) providing quality assurance as required by United States Code, title 42, sections 1396r(b)(1)(b) and 1395i-3(b)(1)(b) of the Social Security Act;

(o) *providing information to group purchasers of health care services when that information was originally generated within the review organization for a purpose specified by this subdivision; or*

(p) *providing information to other, affiliated or nonaffiliated review organizations, when that information was originally generated within the review organization for a purpose specified by this subdivision, and as long as that information will further the purposes of a review organization as specified by this subdivision.*

Sec. 3. Minnesota Statutes 1992, section 145.64, subdivision 1, is amended to read:

Subdivision 1. [DATA AND INFORMATION.] All data and information acquired by a review organization, in the exercise of its duties and functions, or by an individual or other entity acting at the direction of a review organization, shall be held in confidence, shall not be disclosed to anyone except to the extent necessary to carry out one or more of the purposes of the review organization, and shall not be subject to subpoena or discovery. No person described in section 145.63 shall disclose what transpired at a meeting of a review organization except to the extent necessary to carry out one or more of the purposes of a review organization. The proceedings and records of a review organization shall not be subject to discovery or introduction into evidence in any civil action against a professional arising out of the matter or matters which are the subject of consideration by the review organization. Information, documents or records otherwise available from original sources shall not be immune from discovery or use in any civil action merely because they were presented during proceedings of a review organization, nor shall any person who testified before a review organization or who is a member of it be prevented from testifying as to matters within the person's knowledge, but a witness cannot be asked about the witness' testimony before a review organization or opinions formed by the witness as a result of its hearings.

The confidentiality protection and protection from discovery or introduction into evidence provided in this subdivision shall also apply to the governing body of the review organization and shall not be waived as a result of referral of a matter from the review organization to the governing body or consideration by the governing body of decisions, recommendations, or documentation of the review organization.

Sec. 4. Minnesota Statutes 1992, section 147.111, subdivision 3, is amended to read:

Subd. 3. [MEDICAL SOCIETIES.] A state or local medical society shall report to the board any termination, revocation, or suspension of membership or any other disciplinary action taken against a physician. If the society has received a complaint which might be grounds for discipline under sections 147.01 to 147.22 against a member physician on which it has not taken any disciplinary action, the society shall report the complaint and the reason why it has not taken action on it or shall direct the complainant to the board of medical practice. *This subdivision does not apply to a medical society when it performs peer review functions as an agent of an outside entity, organization, or system.*

Sec. 5. [EFFECTIVE DATE.]

This act is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to health; modifying the definition of review organization; allowing review organizations to provide information to pur-

chasers and other review organizations; providing confidentiality protection and protection from discovery process for the transfer of the information; clarifying the scope of confidentiality of review organization records; exempting medical societies from reporting obligations when performing peer review functions; amending Minnesota Statutes 1992, sections 145.61, subdivision 5, and by adding a subdivision; 145.64, subdivision 1; and 147.111, subdivision 3.”

And when so amended the bill do pass. Amendments adopted. Report adopted.

SECOND READING OF SENATE BILLS

S.F. Nos. 1823, 1700, 1784, 1759, 1802, 2013, 2415, 1807, 2006, 2035, 1968, 2178, 1816 and 2510 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. No. 1496 was read the second time.

MOTIONS AND RESOLUTIONS

Ms. Johnston moved that the name of Mr. Price be added as a co-author to S.F. No. 1951. The motion prevailed.

Mr. Chmielewski moved that the name of Mr. Murphy be added as a co-author to S.F. No. 2716. The motion prevailed.

Mr. Stumpf moved that the name of Mr. Vickerman be added as a co-author to S.F. No. 2724. The motion prevailed.

Ms. Pappas moved that the name of Mr. Marty be added as a co-author to S.F. No. 2790. The motion prevailed.

Mr. Moe, R.D., for the Committee on Rules and Administration, introduced—

Senate Resolution No. 68: A Senate resolution relating to ethical conduct; reprimanding Senator Sam G. Solon.

WHEREAS, the Special Committee on Ethical Conduct has made the following findings:

1. Sam G. Solon was first elected to the Minnesota House of Representatives in 1970 and was first elected to the Minnesota Senate in 1972.

2. Senator Solon has served well and faithfully the residents of Duluth and Northeast Minnesota since that time.

3. Senator Solon's office has for 20 years been the center of operations for residents of Duluth who are here lobbying the legislature.

4. Senator Solon has allowed the visitors in his office to use the Senate's telephone system to make calls to Duluth.

5. Senator Solon provided the Senate's long-distance telephone access code to his long-time friend and roommate Charles Westin, so that Mr. Westin could call Senator Solon in Duluth when Mr. Westin was in St. Paul.

6. Mr. Westin used the Senate's long-distance telephone access code not only to make calls to Senator Solon but also to make calls from his business office in St. Paul to the offices of the Northeast Minnesota Economic Development Association (NEMDA) in Duluth and to make personal calls from his residence in St. Paul to his family in Duluth, at a combined cost to the Senate of approximately \$320.

7. Mr. Westin provided the Senate's long-distance telephone access code to Mr. Don Johnson, a St. Paul resident who was engaged in setting up a business importing products from South Africa and the Virgin Islands.

8. Mr. Westin also escorted Mr. Johnson to Senator Solon's office and told Senator Solon's secretary that Mr. Johnson was authorized to use the Senate telephone system to make calls to South Africa as part of an economic development project.

9. Mr. Johnson, without Senator Solon's actual knowledge or approval, did use the Senate's telephones to make business calls to South Africa and used both the Senate's telephones and the Senate's long-distance telephone access code to make business calls to the Virgin Islands at Senate expense of approximately \$1,600.

10. Senator Solon also provided the Senate's long-distance telephone access code to Mr. Ronald Limoseth, his volunteer aide and confidante for more than 20 years, so that Mr. Limoseth could call him at Senate expense to report on legislative matters he was handling for Senator Solon.

11. Mr. Limoseth used the Senate's access code to call Senator Solon not only from Duluth and Northeast Minnesota but also from his winter residence in Pompano Beach, Florida.

12. Mr. Limoseth, without Senator Solon's actual knowledge or approval, gave the Senate's long-distance telephone access code to his wife, Mrs. Constance Limoseth, who used it to make numerous personal calls from their winter home in Pompano Beach, Florida, to her relatives in Maine and California.

13. The calls placed by the Limoseths from Pompano Beach were paid for by the Senate in the approximate amount of \$630.

14. Senator Solon also provided the Senate's long-distance telephone access code to Mr. Tom Bergh, Executive Director of the Northeast Minnesota Economic Development Association (NEMDA), a nonprofit organization involved in promoting economic development in Northeast Minnesota, to be used to call Senator Solon at the capitol on legislative business.

15. Calls made by Mr. Bergh were paid for by the Senate in the approximate amount of \$450.

16. Senator Solon also provided the Senate's long-distance telephone access code to his son, Chris Solon. Chris Solon did not use the access code.

17. For many years the state telephone directory has contained a warning that "State telephones shall not be used for personal long distance calls."

18. For many years the Senate Administrative Services Directory has contained a warning that "Long distance calls on state telephones are for business only. State telephones are not to be used for personal long distance calls."

19. The calls made by Mr. Westin from St. Paul to his family in Duluth were clearly personal and in no way related to Senate business.

20. The calls made by Mrs. Limoseth from Florida to her relatives in Maine and California were clearly personal and in no way related to Senate business.

21. The calls made by Mr. Johnson to South Africa and the Virgin Islands were for his personal business and in no way related to the business of the Senate.

22. The personal calls made by Charles Westin, Constance Limoseth, and Don Johnson violated the Senate's administrative policy prohibiting the use of Senate telephones for personal long-distance calls.

23. Although the business engaged in by Charles Westin and Tom Bergh to promote economic development in Northeast Minnesota was a proper business, it was not Senate business.

24. The cost of calls made by Charles Westin and Tom Bergh to conduct the business of the Northeast Minnesota Economic Development Association should not have been billed to the Senate.

25. The public disclosure, on and after April 12, 1993, of the uses made of the Senate's long-distance telephone service by Charles Westin, Don Johnson, Ronald Limoseth, Constance Limoseth, and Tom Bergh has brought upon the Senate dishonor and disrepute.

26. A member of the Senate is responsible not only for the member's own conduct but also for the conduct of others to whom the member entrusts the use of Senate property.

27. Senator Solon has accepted full responsibility for the cost of calls made by those to whom he entrusted the Senate long-distance telephone system and long-distance access code. By his personal checks dated April 13, 1993, and May 4, 1993, Senator Solon has made full restitution to the Senate of amounts paid by the Senate for the long-distance calls of Charles Westin, Don Johnson, Ronald Limoseth, Constance Limoseth, and Tom Bergh.

28. On May 12, 1993, Senator Solon publicly apologized to the Senate for the embarrassment, notoriety, and public ridicule that his indiscretion in giving out the Senate's long-distance telephone access number had inflicted upon the Senate.

29. Senator Solon cooperated fully with the investigation of his conduct carried out by the Attorney General, the Ramsey County Attorney, and the Olmsted County Attorney.

30. The Olmsted County Attorney found that there was not evidence to charge Senator Solon with the commission of a crime.

31. None of the calls in question were made by Senator Solon himself or for his personal gain.

32. Following the completion of the criminal investigation, Senator Solon voluntarily submitted himself to the disciplinary authority of the Special Committee on Ethical Conduct.

33. Senator Solon has ceased to allow visitors to his office to use the Senate's long-distance telephone system.

34. Senator Solon has not given his new Senate long-distance telephone access number to anyone, and has pledged not to do so in the future.

35. Senator Solon has ceased to live with Charles Westin.

36. Senator Solon has admitted to the Special Committee on Ethical Conduct that his conduct was inappropriate.

NOW, THEREFORE,

BE IT RESOLVED, by the Senate of the State of Minnesota:

1. That the conduct of Senator Sam G. Solon in providing the Senate's long-distance telephone access code to others was inappropriate.

2. That the conduct of Senator Sam G. Solon in allowing others to use his Senate office and telephone to make calls on their own personal and private business was inappropriate.

3. That Senator Sam G. Solon be required to make restitution and apologize to the Senate, which he has done.

4. That Senator Sam G. Solon be, and hereby is, reprimanded.

Mr. Moe, R.D. moved the adoption of the foregoing resolution. The motion prevailed. So the resolution was adopted.

Ms. Runbeck moved that S.F. No. 2748 be withdrawn from the Committee on Health Care and re-referred to the Committee on Crime Prevention. The motion prevailed.

Ms. Pappas moved that S.F. No. 2178, on General Orders, be stricken and re-referred to the Committee on Taxes and Tax Laws. The motion prevailed.

Mr. Chmielewski moved that S.F. No. 2006, on General Orders, be stricken and re-referred to the Committee on Taxes and Tax Laws. The motion prevailed.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 1910 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 1910: A bill for an act relating to motor vehicles; emission control inspections; requiring contractors operating public inspection stations to make available the opportunity to renew motor vehicle registrations and obtain plates or tabs at inspection stations; amending Minnesota Statutes 1992, section 116.62, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 168.

Mr. Frederickson moved to amend S.F. No. 1910 as follows:

Page 2, line 34, after the comma, insert "*subdivisions 1 to 6,*"

The motion prevailed. So the amendment was adopted.

CALL OF THE SENATE

Ms. Wiener imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

S.F. No. 1910 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

The roll was called, and there were yeas 28 and nays 37, as follows:

Those who voted in the affirmative were:

Anderson	Flynn	Larson	Morse	Reichgott Junge
Berglin	Hottinger	Luther	Pappas	Solon
Betzold	Janezich	Marty	Piper	Spear
Chmielewski	Johnson, D.J.	Merriam	Pogemiller	Wiener
Cohen	Johnson, J.B.	Moe, R.D.	Price	
Finn	Krentz	Mondale	Ranum	

Those who voted in the negative were:

Beckman	Dille	Kroening	Neuville	Samuelson
Belanger	Frederickson	Laidig	Oliver	Stevens
Benson, D.D.	Hanson	Langseth	Olson	Stumpf
Benson, J.E.	Johnson, D.E.	Lesewski	Pariseau	Terwilliger
Berg	Johnston	Lessard	Riveness	Vickerman
Bertram	Kelly	McGowan	Robertson	
Chandler	Kiscaden	Metzen	Runbeck	
Day	Knutson	Murphy	Sams	

So the bill, as amended, failed to pass.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 2015 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 2015: A bill for an act relating to metropolitan government; establishing an elected metropolitan council; providing for a regional administrator and a management team; imposing organizational requirements; imposing duties; clarifying existing provisions and making conforming changes; amending Minnesota Statutes 1992, sections 6.76; 15A.081, subdivision 7; 15A.082, subdivision 3; 16B.58, subdivision 7; 116.16, subdivision 2; 116.182, subdivision 1; 161.173; 161.174; 169.781, subdivision 1; 169.791, subdivision 5; 169.792, subdivision 11; 221.022; 221.041, subdivision 4; 221.071, subdivision 1; 221.295; 297B.09, subdivision 1; 352.03, subdivision 1; 352.75; 422A.01, subdivision 9; 422A.101, subdivision 2a; 471A.02, subdivision 8; 473.121, subdivisions 5a and 24; 473.123, subdivisions 1, 2a, and 4; 473.129; 473.13, subdivision 4; 473.146; subdivisions 1 and 4; 473.149, subdivision 3; 473.1623, subdivision 2; 473.164; 473.168, subdivision 2; 473.173, subdivisions 3 and 4; 473.223; 473.303, subdivisions 2, 3a, 4, 4a, 5, and 6; 473.371, subdivision 1; 473.375, subdivisions 11, 12, 13, 14, and 15; 473.382; 473.384, subdivisions 1, 3, 4, 5, 6, 7, and 8; 473.385; 473.386, subdivisions 1, 2, 3, 4, 5, and 6; 473.387, subdivisions 2, 3, and 4; 473.388, subdivisions 2, 3, 4, and 5; 473.39, subdivisions 1, 1a, 1b, and by adding a subdivision; 473.391; 473.392; 473.394; 473.399, as amended; 473.405, subdivisions 1, 3, 4, 5, 9, 10, 12, and 15; 473.408, subdivisions 1, 2, 2a, 4, 6, and 7; 473.409; 473.411, subdivisions 3 and 4; 473.415, subdivisions 1, 2, and 3; 473.416; 473.418; 473.42; 473.436, subdivisions 2, 3, and 6; 473.446, subdivisions 1, 1a, 2, 3, and 7; 473.448; 473.449; 473.504, subdivisions 4, 5, 6, 9, 10, 11, and 12; 473.511, subdivisions 1, 2, 3, and 4; 473.512, subdivision 1; 473.513; 473.515, subdivisions 1, 2, and 3; 473.5155, subdivisions 1 and 3; 473.516, subdivisions 2, 3, 4, and 5; 473.517,

subdivisions 1, 2, 3, 6, and 9; 473.519; 473.521, subdivisions 1, 2, 3, and 4; 473.523, subdivisions 1 and 2; 473.535; 473.541, subdivision 2; 473.542; 473.543, subdivisions 1, 2, 3, and 4; 473.545; 473.547; 473.549; 473.553, subdivisions 1, 2, 4, 5, and by adding subdivisions; 473.561; 473.595, subdivision 3; 473.605, subdivision 2; 473.823, subdivision 3; and 473.852, subdivisions 8 and 10; Minnesota Statutes 1993 Supplement, sections 10A.01, subdivision 18; 15A.081, subdivision 1; 115.54; 174.32, subdivision 2; 216C.15, subdivision 1; 221.025; 221.031, subdivision 3a; 275.065, subdivisions 3 and 5a; 352.01, subdivisions 2a and 2b; 352D.02, subdivision 1; 353.64, subdivision 7a; 400.08, subdivision 3; 473.13, subdivision 1; 473.1623, subdivision 3; 473.167, subdivision 1; 473.386, subdivision 2a; 473.3994, subdivision 10; 473.3997; 473.4051; 473.407, subdivisions 1, 2, 3, 4, 5, and 6; 473.411, subdivision 5; 473.446, subdivision 8; and 473.516, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 473; repealing Minnesota Statutes 1992, sections 115A.03, subdivision 20; 115A.33; 174.22, subdivision 4; 473.121, subdivisions 14a, 15, and 21; 473.122; 473.123, subdivisions 3, 5, and 6; 473.141, as amended; 473.146, subdivisions 2, 2a, 2b, and 2c; 473.153; 473.161; 473.163; 473.181, subdivision 3; 473.325, subdivision 5; 473.373, as amended; 473.375, subdivisions 1, 2, 3, 4, 5, 6, 7, 10, 16, 17, and 18; 473.377; 473.38; 473.384, subdivision 9; 473.388, subdivision 6; 473.404, as amended; 473.405, subdivisions 2, 6, 7, 8, 11, 13, and 14; 473.417; 473.435; 473.436, subdivision 7; 473.445, subdivisions 1 and 3; 473.501, subdivision 2; 473.503; 473.504, subdivisions 1, 2, 3, 7, and 8; 473.511, subdivision 5; 473.517, subdivision 8; 473.535; 473.543, subdivision 5; and 473.553, subdivision 4a; Minnesota Statutes 1993 Supplement, sections 473.3996, subdivisions 1 and 2.

Mr. Mondale moved to amend S.F. No. 2015 as follows:

Page 2, after line 34, insert:

“Section 1. Minnesota Statutes 1992, section 15.0597, subdivision 1, is amended to read:

Subdivision 1. [DEFINITIONS.] As used in this section, the following terms shall have the meanings given them.

(a) “Agency” means (1) a state board, commission, council, committee, authority, task force, including an advisory task force created under section 15.014 or 15.0593, or other similar multimember agency created by statute and having statewide jurisdiction; and (2) the ~~metropolitan council~~, regional transit board, metropolitan airports commission, metropolitan parks and open space commission, metropolitan sports facilities commission, metropolitan waste control commission, capitol area architectural and planning board, and any agency with a regional jurisdiction created in this state pursuant to an interstate compact.

(b) “Vacancy” or “vacant agency position” means (1) a vacancy in an existing agency, or (2) a new, unfilled agency position; provided that “vacancy” shall not mean (1) a vacant position on an agency composed exclusively of persons employed by a political subdivision or another agency, or (2) a vacancy to be filled by a person required to have a specific title or position.

(c) “Secretary” means the secretary of state.”

Pages 3 and 4, delete section 2 and insert:

“Sec. 3. Minnesota Statutes 1992, section 204B.32, subdivision 2, is amended to read:

Subd. 2. [ALLOCATION OF COSTS.] Municipalities or counties may allocate the costs of conducting elections to school districts *and the metropolitan council* 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).”

Page 6, after line 33, insert:

“Sec. 5. Minnesota Statutes 1992, section 353D.01, subdivision 2, is amended to read:

Subd. 2. [ELIGIBILITY.] Except as provided in section 353D.11, eligibility to participate in the defined contribution plan is open to an elected local government official of a governmental subdivision who elects to participate in the plan and who, for the elected service rendered to a governmental subdivision, is not a member of the public employees retirement association within the meaning of section 353.01, subdivision 7, and to 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.

For purposes of this chapter, an elected local government official includes a person appointed to fill a vacancy in an elective office. *For the purposes of this chapter, an elected local government official includes a member of the metropolitan council.* Service as an elected local government official only includes service for the governmental subdivision for which the official was elected by the public-at-large. Service as an elected local government official ceases and eligibility to participate terminates when the person ceases to be an elected official. An 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 public employees defined contribution plan.

A former participant is a person who has ceased to be an elected local government official or an emergency medical service employee and who has not withdrawn the value of an individual account.”

Page 7, delete section 5 and insert:

“Sec. 7. Minnesota Statutes 1992, section 473.123, subdivision 2a, is amended to read:

Subd. 2a. [TERMS.] Following each apportionment of council districts, as

provided under subdivision 3a, council members must be ~~appointed~~ *elected* on a nonpartisan basis from newly drawn districts as provided in subdivision 3a. *Each council member must reside in the council district represented. Each council district must be represented by one member of the council.* The terms of members are as follows: members representing even-numbered districts for terms ending the first Monday in the third January of the year ending in the numeral "7" following the election; members representing odd-numbered districts for terms ending the first Monday in the fifth January of the year ending in the numeral "5," following the election. Thereafter the term of each member is four years, with terms ending the first Monday in January, except that all terms expire on the effective date of the next apportionment. A member shall continue to serve the member's district until a successor is appointed *elected* and qualified; ~~except that, following each apportionment, the member shall continue to serve at large until the governor appoints 16 council members, one from each of the newly drawn council districts as provided under subdivision 3a, to serve terms as provided under this section.~~ The appointment to the council must be made by the first Monday in March of the year in which the term ends.

Sec. 8. Minnesota Statutes 1992, section 473.123, is amended by adding a subdivision to read:

Subd. 2b. [VACANCIES; SPECIAL ELECTION.] A vacancy in the office of council member shall be filled by special election not less than 30 nor more than 60 days after the vacancy occurs and may be held on the same day as a regular primary or regular election. If the vacancy occurs less than 60 days before the general election preceding the end of the term, the vacancy shall be filled by the person elected at that election for the ensuing term who takes office immediately after receiving the certificate of election and taking the oath of office.

Sec. 9. Minnesota Statutes 1993 Supplement, section 473.123, subdivision 3a, is amended to read:

Subd. 3a. [REDISTRICTING.] The legislature metropolitan council shall redraw the boundaries of the council districts after each decennial federal census so that each district has substantially equal population. Redistricting is effective in the year ending in the numeral "3." Within 60 days after a redistricting plan takes effect, the governor shall appoint members and shall adopt the redistricting plan no later than 25 weeks before the state primary election in the year ending in the numeral "2." Council members elected from the newly drawn districts to serve terms as provided under subdivision 2a.

Sec. 10. Minnesota Statutes 1992, section 473.123, is amended by adding a subdivision to read:

Subd. 3d. [ELECTIONS; PROCEDURES.] (a) Except as provided in this section, Minnesota election law including but not limited to chapters 211A and 211B applies to council elections, as far as practicable.

(b) Affidavits of candidacy must be filed with the secretary of state as provided under section 204B.06.

(c) The filing fee shall be the same as for county office as provided in section 204B.11, subdivision 1, paragraph (d).

(d) At the time of filing an affidavit of candidacy, a candidate may present a petition in place of the filing fee with the same number of signatures required for a candidate for county office in section 204B.11, subdivision 2.

(e) Council members must be elected at the county general election held in the year before the terms of office that they seek expire."

Page 8, lines 25 and 26, delete "compensation council under section 15A.082" and insert "metropolitan council"

Page 9, line 2, delete "appointed" and insert "elected"

Page 9, delete lines 5 and 6 and insert "council."

Sec. 13. [CONTINUATION OF TERMS.]

The appointed chair and appointed council members representing council districts 1 to 16 described in Minnesota Statutes 1993 Supplement, section 473.123, subdivision 3c, and holding office on the effective date of this section, and any successor appointed to fill a vacancy, shall continue in office until the first Monday in January after the election of council members."

Page 9, line 19, before the period, insert " , except that sections 3, 7, 10, and 13 are effective June 1, 1994"

Renumber the sections of article 1 in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 27 and nays 37, as follows:

Those who voted in the affirmative were:

Anderson	Hottinger	Luther	Novak	Stumpf
Beizold	Johnson, J.B.	Marty	Pappas	Vickerman
Cohen	Kelly	Moe, R.D.	Piper	Wiener
Day	Krentz	Mondale	Ranum	
Finn	Kroening	Morse	Sams	
Flynn	Langseth	Murphy	Spear	

Those who voted in the negative were:

Beckman	Dille	Knutson	Neuville	Robertson
Belanger	Frederickson	Laidig	Oliver	Runbeck
Benson, D.D.	Hanson	Larson	Olson	Samuelson
Benson, J.E.	Janezich	Lesewski	Pariseau	Stevens
Berg	Johnson, D.E.	Lessard	Pogemiller	Terwilliger
Berglin	Johnson, D.J.	McGowan	Price	
Bertram	Johnston	Merriam	Reichgott Junge	
Chandler	Kiscaden	Metzen	Rivness	

The motion did not prevail. So the amendment was not adopted.

Mr. Oliver moved to amend S.F. No. 2015 as follows:

Pages 2 and 3, delete section 1

Page 4, line 18, after "members" insert " , other than the chair,"

Page 5, line 32, reinstate the stricken language

Page 7, line 3, reinstate the stricken language and delete " 16"

- Page 7, line 10, after "*member*" insert ", *other than the chair,*"
- Page 7, line 12, after the period, insert "*The chair of the council represents the metropolitan area at large.*" and reinstate the stricken "are as"
- Page 7, lines 13 to 17, reinstate the stricken language
- Page 7, line 18, reinstate the stricken language and delete "end with"
- Page 7, line 19, delete "*the term of the governor*"
- Page 7, lines 20 and 21, delete "*A member serves at the pleasure of the governor.*"
- Page 7, line 32, reinstate the stricken language
- Page 7, line 34, reinstate the stricken language
- Page 7, line 35, after the stricken "senate" insert "*of the council*" and reinstate the stricken "to"
- Page 7, line 36, reinstate the stricken "serve at the pleasure of the governor."
- Page 8, lines 3 to 5, delete the new language
- Page 8, line 6, delete "*serves for a term of one year*" and strike the period
- Page 8, line 17, after "*such*" insert "*other*" and delete ", *in*"
- Page 8, line 18, delete "*addition to the chair,*"
- Page 8, line 19, delete "*the same*" and insert "*a*"
- Page 8, line 20, delete "*as the chair*"
- Page 8, line 25, after "*member*" insert ", *other than the chair,*"
- Page 8, line 27, after the period, insert "*The chair shall be reimbursed for actual and necessary expenses in the same manner as other members.*"
- Page 8, line 29, after "*for*" insert "*the chair and*"
- Page 8, line 30, after "*the*" insert "*chair and*"
- Renumber the sections of article 1 in sequence and correct the internal references
- Amend the title accordingly
- The motion did not prevail. So the amendment was not adopted.
- Ms. Flynn moved to amend S.F. No. 2015 as follows:
- Page 40, line 26, strike from "employees" through page 40, line 27, to "and"
- Page 40, line 28, after "division" insert "*of the former metropolitan transit commission*"
- Page 153, line 3, delete "473.535;"
- Amend the title as follows:
- Page 2, line 28, delete "473.535;"

The motion prevailed. So the amendment was adopted.

Ms. Flynn then moved to amend S.F. No. 2015 as follows:

Page 2, delete line 34 and insert:

“METROPOLITAN COUNCIL ORGANIZATION”

Amend the title as follows:

Page 1, lines 2 and 3, delete “establishing an elected metropolitan council;”

The motion prevailed. So the amendment was adopted.

S.F. No. 2015 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

The roll was called, and there were yeas 64 and nays 2, as follows:

Those who voted in the affirmative were:

Anderson	Finn	Kroening	Morse	Riveness
Beckman	Flynn	Laidig	Murphy	Robertson
Belanger	Frederickson	Langseth	Neuville	Runbeck
Benson, D.D.	Hanson	Larson	Novak	Sams
Benson, J.E.	Hottinger	Lesewski	Oliver	Samuelson
Berg	Janezich	Lessard	Olson	Solon
Bermlin	Johnson, D.E.	Luther	Pappas	Spear
Bertram	Johnson, D.J.	Marty	Pariseau	Stevens
Betzold	Johnson, J.B.	McGowan	Piper	Stumpf
Chandler	Kelly	Merriam	Pogemiller	Terwilliger
Chmielewski	Kiscaden	Metzen	Price	Vickerman
Cohen	Knutson	Moe, R.D.	Ranum	Wiener
Dille	Krentz	Mondale	Reichgott Junge	

Mr. Day and Ms. Johnston voted in the negative.

So the bill, as amended, was passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated H.F. No. 1845 a Special Order to be heard immediately.

SPECIAL ORDER

H.F. No. 1845: A bill for an act relating to education; permitting school boards to begin the 1994-1995 school year before Labor Day because a religious holiday is observed the day following Labor Day.

Mr. Merriam moved to amend H.F. No. 1845 as follows:

Page 1, line 7, delete “RELIGIOUS HOLIDAY”

Page 1, line 11, delete “because a religious holiday is observed on” and insert a period

Page 1, delete line 12

Amend the title as follows:

Page 1, delete lines 4 and 5 and insert a period

The motion prevailed. So the amendment was adopted.

H.F. No. 1845 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

The roll was called, and there were yeas 65 and nays 1, as follows:

Those who voted in the affirmative were:

Anderson	Finn	Krentz	Mondale	Reichgott Junge
Beckman	Flynn	Kroening	Morse	Riveness
Belanger	Frederickson	Laidig	Murphy	Robertson
Benson, D.D.	Hanson	Langseth	Neuville	Runbeck
Benson, J.E.	Hottinger	Larson	Novak	Sams
Berglin	Janezich	Lesewski	Oliver	Samuelson
Bertram	Johnson, D.E.	Lessard	Olson	Solon
Betzold	Johnson, D.J.	Luther	Pappas	Spear
Chandler	Johnson, J.B.	Marty	Pariseau	Stevens
Chmielewski	Johnston	McGowan	Piper	Stumpf
Cohen	Kelly	Merriam	Pogemiller	Terwilliger
Day	Kiscaden	Metzen	Price	Vickerman
Dille	Knutson	Moe, R.D.	Ranum	Wiener

Mr. Berg voted in the negative.

So the bill, as amended, was passed and its title was agreed to.

MOTIONS AND RESOLUTIONS – CONTINUED

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate revert to the Orders of Business of Messages From the House, First Reading of House Bills, Reports of Committees, Second Reading of Senate Bills and Second Reading of House Bills. The motion prevailed.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, herewith returned: S.F. No. 1750.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 23, 1994

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 2010, 2043, 2143; 2210, 2222, 2306, 2212 and 2487.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 23, 1994

FIRST READING OF HOUSE BILLS

The following bills were read the first time and referred to the committees indicated.

H.F. No. 2010: A bill for an act relating to the environment; requiring a person who arranges for management of solid waste in an environmentally inferior manner to indemnify generators of the waste and, for a landfill, set aside a fund to pay for contamination from the landfill; proposing coding for new law in Minnesota Statutes, chapter 115A.

Referred to the Committee on Environment and Natural Resources.

H.F. No. 2043: A bill for an act relating to recreation green space; requiring a certain public utility to relocate overhead power lines in Indian Mounds Park in Saint Paul.

Referred to the Committee on Environment and Natural Resources.

H.F. No. 2143: A bill for an act relating to telecommunications; regulating competitive telephone services and incentive plans; extending expiration dates and making technical changes for certain regulatory provisions; amending Minnesota Statutes 1992, sections 237.161, by adding a subdivision; 237.57, subdivision 4; 237.58, subdivision 1; 237.59, subdivisions 1, 2, 3, 5, and by adding a subdivision; 237.60, subdivision 2; 237.62, subdivision 1; and 237.625, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 237; repealing Minnesota Rules, parts 7815.0700; 7815.0800; 7815.0900; 7815.1000; 7815.1100; 7815.1200; 7815.1300; 7815.1400; and 7815.1500; Laws 1987, chapter 340, section 26; Laws 1989, chapter 74, sections 25 and 27; Laws 1990, chapter 513, section 3; and Laws 1993, chapter 41, section 1.

Referred to the Committee on Jobs, Energy and Community Development.

H.F. No. 2210: A bill for an act relating to data practices; regulating the classification and release of certain department of commerce data; amending Minnesota Statutes 1992, section 13.71, by adding subdivisions.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1791.

H.F. No. 2222: A bill for an act relating to elections; allowing a single polling place for two precincts in certain cases; amending Minnesota Statutes 1992, section 204B.16, subdivision 2.

Referred to the Committee on Ethics and Campaign Reform.

H.F. No. 2306: A bill for an act relating to the city of Minneapolis; providing that a levy for a contribution to the Minneapolis teachers retirement fund association is a special taxing district levy for property tax purposes; amending Minnesota Statutes 1993 Supplement, section 354A.12, subdivision 3b.

Referred to the Committee on Taxes and Tax Laws.

H.F. No. 2212: A bill for an act relating to the environment; genetically engineered organisms; authorizing the department of agriculture to exempt certain federally monitored releases; authorizing the environmental quality board to adopt rules relating to certain releases; providing for certain exemptions; amending Minnesota Statutes 1992, sections 18F.01; 18F.02,

subdivisions 1, 5, and by adding a subdivision; 18F.04; 18F.07; 18F.12; 116C.91, subdivision 1; 116C.94; and 116C.96; proposing coding for new law in Minnesota Statutes, chapters 18F; and 116C; repealing Minnesota Statutes 1992, section 18F.02, subdivision 7.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2023, now on General Orders.

H.F. No. 2487: A bill for an act relating to local government; authorizing towns in Olmsted county to adopt and enforce the state building code.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2056, now on the Consent Calendar.

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted, with the exception of the report on S.F. No. 2130. The motion prevailed.

Mr. Chmielewski from the Committee on Transportation and Public Transit, to which was referred

S.F. No. 2099: A bill for an act relating to recreational vehicles; requiring department of transportation to accept competitive design-build bids for certain nonvehicular bridges on pedestrian facilities and bicycle paths; amending Minnesota Statutes 1992, section 160.262, by adding a subdivision.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 12, delete everything before "*for*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Chmielewski from the Committee on Transportation and Public Transit, to which was referred

S.F. No. 2278: A bill for an act relating to public safety; increasing fee for motor vehicle transfers and dedicating proceeds to pay for state patrol vehicles; establishing state patrol motor vehicle account and appropriating money in the account; amending Minnesota Statutes 1992, section 168A.29, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 299D.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 1, after the comma, insert "*clauses (1) and (3),*"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Chmielewski from the Committee on Transportation and Public Transit, to which was re-referred

S.F. No. 1736: A bill for an act relating to metropolitan government; providing for financial assistance and capital expenditures of the regional

transit board; amending Minnesota Statutes 1992, sections 473.375, subdivision 13; and 473.39, subdivision 1b.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, delete lines 11 to 19 and insert:

“Subd. 13. [FINANCIAL ASSISTANCE.] The board may provide financial assistance to the commission and other providers as provided in sections 473.371 to 473.449 in furtherance of and in conformance with the implementation plan of the board. 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, *unless the operators provide service under a contract with the board or recipients of financial assistance under sections 473.371 to 473.449.*”

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Chmielewski from the Committee on Transportation and Public Transit, to which was referred

S.F. No. 2032: A bill for an act relating to motor carriers; allowing charter carrier limited authority to pick up and let off passengers when providing special transportation service; amending Minnesota Statutes 1992, section 221.121, subdivision 6b.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 14, delete “*transportation*” and insert “*passenger*”

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Lessard from the Committee on Environment and Natural Resources, to which was referred

S.F. No. 1133: A bill for an act relating to the environment; establishing an environmental cleanup program for landfills; imposing an additional property and casualty insurance premium tax; establishing a hazardous and problem products waste management tax; providing penalties; appropriating money; abolishing the metropolitan landfill contingency action trust fund; transferring trust fund assets; amending Minnesota Statutes 1992, sections 115.073; 115B.42; 383D.71, subdivision 1; 473.801, subdivisions 1 and 4; 473.841; 473.842, subdivision 1; and 473.843, subdivisions 1 and 2; proposing coding for new law in Minnesota Statutes, chapters 60A; 115A; and 115B; repealing Minnesota Statutes 1992, sections 473.842, subdivisions 1a, 4a, and 5; 473.845; and 473.847.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

“ARTICLE 1

LANDFILL CLEANUP PROGRAM

Section 1. Minnesota Statutes 1992, section 115B.04, is amended by adding a subdivision to read:

Subd. 4a. [CLAIMS BY MIXED MUNICIPAL SOLID WASTE DIS-

POSAL FACILITIES.] (a) Except as provided in paragraph (b), liability under this section for claims by owners or operators of mixed municipal solid waste disposal facilities that accept waste on or after April 9, 1994, and are not eligible facilities under section 115B.381, subdivision 5, is limited to liability for response costs exceeding the amount of available financial assurance funds required under section 116.07, subdivision 4h.

(b) This subdivision does not affect liability under this section for claims based on the illegal disposal of waste at a facility.

CLEANUP OF CLOSED LANDFILLS

Sec. 2. [115B.381] [DEFINITIONS.]

Subdivision 1. [APPLICABILITY.] In addition to the definitions in this section, the definitions in sections 115A.03 and 115B.02 apply to sections 115B.382 to 115B.44.

Subd. 2. [ACCEPTED FACILITY.] "Accepted facility" means a facility that has been accepted under section 4, subdivision 3 or 4, or has been acquired under section 4, subdivision 5, paragraph (b), clause (4).

Subd. 3. [CLOSURE.] "Closure" means actions to prevent or minimize the threat to public health and the environment posed by a mixed municipal solid waste disposal facility that has stopped accepting waste, including removing contaminated equipment; applying final cover, grading and seeding final cover; installing wells, borings, and other monitoring devices; constructing groundwater and surface water diversion structures; and installing gas control systems and site security measures, as necessary. Final cover may include processed materials meeting the requirements in Code of Federal Regulations, title 40, section 503.32, paragraph (a).

Subd. 4. [DECOMPOSITION GASES.] "Decomposition gases" means gases produced by chemical or microbial activity during the decomposition of solid waste.

Subd. 5. [ELIGIBLE FACILITY.] "Eligible facility" means a mixed municipal solid waste disposal facility that:

- (1) has been issued a permit by the agency; and
- (2) stopped accepting waste before April 9, 1994.

Subd. 6. [EXCLUDED FACILITY.] "Excluded facility" means an eligible facility that has been accepted by the commissioner as an excluded facility under section 115B.384.

Subd. 7. [POSTCLOSURE; POSTCLOSURE CARE.] "Postclosure" or "postclosure care" means actions taken for the care, maintenance, and monitoring of a mixed municipal solid waste disposal facility following site closure.

Subd. 8. [RESPONSE ACTION.] "Response action" means environmental studies, engineering, and site construction activities related to preventing, minimizing, or eliminating releases to the environment from an eligible facility.

Sec. 3. [115B.382] [LIMITATION ON LIABILITY AT ALL ELIGIBLE FACILITIES.]

(a) Except as provided in section 115B.386, there is no liability under section 115B.04 or 115B.05 for a person who is a responsible person under section 115B.03, subdivision 1, clause (b) or (c), with respect to a release or threatened release of a hazardous substance, or a pollutant or contaminant, from any eligible facility.

(b) The commissioner shall publish a list of all eligible facilities by September 1, 1994.

Sec. 4. [115B.383] [REQUIREMENTS FOR ELIGIBLE FACILITIES.]

Subdivision 1. [REQUIREMENTS.] (a) An owner or operator of an eligible facility shall:

(1) by March 1, 1995, enter into a binding agreement with the commissioner to do the following prior to acceptance of the facility under this section:

(i) transfer to the state legal title to the property described in subdivision 2;

(ii) transfer any financial assurance funds required under section 116.07, subdivision 4h, that remain in the financial assurance accounts for the facility after facility closure and any postclosure care and contingency action undertaken under clause (4) to the commissioner of revenue to be credited to the landfill cleanup account established in section 115B.42, or, if financial assurance is provided through a letter of credit, pay to the commissioner of revenue the amount that would have accumulated had financial assurance been provided through a trust fund, less amounts paid or required to be paid for closure, postclosure, and contingency action under clauses (2) and (4);

(2) complete required closure activities at the facility in accordance with the terms of the facility's permit, any applicable closure orders or enforcement agreements with the agency, and the solid waste rules in effect at the time the facility stopped accepting waste;

(3) by March 1, 1995, send the commissioner a copy of all applicable comprehensive general liability insurance policies, certificates, or other evidence of insurance coverage held during the life of the facility; take any actions necessary to preserve the owner or operator's rights to payment or defense under the policies; cooperate with the commissioner in asserting claims; and assign all rights under the policies to the commissioner; and

(4) until notification of acceptance is received under subdivision 3 or 4, continue to comply with all applicable postclosure care and contingency action requirements.

(b) At eligible facilities where response actions are being undertaken by a group of responsible persons, the actions in paragraph (a), clauses (2) and (4), may be completed by the responsible persons.

(c) The commissioner shall maintain separate accounting for each eligible facility regarding:

(1) the amount of financial assurance funds transferred under paragraph (a), clause (1), item (ii); and

(2) costs of response actions taken at the facility.

Subd. 2. [PROPERTY TO BE TRANSFERRED TO STATE.] The property that must be transferred under subdivision 1, paragraph (a), clause (1), item (i), is the entire property described in the most recent solid waste permit for

the eligible facility, along with any easements, licenses, or other property interests owned by the owner or operator that are necessary for response actions at the facility, except:

(1) an operating waste disposal facility on the property that is permitted by the agency or for which application for a permit was made by March 1, 1994, if the fill boundary of the facility is at least 200 feet from the fill boundary of the eligible facility;

(2) land and buildings associated with facilities on the property, other than operating waste disposal facilities, that the commissioner determines are reasonably necessary for continued operation of the facilities and are not located within the fill boundary of the eligible facility;

(3) any other land the commissioner determines will not be necessary for the long-term care of the eligible facility and any anticipated response actions at the facility; and

(4) land that the owner or operator before January 1, 1994, agreed to transfer to a local unit of government and that was not used for placement of waste. Transfer of this land must be made contemporaneously with the transfer under subdivision 1, paragraph (a), clause (1), item (i).

Subd. 3. [EVALUATION AND EARLY ACCEPTANCE.] (a) By January 1, 1995, the commissioner shall:

(1) certify as accepted those eligible facilities that:

(i) the commissioner determines have met the requirements of subdivision 1 as of March 1, 1995; and

(ii) have transferred the property described in subdivision 2 and the financial assurance funds described in subdivision 1, paragraph (a), clause (1), item (ii); and

(2) notify the owners or operators of eligible facilities that are not certified under clause (1) that the owner or operator must complete all requirements under subdivision 1 by August 1, 1995, or execute a binding agreement with the commissioner by August 1, 1995, that provides for completion of those requirements.

(b) In cases where an owner or operator of an eligible facility applied for exclusion by March 1, 1995, and is subsequently notified by the commissioner that the facility did not qualify for exclusion, the commissioner shall notify the owner or operator that within 60 days the owner or operator must complete the requirements of subdivision 1 or execute a binding agreement with the commissioner that provides for completion of those requirements.

Subd. 4. [ACCEPTANCE OF OTHER FACILITIES.] For facilities not accepted under subdivision 3, paragraph (a), clause (1), within 60 days following the applicable date under subdivision 3, paragraph (a), clause (2), or paragraph (b), for completion of the requirements in subdivision 1, the commissioner shall evaluate the status of the facility and shall accept a facility that has satisfied the conditions of subdivision 1.

Subd. 5. [DEFAULT.] (a) Any of the following conditions constitutes grounds for the commissioner to declare an owner or operator in default:

(1) for an owner or operator of an eligible facility who has not entered into

a binding agreement with the commissioner as required under subdivision 3, paragraph (a), clause (2), the owner's or operator's failure to complete the requirements in subdivision 1 by August 1, 1995;

(2) for an owner or operator of an eligible facility who has not entered into a binding agreement with the commissioner as required under subdivision 3, paragraph (b), the owner or operator's failure to complete the requirements in subdivision 1 within 60 days of being notified under that paragraph; or

(3) for an owner or operator of an eligible facility who has entered into a binding agreement with the commissioner under subdivision 3, paragraph (a), clause (2), or paragraph (b), the owner's or operator's failure to complete any of the terms of the binding agreement by the negotiated completion date.

(b) If an owner or operator is declared to be in default under paragraph (a), the commissioner shall:

(1) deny future permits or licenses, including renewal of existing permits or licenses, to operate a solid waste business;

(2) complete closure, postclosure, and any other necessary actions described in subdivision 8 at the facility and seek recovery of the costs under section 115B.17, subdivision 6;

(3) file liens under subdivision 6; and

(4) acquire, by eminent domain under chapter 117, the property described in the most recent permit issued by the agency for the facility, and subtract from any amount awarded the owner the commissioner's costs of closure, postclosure care, and response actions at the facility.

Subd. 6. [LIENS.] (a) The following constitute liens in favor of the state upon any real property, other than homestead property, owned by the owner or operator that is located in the state:

(1) all expenses, including expenses related to seeking cost recovery, incurred by the commissioner under subdivision 5, paragraph (b), clause (2); and

(2) all expenses incurred by responsible persons other than the owner or operator that are subject to reimbursement under section 115B.44.

(b) For the purpose of determining the amount of a lien under paragraph (a), clause (1), the commissioner shall calculate postclosure care expenses and response action costs that will be incurred in the future and discount that amount to present value.

(c) A lien under paragraph (a), clause (1), attaches when expenses are first incurred by the commissioner. A lien under paragraph (a), clause (2), attaches when the facility is declared to be in default under subdivision 5.

(d) A lien under this subdivision continues until it is satisfied or becomes unenforceable as for an environmental lien under section 514.672. Notice, filing, and release of a lien under this subdivision are governed by sections 514.671 to 514.676, except where those requirements are specific to cleanup action expenses only. Relative priority of a lien under this subdivision is governed by section 514.672, except that a lien attached to property that was included in a permit for a solid waste disposal facility takes precedence over all other liens regardless of when these liens were or are perfected. Amounts

received to satisfy all or part of a lien under this subdivision must be deposited in the landfill cleanup account.

Subd. 7. [ENVIRONMENTAL RESPONSE AND LIABILITY.] (a) Except as provided in section 115B.386, sections 115B.04 and 115B.05 do not apply to environmental response or liability for environmental response at an eligible facility that is accepted under this section.

(b) The state shall defend, indemnify, and hold harmless a responsible person from liability for response costs under the Federal Superfund Act at an accepted facility.

Subd. 8. [RESPONSE TO RELEASES.] The commissioner shall conduct or contract for postclosure care at accepted facilities and take any removal or remedial action, including emergency action, related to a release of a hazardous substance, pollutant or contaminant, or decomposition gas from an accepted facility that the commissioner finds necessary to protect the public health or welfare or the environment. The commissioner may undertake detailed studies to determine the necessary response actions at individual facilities. To avoid duplication and increase administrative efficiency, the commissioner shall develop general work plans that can replace those provisions of the detailed studies that apply to facilities with similar characteristics. Before making a final determination of appropriate response actions for a facility, the commissioner shall hold at least one public informational meeting near the facility and provide for receiving and responding to comments related to the determination. The commissioner shall design, implement, and provide oversight of response actions consistent with a final determination made under this subdivision.

Subd. 9. [PRIORITY LIST.] For the purpose of preventing or responding to releases of hazardous substances, pollutants or contaminants, or decomposition gases at eligible facilities, the commissioner shall establish a priority list for eligible facilities. The list must be based on the relative risk or danger to public health or welfare or the environment, taking into account to the extent possible the population at risk, the hazardous potential of the hazardous substances at the facility, the potential for direct human contact, and the potential for destruction of sensitive ecosystems. The list must be established by January 1, 1995, and must be updated to reflect inclusion of additional eligible facilities and changing conditions at the facilities that affect priority for response actions.

Subd. 10. [DUTY TO PROVIDE INFORMATION.] Upon request by the commissioner, a person whom the commissioner has reason to believe has or may obtain information related to the ownership or operation of an eligible facility, or to the generation, composition, transportation, treatment, or disposal of waste in an eligible facility, shall furnish to the commissioner any information that is relevant to a release or threatened release at an eligible facility.

Subd. 11. [ACCESS TO INFORMATION AND PROPERTY.] The commissioner, on presentation of credentials, and at reasonable business hours, may:

(1) examine and copy any books, papers, records, memoranda, or data of any person who has a duty to provide information to the agency under subdivision 10; and

(2) enter upon any property, public or private, for the purpose of taking action authorized by this section, including obtaining information from any person who has a duty to provide the information under subdivision 10, conducting surveys or investigations, and taking response action.

Subd. 12. [ACQUISITION AND DISPOSITION OF PROPERTY.] The commissioner may acquire and dispose of other property, including easements and other forms of access to property, under section 115B.17, subdivisions 15 and 16, that the commissioner finds necessary for response actions related to an eligible facility.

Subd. 13. [INSURANCE.] The commissioner may conduct investigations to identify responsible persons at accepted facilities. At the commissioner's request, a responsible person identified under this subdivision shall provide the commissioner with a copy of all applicable comprehensive general liability insurance policies, certificates, or other evidence of insurance coverage held while the person engaged in actions making the person a potential responsible person; take any actions necessary to preserve the person's rights to payment or defense under the policies; cooperate with the commissioner in asserting claims; and assign all rights under the policies to the commissioner.

Subd. 14. [PURSUIT OF ASSIGNED INSURANCE CLAIMS.] The attorney general shall vigorously pursue all available insurance claims under rights assigned under subdivision 1, paragraph (a), clause (3), and subdivision 13 and may contract for legal services for this purpose. All money recovered under this subdivision must be credited to the landfill cleanup account.

Sec. 5. [115B.384] [EXCLUDED FACILITIES.]

Subdivision 1. [APPLICATION PROCEDURE.] Applications from eligible facilities requesting exclusion must be received by the commissioner by February 1, 1995. The owner or operator of an eligible facility that is subject to an enforcement order under section 106 of the Federal Superfund Act, as amended, may not apply for exclusion under this section. In addition to other information required by the commissioner, an application must include a disclosure of all financial assurance accounts established for the facility. Applications for exclusion shall meet the following criteria:

(1) be timely and complete;

(2) show that the operator or owner is complying with an approved financial assurance plan for the facility that is adequate to provide for closure, postclosure care, and contingency action and is complying with the agency's rules adopted under section 116.07, subdivision 4h; and

(3) demonstrate that the facility is closed or is in compliance with a closure schedule approved by the commissioner.

Subd. 2. [EVALUATION OF EXCLUSION STATUS.] Within 60 days after the commissioner has received an application for exclusion, the commissioner shall notify the owner or operator if the facility has been accepted as an excluded facility. If the commissioner finds that the facility does not satisfy the requirements for exclusion, the commissioner shall notify the owner or operator of that fact.

Subd. 3. [RESTRICTION ON USE OF PROPERTY AT EXCLUDED FACILITIES.] (a) A person may not use any property described in the most recent agency permit issued for an excluded facility in any way that disturbs the integrity of the final cover, liners, or any other components of any containment system, or the function of the facility's monitoring systems, unless the agency finds that the disturbance:

(1) is necessary to the proposed use of the property, and will not increase the potential hazard to human health or the environment; or

(2) is necessary to reduce a threat to human health or the environment.

(b) Before any transfer of ownership of property described in paragraph (a), the owner must obtain approval from the commissioner. The commissioner shall approve a transfer if the owner can demonstrate to the satisfaction of the commissioner that persons and property will not be exposed to undue risk from releases of hazardous substances or pollutants or contaminants.

(c) After obtaining approval from the commissioner, the owner shall record with the county recorder of the county in which the property is located an affidavit containing a legal description of the property that discloses to any potential transferee:

(1) that the land has been used as a mixed municipal solid waste disposal facility;

(2) the identity, quantity, location, condition, and circumstances of the disposal and any release of hazardous substances or pollutants or contaminants from the facility to the full extent known or reasonably ascertainable; and

(3) that the use of the property or some portion of it may be restricted as provided in paragraph (a).

(d) An owner must also file an affidavit within 60 days after any material change in any matter required to be disclosed under paragraph (c), clauses (1) to (3), with respect to property for which an affidavit has already been recorded. If the owner or any subsequent owner of the property removes the waste from the facility together with any residues, liner, and contaminated underlying and surrounding soil, that owner may record an affidavit indicating the removal. Failure to record an affidavit as provided in this paragraph does not affect or prevent any transfer of ownership of the property.

(e) The county recorder shall record all affidavits presented in accordance with paragraphs (c) and (d). The affidavits must be recorded in a manner that will ensure their disclosure in the ordinary course of a title search of the subject property.

Subd. 4. [CLOSURE.] If the commissioner determines that the owner or operator of an excluded facility did not complete the terms of an approved closure plan by the date in the plan, the commissioner shall complete closure at the facility and seek cost recovery under section 115B.17, subdivision 6.

Sec. 6. [115B.385] [ENFORCEMENT.]

Sections 115B.383, subdivisions 10 and 11, and 115B.384, subdivision 3, are enforceable under sections 115.071 and 116.072.

Sec. 7. [115B.386] [ILLEGAL ACTIONS AT ELIGIBLE FACILITIES.]

The commissioner may recover under section 115B.17, subdivision 6, that portion of the costs of a response action at any eligible facility attributable to a person who otherwise would be responsible for the release or threatened release under section 115B.03, and whose actions related to the release or threatened release were in violation of federal or state hazardous waste management laws in effect at the time of those actions. The commissioner's determination of the portion of the costs of a response action attributable to a person under this section, based on the volume and toxicity of waste in the facility associated with the person and other factors reasonably related to the contribution of the person to a release or threatened release, is prima facie evidence that those costs are attributable to the person.

Sec. 8. [115B.387] [ADVISORY COMMITTEE.]

The commissioner shall establish an advisory committee whose duty is to recommend procedures for implementing the landfill cleanup program. The committee may not have more than 13 members. The membership must provide statewide representation of a cross section of interests, including land disposal facility owners and operators, local governments, businesses, environmental groups, and the general citizenry.

Sec. 9. [115B.388] [MANAGEMENT AND DISPOSAL OF ACQUIRED PROPERTY.]

Subdivision 1. [PLAN FOR LAND MANAGEMENT.] The commissioner, in consultation with the advisory committee established under section 115B.387, shall develop a site-specific plan for each facility for the long-term management and disposition of property acquired under section 115B.383, subdivision 1, within one year of completion of construction of response actions. In developing the plans, the commissioner shall consider any applicable land use plan adopted by a local unit of government. The plans must include provisions to prevent any use that disturbs the integrity of the final cover, liners, any other components of any containment system, or the function of any monitoring systems unless the commissioner finds that the disturbance:

(1) is necessary to the proposed use of the property, and will not increase the potential hazard to human health or the environment; or

(2) is necessary to reduce a threat to human health or the environment.

Subd. 2. [DISPOSAL OF PROPERTY BY THE COMMISSIONER.] (a) The commissioner shall offer to sell property acquired under section 115B.383, subdivision 1, to the person from whom the property was acquired, if the sale is consistent with the plan completed under subdivision 1. The offer is valid for 90 days. The sale price of property sold under this paragraph must be reduced by the amount of any lease payments made by the purchaser to the commissioner before the sale.

(b) The commissioner may dispose of other property acquired under section 115B.383, subdivision 1 or 6, if the disposal is consistent with the plan completed under subdivision 1.

Sec. 10. [115B.389] [RULES.]

The commissioner may adopt rules necessary to implement sections 115B.381 to 115B.388.

Sec. 11. [115B.39] [REPORT.]

By October 1 of each odd-numbered year, the commissioner shall report to the legislative commission on waste management and to the appropriate finance committees of the senate and the house of representatives on the commissioner's activities under sections 115B.381 to 115B.389.

Sec. 12. Minnesota Statutes 1993 Supplement, section 115B.42, subdivision 2, is amended to read:

Subd. 2. [EXPENDITURES.] Subject to appropriation, money in the account may be spent ~~for~~ by the commissioner to:

- (1) ~~inspection of~~ inspect mixed municipal solid waste disposal facilities to:
 - (i) evaluate the adequacy of final cover, slopes, vegetation, and erosion control;
 - (ii) determine the presence and concentration of hazardous substances, pollutants or contaminants, and decomposition gases; and
 - (iii) determine the boundaries of fill areas; and
- (2) ~~monitor and take, or reimburse others for taking, response actions at mixed municipal solid waste disposal accepted facilities under this chapter;~~
- (3) *engage in closure and postclosure care activities under sections 115B.383 and 115B.384;*
- (4) *acquire and dispose of property under section 115B.383;*
- (5) *recover costs under sections 115B.383 and 115B.384;*
- (6) *administer sections 115B.381 to 115B.39 and 115B.44;*
- (7) *enforce sections 115B.381 to 115B.39;*
- (8) *administer the agency's groundwater and solid waste management programs; and*
- (9) *reimburse persons under section 115B.44.*

Sec. 13. [115B.44] [REIMBURSABLE PARTIES AND EXPENSES.]

Subdivision 1. [TIMING OF EXPENSES.] *(a) Response action costs at accepted facilities that were incurred before March 1, 1995, are reimbursable if they were submitted as receipts to the commissioner before June 1, 1995.*

(b) Response action costs at accepted facilities that were incurred between March 1, 1995, and the date that the commissioner accepted the facility are reimbursable if they were submitted as receipts to the commissioner within 60 days of the facility's date of acceptance.

Subd. 2. [REIMBURSABLE PARTIES.] *The following persons are eligible for reimbursement under this section:*

- (1) *owners or operators of accepted facilities, except owners or operators that have been declared in default under section 4, subdivision 5, after the owners or operators have agreed to waive all future claims for cost recovery arising from or related to the facility and all other eligible facilities against any other persons; and*
- (2) *persons, other than owners and operators, incurring response action costs under a cleanup order issued by the United States Environmental*

Protection Agency under section 106 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended; a request for response action; or a consent order, after the persons have:

(i) demonstrated to the commissioner that they have returned any and all money paid to them by other parties in a cost recovery judgment or settlement or in anticipation of a cost recovery action; and

(ii) agreed to waive all future claims for cost recovery arising from or related to the facility and all other eligible facilities against any other persons.

Subd. 3. [REIMBURSABLE EXPENSES.] (a) Response action expenses that are documented with billings or other proof of project cost are eligible for reimbursement if the commissioner finds that they were reasonable and necessary under the circumstances. The commissioner may request further documentation from those requesting reimbursement if it is necessary in the commissioner's judgment.

(b) Costs required to be paid to the United States Environmental Protection Agency under section 107(a) of the Federal Superfund Act, as amended, are eligible for reimbursement under this section.

(c) The following expenses are not reimbursable, regardless of whether they were carried out under conditions of a cleanup order issued by the United States Environmental Protection Agency under section 106 of the Federal Superfund Act, as amended:

(1) administrative and legal expenses connected with response actions;

(2) any expenses attributable to normal operations of the owner or operator and requirements under a solid waste facility permit, including but not limited to characterization studies of underlying or surrounding hydrologic conditions, closure, and postclosure care; and

(3) the acquisition of real property.

Subd. 4. [REIMBURSEMENT PLAN.] The commissioner shall prepare a reimbursement plan and present it by November 1, 1995, to the legislative commission on waste management, the chairs of the senate finance committee and environment and natural resources finance division and the committees on ways and means and environment and natural resources finance of the house of representatives, and owners and operators of accepted facilities. The plan shall identify sites where reimbursement will occur and the estimated dollar amount for each site, and shall set out priorities and payment schedules.

Subd. 5. [REIMBURSEMENT TIMING.] The commissioner shall not issue reimbursement payments before November 15, 1995. The commissioner shall not issue reimbursements for expense statements filed after November 15, 1997, and shall approve or deny all reimbursement requests by November 15, 1998. The commissioner shall fully reimburse all persons eligible for reimbursement no later than five years after the date the facility was accepted under section 4, subdivision 3 or 4.

Subd. 6. [REIMBURSEMENT CEILING.] The commissioner shall not issue reimbursements in an amount exceeding \$7,000,000 per fiscal year.

ARTICLE 2

LANDFILL CLEANUP FUNDING

Section 1. [115B.45] [VOLUNTARY BUY-OUT FOR INSURERS.]

In full satisfaction of any rights assigned to the state under section

115B.383, subdivision 1, paragraph (a), clause (3), or subdivision 13, an insurer may tender to the commissioner before January 1, 1998, the voluntary buy-out amount calculated under section 115B.47. In consideration of the amount tendered to the commissioner, an insurer shall receive from the state the release and indemnification provided by section 115B.46. Any amounts received by the commissioner must be credited to the landfill cleanup account.

Sec. 2. [115B.46] [RELEASE AND INDEMNIFICATION.]

In consideration for receiving the voluntary buy-out amount calculated under section 115B.47, the state shall release, acquit, and forever discharge the insurer from all liability the insurer has, had, or may have, including but not limited to all claims and policy obligations of any kind or nature under its policies of insurance imposed under the Federal Superfund Act or this chapter at the accepted facility. The state further agrees to defend, indemnify, and hold harmless the insurer from all other claims, demands, actions, and causes of action, and from all damages, injuries, losses, contributions, indemnities, compensation, costs, attorneys fees, and other expenses of any kind, whether known or unknown, fixed or contingent, whether in law or in equity, whether asserted or unasserted, whether sounding in tort or in contract, arising out of the liabilities under the Federal Superfund Act or section 115B.05 at an accepted facility.

Sec. 3. [115B.47] [VOLUNTARY BUY-OUT AMOUNT.]

Subdivision 1. [CALCULATION.] The voluntary buy-out amount for an insurer must be calculated in accordance with this section.

Subd. 2. [VOLUNTARY BUY-OUT SHARE.] An insurer's unadjusted voluntary buy-out share is equal to that insurer's combined Minnesota written premium for the commercial multiperil line of insurance for calendar years 1970 through 1985, the liability other than auto line for calendar years 1970 and 1971, and the miscellaneous liability line for calendar years 1972 through 1985, as defined by the National Association of Insurance Commissioners' annual statement instructions during the applicable periods, divided by the aggregate written premium for all insurers for these lines during these same time periods. The commissioner of commerce shall calculate the unadjusted shares for individual insurers from data published by A.M. Best for the applicable periods. The commissioner shall advise each insurer with an unadjusted share calculated pursuant to this subdivision of the amount of their unadjusted share. The commissioner shall also request from the insurers data to support an adjustment under subdivision 3 and any credits under subdivision 5. The commissioner shall so advise insurers by May 1, 1996.

Subd. 3. [ADJUSTMENTS.] An insurer may adjust its share by providing the commissioner of commerce with evidence that the insurer's Minnesota written premium liability other than auto written premium for calendar years 1970 and 1971 and miscellaneous liability for calendar years 1972 through 1985 included professional or medical malpractice insurance written premiums. The evidence may be provided by written documents or electronically imaged and reproduced documents, contemporaneous with the period of the adjustment, reflecting the insurer's professional or medical malpractice insurance written premium for these periods. The evidence may include an affidavit from an officer of the insurer testifying to the veracity of the data. An insurer's share must be adjusted by the amount of the insurer's professional or medical malpractice insurance Minnesota written premium for calendar years 1970 through 1985 subtracted from the insurer's aggregate liability other than

auto and miscellaneous liability written premium for calendar years 1970 through 1985. The commissioner of commerce shall reduce the aggregate liability other than auto and miscellaneous liability written premium for all insurers by the amount of total adjustments for all insurers under this subdivision prior to the final calculation of each insurer's share. The commissioner shall recalculate each insurer's share using the method provided in subdivision 1 subject to the adjustment provided by this subdivision.

Subd. 4. [PRELIMINARY CALCULATION.] The calculation of an insurer's preliminary voluntary buy-out amount must be equal to the multiplication of an insurer's adjusted share by the difference between \$300,000,000 and any amounts received by the state from a federal insurance trust fund.

Subd. 5. [CREDITS.] An insurer may receive a credit of 25 percent for each of the calendar years 1970, 1971, 1972, and 1973 that the insurer can demonstrate that sudden and accidental qualified pollution exclusions were endorsed to or included in its comprehensive general liability insurance policies issued during these years. An insurer may demonstrate that the exclusions were endorsed to the policies by providing the commissioner of commerce with an affidavit from an officer or former officer testifying as to the business practice of the insurer during the year or years in question. An insurer may obtain a 25 percent credit for each of the years 1970, 1971, 1972, and 1973 that the exclusions were endorsed to or included in these policies.

Subd. 6. [FINAL CALCULATION.] An insurer's voluntary buy-out amount is equal to the amount calculated under subdivision 4 for the insurer, less the amount of credits for the insurer under subdivision 5. The commissioner of commerce shall notify each insurer of its buy-out amount calculated under this section by September 30, 1996.

Subd. 7. [NONPUBLIC DATA.] All information obtained by the commissioner of commerce from insurers under this section is nonpublic data under section 13.02, subdivision 9.

Subd. 8. [HEARING.] An insurer who disagrees with the calculation of its voluntary buy-out amount may request that the commissioner of commerce reconsider an insurer requesting reconsideration shall supply the commissioner with information that supports the insurer's position within 30 days of receipt of the notification under subdivision 6. The commissioner shall reconsider the insurer's calculation based upon the information supplied within 30 days of receipt of the information. An insurer may appeal the decision of the commissioner as a contested case under chapter 14.

Subd. 9. [MINIMUM AMOUNT.] An insurer's voluntary buy-out amount may not be less than \$100,000.

Subd. 10. [RULES.] The commissioner of commerce may adopt rules to implement this section.

Sec. 4. Minnesota Statutes 1993 Supplement, section 116.07, subdivision 10, is amended to read:

Subd. 10. [SOLID WASTE ASSESSMENTS.] (a) For the purposes of this subdivision, "assessed waste" means mixed municipal solid waste as defined in section 115A.03, subdivision 21, infectious waste as defined in section 116.76, subdivision 12, pathological waste as defined in section 116.76, subdivision 14, industrial waste as defined in section 115A.03, subdivision 13a, and construction debris as defined in section 115A.03, subdivision 7.

(b) A person that collects ~~mixed municipal solid~~ *assessed* waste shall collect and remit to the commissioner of revenue a solid waste assessment from each of the person's customers as provided in paragraphs ~~(b)~~ (c) and ~~(e)~~ (d).

~~(b)~~ (c) The amount of the assessment for each residential customer is \$2 per year. Each waste collector shall collect the assessment annually from each residential customer that is receiving waste collection service on July 1 of each year and shall remit the amount collected along with the collector's first remittance of the sales tax on solid waste collection services, described in section 297A.45, made after October 1 of each year. Any amount of the assessment that is received by the waste collector after October 1 of each year must be remitted along with the collector's next remittance of sales tax after receipt of the assessment.

~~(e)~~ (d) The amount of the assessment for each nonresidential customer is ~~42~~ 27 cents per noncompacted cubic yard of periodic waste collection capacity purchased by the customer. Each waste collector shall collect the assessment from each nonresidential customer as part of each statement for payment of waste collection charges and shall remit the amount collected along with the next remittance of sales tax after receipt of the assessment.

~~(d)~~ (e) A person who transports assessed waste generated by that person or by another person without compensation shall pay an assessment of 27 cents per noncompacted cubic yard or the equivalent to the operator of the facility to which the waste is delivered. The operator shall remit the assessments collected under this paragraph to the commissioner of revenue as though they were sales taxes under chapter 297A.

(f) The commissioner of revenue shall redesign sales tax forms for solid waste collectors to accommodate payment of the assessment. ~~The commissioner of revenue shall deposit~~ The amounts remitted under this subdivision in the environmental fund and shall credit four sevenths of the receipts must be deposited in the state treasury and credited to the landfill cleanup account established in section 115B.42.

~~(e)~~ (g) For the purposes of this subdivision, a "person that collects mixed municipal solid waste" means each person that ~~pays is required to pay~~ sales tax on solid waste collection services under section 297A.45.

~~(f)~~ (h) The audit, penalty, enforcement, and administrative provisions applicable to taxes imposed under chapter 297A apply to the assessments imposed under this subdivision.

Sec. 5. [APPROPRIATIONS; TRANSFER.]

Subdivision 1. [APPROPRIATIONS.] (a) \$16,900,000 is appropriated from the landfill cleanup account to the commissioner of the pollution control agency to conduct actions authorized in this act.

(b) \$180,000,000 is appropriated from the bond proceeds fund to the commissioner of the pollution control agency for response actions at eligible facilities and for reimbursement of expenses under section 3.

Subd. 2. [TRANSFER.] The balance in the metropolitan landfill contingency action trust fund established under Minnesota Statutes, section 473.845, on the effective date of this section is transferred to the landfill cleanup account established under Minnesota Statutes, section 115B.42.

Sec. 6. [BOND SALE.]

(a) To provide the money appropriated in this act from the state bond proceeds fund, the commissioner of finance, on request of the governor, shall sell and issue bonds of the state in an amount up to \$180,000,000 in the manner, upon the terms, and with the effect prescribed by Minnesota Statutes, sections 16A.631 to 16A.675, the Minnesota Constitution, article XI, sections 4 to 7, and paragraph (b).

(b) Bonds may not be issued under this section in total amounts exceeding the following:

- (1) by June 30, 1996, \$20,000,000;
- (2) by June 30, 1998, \$70,000,000;
- (3) by June 30, 2000, \$110,000,000; and
- (4) by June 30, 2002, \$146,000,000.

Sec. 7. [EFFECTIVE DATE]

Section 4 is effective July 1, 1995."

Delete the title and insert:

"A bill for an act relating to the environment; establishing a cleanup program for closed landfills; establishing an advisory committee; authorizing rulemaking; providing penalties; providing a voluntary buy-out option for insurance companies; authorizing the sale of state bonds; appropriating money; amending Minnesota Statutes 1992, section 115B.04, by adding a subdivision; Minnesota Statutes 1993 Supplement, section 115B.42, subdivision 2; 116.07, subdivision 10; proposing coding for new law in Minnesota Statutes, chapter 115B."

And when so amended the bill do pass and be re-referred to the Committee on Commerce and Consumer Protection. Amendments adopted. Report adopted.

Mr. Lessard from the Committee on Environment and Natural Resources, to which was referred

S.F. No. 2313: A bill for an act relating to the environment; allowing use of passive bioremediation for certain voluntary response actions; expanding the authority of the commissioner of the pollution control agency to issue determinations regarding liability for releases of hazardous substances and petroleum; amending Minnesota Statutes 1992, section 115B.175, by adding a subdivision; Minnesota Statutes 1993 Supplement, section 115B.178, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 115C.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, delete section 1

Page 2, line 11, after "determinations" insert "in connection with proposed actions under paragraph (a)"

Page 2, delete section 3 and insert:

“(c) A request for a determination under this section shall be subject to submittal of such information as the commissioner determines necessary, including historical information on property use, a site reconnaissance for environmental problems, documentation of the release with which the voluntary party otherwise would potentially be associated and any necessary follow up technical evaluation of the release.”

Sec. 3. Minnesota Statutes 1992, section 115C.03, subdivision 9, is amended to read:

Subd. 9. [REQUESTS FOR REVIEW, INVESTIGATION, AND OVERSIGHT.] (a) The commissioner may, upon request:

- (1) assist in determining whether a release has occurred; and
- (2) assist in or supervise the development and implementation of reasonable and necessary ~~response~~ *corrective* actions.

(b) Assistance may include review of agency records and files and review and approval of a requester's investigation plans and reports and corrective action plans and implementation.

(c) Assistance may include the issuance of a written determination that an owner or prospective buyer of real property will not be a responsible person under section 115C.021, if the commissioner finds the release came from a tank not located on the property. The commissioner may also issue a written confirmation that the real property was the site of a release and that the tank from which the release occurred has been removed or that the agency has issued a site closure letter and has not revoked that status. The issuance of the written determination or confirmation applies to tanks not on the property or removed only, and does not affect liability for releases from tanks that are on the property at the time of purchase. The written determination or confirmation extends to the successors and assigns of the person to whom it originally applied, if the successors and assigns are not otherwise responsible for the release.

~~(e)~~ (d) The person requesting assistance under this subdivision shall pay the agency for the agency's cost, as determined by the commissioner, of providing assistance. Money received by the agency for assistance under this subdivision must be deposited in the state treasury and credited to the account.”

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, delete “allowing use of passive”

Page 1, delete line 3

And when so amended the bill do pass and be re-referred to the Committee on Judiciary. Amendments adopted. Report adopted.

Mr. Lessard from the Committee on Environment and Natural Resources, to which was referred

S.F. No. 2220: A bill for an act relating to water; providing for duties of the legislative water commission; providing for a sustainable agriculture advisory committee; requiring plans relating to sustainable agriculture and integrated

pest management; establishing groundwater policy and education; changing water well permit requirements; requiring reports to the legislature; creating an advisory committee; appropriating money; amending Minnesota Statutes 1992, sections 3.887, subdivisions 5, 6, and 8; 17.114, subdivisions 1, 3, 4, and by adding subdivisions; 18B.045, subdivision 1; 103A.43; 103B.151, subdivision 1; 103G.271, subdivision 5; 103H.175, by adding a subdivision; 103H.201, subdivisions 1 and 4; 103I.101, subdivision 5; and 103I.331, subdivision 6; Minnesota Statutes 1993 Supplement, sections 18E.06; and 115B.20, subdivision 6; proposing coding for new law in Minnesota Statutes, chapters 103A; and 103F; repealing Minnesota Statutes 1992, section 103F.460.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1992, section 3.887, subdivision 5, is amended to read:

Subd. 5. [POWERS AND DUTIES.] (a) The legislative water commission shall review water policy reports and recommendations of the environmental quality board, the biennial report of the board of water and soil resources, and other water-related reports as may be required by law or the legislature.

(b) The commission shall oversee the activities of the pollution control agency under sections 116.16 to 116.181 relating to water pollution control.

(c) The commission may conduct public hearings and otherwise secure data and comments.

(d) *The commission shall hold annual hearings on issues relating to groundwater including, in every even-numbered year, a hearing on the groundwater policy report required by section 103A.204.*

(e) The commission shall make recommendations as it deems proper to assist the legislature in formulating legislation.

(e) (f) Data or information compiled by the legislative water commission or its subcommittees shall be made available to the legislative commission on Minnesota resources and standing and interim committees of the legislature on request of the chair of the respective commission or committee.

Sec. 2. Minnesota Statutes 1992, section 3.887, subdivision 6, is amended to read:

Subd. 6. [~~STUDY REVIEW OF POLICY REPORT.~~] The legislative water commission shall study the recommendations of the environmental quality board for the management and protection of water resources in the state, and ~~shall report its findings to the legislative commission on Minnesota resources and the legislature by November 15, 1991, on the state's water management needs for the year 2000~~ *hold a hearing on the groundwater policy report submitted every even-numbered year by the environmental quality board under section 103A.204.*

Sec. 3. Minnesota Statutes 1992, section 3.887, subdivision 8, is amended to read:

Subd. 8. [REPEALER.] This section is repealed effective June 30, 1995 2000.

Sec. 4. Minnesota Statutes 1992, section 17.114, subdivision 1, is amended to read:

Subdivision 1. [PURPOSE.] To assure the viability of agriculture in this state, the commissioner shall investigate, demonstrate, report on, and make recommendations on the current and future sustainability of agriculture in this state. *The department of agriculture is the lead state agency on sustainable agriculture has the meaning given to it in Laws 1987, chapter 396, article 12, section 6 and integrated pest management.*

Sec. 5. Minnesota Statutes 1992, section 17.114, subdivision 3, is amended to read:

Subd. 3. [DUTIES.] (a) The commissioner shall:

(1) establish a clearinghouse and provide information, appropriate educational opportunities and other assistance to individuals, producers, and groups about sustainable agricultural techniques, practices, and opportunities;

(2) survey producers and support services and organizations to determine information and research needs in the area of sustainable agricultural practices;

(3) demonstrate the on-farm applicability of sustainable agriculture practices to conditions in this state;

(4) coordinate the efforts of state agencies regarding activities relating to sustainable agriculture;

(5) direct the programs of the department so as to work toward the sustainability of agriculture in this state;

(6) inform agencies of how state or federal programs could utilize and support sustainable agriculture practices;

(7) work closely with farmers, the University of Minnesota, and other appropriate organizations to identify opportunities and needs as well as assure coordination and avoid duplication of state agency efforts regarding research, teaching, and extension work relating to sustainable agriculture; and

(8) report to the ~~legislature~~ *environmental quality board for review and then to the legislative water commission every ~~odd-numbered~~ even-numbered year.*

(b) The report under paragraph (a), clause (8), must include:

(1) the presentation and analysis of findings regarding the current status and trends regarding the economic condition of producers; the status of soil and water resources utilized by production agriculture; the magnitude of off-farm inputs used; and the amount of nonrenewable resources used by Minnesota farmers;

(2) a description of current state or federal programs directed toward sustainable agriculture including significant results and experiences of those programs;

(3) a description of specific actions the department of agriculture is taking in the area of sustainable agriculture;

(4) a description of current and future research needs at all levels in the area of sustainable agriculture; and

(5) suggestions for changes in existing programs or policies or enactment of new programs or policies that will affect farm profitability, maintain soil and water quality, reduce input costs, or lessen dependence upon nonrenewable resources.

Sec. 6. Minnesota Statutes 1992, section 17.114, is amended by adding a subdivision to read:

Subd. 3a. [SUSTAINABLE AGRICULTURE ADVISORY COMMITTEE.] (a) The commissioner shall establish a sustainable agriculture advisory committee to assist in carrying out the duties in subdivision 3. The committee must include farmers, higher education representatives with expertise in sustainable agriculture, officials from other state agencies, representatives from the agricultural utilization research institute, private sector agricultural professionals, and representatives from environmental and agricultural interest groups. Terms, compensation, and removal of members are governed by section 15.059.

(b) This subdivision is repealed effective December 31, 2000.

Sec. 7. Minnesota Statutes 1992, section 17.114, subdivision 4, is amended to read:

Subd. 4. [INTEGRATED PEST MANAGEMENT.] (a) The state shall promote and facilitate the use of integrated pest management through education, technical or financial assistance, information and research.

(b) The commissioner shall coordinate the development of a state approach to the promotion and use of integrated pest management, which shall include delineation of the responsibilities of the state, public post-secondary institutions, Minnesota extension service, local units of government, and the private sector; establishment of information exchange and integration; procedures for identifying research needs and reviewing and preparing informational materials; procedures for factoring integrated pest management into state laws, rules, and uses of pesticides; and identification of barriers to adoption.

(c) The commissioner shall report to the ~~governor and legislature by November 15, 1990, and on a biennial basis thereafter~~ environmental quality board for review and then to the legislative water commission every even-numbered year. The report shall be combined with the report required in subdivision 3.

Sec. 8. Minnesota Statutes 1992, section 18B.045, subdivision 1, is amended to read:

*Subdivision 1. [DEVELOPMENT.] The commissioner shall develop a pesticide management plan for the prevention, evaluation, and mitigation of occurrences of pesticides or pesticide breakdown products in groundwaters and surface waters of the state. The pesticide management plan must include components promoting prevention, developing appropriate responses to the detection of pesticides or pesticide breakdown products in groundwater and surface waters, and providing responses to reduce or eliminate continued pesticide movement to groundwater and surface water. *Beginning September 1, 1994, and biennially thereafter, the commissioner must submit a status report on the plan to the environmental quality board for review and then to the legislative water commission.**

Sec. 9. Minnesota Statutes 1993 Supplement, section 18E.06, is amended to read:

18E.06 [REPORT TO WATER COMMISSION.]

By ~~November~~ September 1, 1990 1994, and each year thereafter, the agricultural chemical response compensation board and the commissioner shall submit to the house of representatives committee on ways and means, the senate committee on finance, *the environmental quality board*, and the legislative water commission a report detailing the activities and reimbursements for which money from the account has been spent during the previous year.

Sec. 10. [103A.204] [GROUNDWATER POLICY.]

(a) The responsibility for the protection of groundwater in Minnesota is vested in a multi-agency approach to management. The following is a list of agencies and the groundwater protection areas for which the agencies are primarily responsible; the list is not intended to restrict the areas of responsibility to only those specified:

(1) environmental quality board: creation of a water resources committee to coordinate state groundwater protection programs and a biennial groundwater policy report beginning in 1994 that includes, for the 1994 report, the findings in the groundwater protection report coordinated by the pollution control agency for the Environmental Protection Agency;

(2) pollution control agency: water quality monitoring and reporting and the development of best management practices and regulatory mechanisms for protection of groundwater from nonagricultural chemical contaminants;

(3) department of agriculture: sustainable agriculture, integrated pest management, water quality monitoring, and the development of best management practices and regulatory mechanisms for protection of groundwater from agricultural chemical contaminants;

(4) board of water and soil resources: reporting on groundwater education and outreach with local government officials, local water planning and management, and local cost share programs;

(5) department of natural resources: water quantity monitoring and regulation, sensitivity mapping, and development of a plan for the use of integrated pest management and sustainable agriculture on state-owned lands; and

(6) department of health: regulation of wells and borings, and the development of health risk limits under section 103H.201.

(b) The environmental quality board shall through its water resources committee coordinate with representatives of all agencies listed in paragraph (a), citizens, and other interested groups to prepare a biennial report every even-numbered year as part of its duties described in sections 103A.43 and 103B.151.

Sec. 11. Minnesota Statutes 1992, section 103A.43, is amended to read:

103A.43 [WATER RESEARCH NEEDS EVALUATION ASSESSMENTS AND REPORTS.]

(a) The environmental quality board shall evaluate and report to the legislative water commission and the legislative commission on Minnesota resources on statewide water research needs and recommended priorities for addressing these needs. Local water research needs may also be included.

(b) The environmental quality board shall ~~conduct~~ *coordinate* a biennial assessment of water quality, groundwater degradation trends, and efforts to reduce, prevent, minimize, and eliminate degradation of water.

(c) The environmental quality board shall ~~assess~~ *coordinate an assessment* of the quantity of surface and ground water in the state and the availability of water to meet the state's needs.

(d) The environmental quality board shall ~~prepare~~ *coordinate* and submit a report *on water policy* to the legislative water commission and the legislative commission on Minnesota resources by September 15 of each ~~odd-numbered even-numbered~~ year. *The report may include the groundwater policy report in section 103A.204.*

Sec. 12. Minnesota Statutes 1992, section 103B.151, subdivision 1, is amended to read:

Subdivision 1. [WATER PLANNING.] The environmental quality board shall:

(1) coordinate public water resource management and regulation activities among the state agencies having jurisdiction in the area;

(2) initiate, coordinate, and continue to develop comprehensive long-range water resources planning in furtherance of the plan ~~adopted~~ *prepared by the water planning board environmental quality board's water resources committee* entitled "A Framework for a Water and Related Land Resources Strategy for Minnesota, 1979" *including a new plan and strategy "Minnesota Water Plan," published in January 1991, by November September 15, 1990 2000,* and each ~~five-year~~ *ten-year* interval afterwards;

(3) coordinate water planning activities of local, regional, and federal bodies with state water planning and integrate these plans with state strategies;

(4) coordinate development of state water policy recommendations and priorities, and a recommended program for funding identified needs, including priorities for implementing the state water resources monitoring plan;

(5) ~~in cooperation with state agencies participating in the monitoring of water resources, develop a plan for monitoring the state's water resources;~~

(6) administer federal water resources planning with multiagency interests;

~~(7)~~ (6) ensure that groundwater quality monitoring and related data is provided and integrated into the Minnesota land management information system according to published data compatibility guidelines. Costs of integrating the data in accordance with data compatibility standards must be borne by the agency generating the data;

~~(8) identify water resources information and education needs, priorities, and goals and prepare an implementation plan to guide state activities relating to water resources information and education;~~

~~(9)~~ (7) coordinate the development and evaluation of water information and education materials and resources; and

(10) (8) coordinate the dissemination of water information and education through existing delivery systems.

Sec. 13. [103F.461] [GROUNDWATER EDUCATION.]

(a) *In each even-numbered year, the board of water and soil resources must review groundwater education activities with local units of government and develop recommendations for improvement in a report to the environmental quality board for review and then to the legislative water commission as part of the groundwater policy report in section 103A.204. The board must work with agencies and interested groups with responsibility for groundwater education in preparing the report.*

(b) *The board must ensure that the biennial review of groundwater education with local units of government is coordinated with the Minnesota environmental education advisory board and the nonpoint source education and information strategy of the pollution control agency.*

(c) *Grants for innovative groundwater education strategies to local units of government identified in this section may be awarded by the board of water and soil resources.*

Sec. 14. Minnesota Statutes 1992, section 103G.271, subdivision 5, is amended to read:

Subd. 5. [PROHIBITION ON ONCE-THROUGH WATER USE PERMITS.] (a) The commissioner may not, after December 31, 1990, issue a water use permit to increase the volume of appropriation from a groundwater source for a once-through cooling system using in excess of 5,000,000 gallons annually.

(b) Except as provided in paragraph (c), once-through system water use permits using in excess of 5,000,000 gallons annually, must be terminated by the commissioner by the end of their design life but not later than December 31, 2010. Existing once-through systems are required to convert to water efficient alternatives within the design life of existing equipment. ~~The commissioner shall, by August 1, 1990, submit to the legislative water commission for review the approach by which the commissioner will achieve appropriate conversion of the systems after considering the age of the system, the condition of the system, recent investments in the system, and feasibility and costs of alternatives available to replace usage of a once-through system.~~

(c) Paragraph (b) does not apply where groundwater appropriated for use in a once-through system is subsequently discharged into a wetland or public waters wetland owned or leased by a nonprofit corporation if:

- (1) the membership of the corporation includes a local government unit;
- (2) the deed or lease requires that the area containing the wetland or public waters wetland be maintained as a nature preserve;
- (3) public access is allowed consistent with the area's status as a nature preserve; and
- (4) by January 1, 2003, the permittee incurs costs of developing the nature preserve and associated facilities that, when discounted to 1992 dollars, exceed twice the projected cost, as determined by the commissioner, of the conversion required in paragraph (b), discounted to 1992 dollars.

The costs incurred under clause (4) may include preparation of plans and designs; site preparation; construction of wildlife habitat structures; planting of trees and other vegetation; installation of signs and markers; design and construction of trails, docks, and access structures; and design and construction of interpretative facilities. The permittee shall submit an estimate of the cost of the conversion required in paragraph (b) to the commissioner by January 1, 1993, and shall annually report to the commissioner on the progress of the project and the level of expenditures.

Sec. 15. Minnesota Statutes 1992, section 103H.175, is amended by adding a subdivision to read:

Subd. 3. [REPORT.] In each even-numbered year, the pollution control agency, in cooperation with other agencies participating in the monitoring of water resources, shall provide a draft report on the status of groundwater monitoring to the environmental quality board for review and then to the legislative water commission as part of the report in section 103A.204.

Sec. 16. Minnesota Statutes 1992, section 103H.201, subdivision 1, is amended to read:

Subdivision 1. [PROCEDURE.] (a) If groundwater quality monitoring results show that there is a degradation of groundwater, the commissioner of health may promulgate health risk limits under subdivision 2 for substances degrading the groundwater.

(b) Health risk limits shall be determined by two methods depending on their toxicological end point.

(c) For systemic toxicants that are not carcinogens, the adopted health risk limits shall be derived using United States Environmental Protection Agency risk assessment methods using a reference dose, a drinking water equivalent, ~~an uncertainty factor, and a factor for relative source contamination, which in general will measure an estimate of daily exposure to the human population, including sensitive subgroups, that is unlikely to result in deleterious effects during long-term exposure contribution factor.~~

(d) For toxicants that are known or probable carcinogens, the adopted health risk limits shall be derived from a quantitative estimate of the chemical's carcinogenic potency published by the United States Environmental Protection Agency's ~~carcinogen assessment group~~ Agency and determined by the commissioner to have undergone thorough scientific review.

Sec. 17. Minnesota Statutes 1992, section 103H.201, subdivision 4, is amended to read:

Subd. 4. [ADOPTION OF EXISTING RECOMMENDED ALLOWABLE LIMITS.] (a) Notwithstanding and in lieu of subdivision 2, ~~until November 1, 1994,~~ the commissioner may adopt recommended allowable limits, and related toxicological end points, established by the commissioner on or before ~~May 1, 1989~~ February 15, 1994, as health risk limits under this subdivision. Before a recommended allowable limit is adopted as an adopted health risk limit under this subdivision, the commissioner shall:

(1) publish in the State Register and disseminate through the Minnesota extension service and through soil and water conservation districts notice of intent to adopt a recommended allowable limit as an adopted health risk limit

for specific substances and shall solicit information on the health impacts of the substance;

(2) publish the recommended allowable limit in the State Register and disseminate through the Minnesota extension service and through soil and water conservation districts allowing 60 days for public comment; and

(3) publish the *adopted* recommended allowable limit in the State Register and, at the same time, make available a summary of the public comments received and the commissioner's responses to the comments.

(b) A recommended allowable limit adopted by the commissioner as an adopted health risk limit under this subdivision may be challenged in the manner provided in sections 14.44 and 14.45.

(c) ~~After July 1, 1991, and before September 1, 1991~~ *During the comment period under paragraph (a), clause (2),* 25 or more persons may submit a written request for a public hearing as provided under section 14.25 for any health risk limits as adopted under this subdivision.

Sec. 18. Minnesota Statutes 1992, section 1031.101, subdivision 5, is amended to read:

Subd. 5. [COMMISSIONER TO ADOPT RULES.] The commissioner shall adopt rules including:

(1) issuance of licenses for:

(i) qualified well contractors, persons modifying or repairing well casings, well screens, or well diameters;

(ii) persons constructing, repairing, and sealing unconventional wells such as drive points or dug wells;

(iii) persons constructing, repairing, and sealing dewatering wells;

(iv) persons sealing wells; and

(v) persons installing well pumps or pumping equipment and excavating holes for installing elevator shafts or hydraulic cylinders;

(2) issuance of registration for monitoring well contractors;

(3) establishment of conditions for examination and review of applications for license and registration;

(4) establishment of conditions for revocation and suspension of license and registration;

(5) establishment of minimum standards for design, location, construction, repair, and sealing of wells to implement the purpose and intent of this chapter;

(6) establishment of a system for reporting on wells and borings drilled and sealed;

(7) ~~modification of fees prescribed in this chapter, according to the procedures for setting fees in section 16A.128;~~

(8) establishment of standards for the construction, maintenance, sealing, and water quality monitoring of wells in areas of known or suspected contamination, for which the commissioner may adopt emergency rules;

(9) (8) establishment of wellhead protection measures for wells serving public water supplies;

(10) (9) establishment of procedures to coordinate collection of well data with other state and local governmental agencies;

(11) (10) establishment of criteria and procedures for submission of well logs, formation samples or well cuttings, water samples, or other special information required for and water resource mapping; and

(12) (11) establishment of minimum standards for design, location, construction, maintenance, repair, sealing, safety, and resource conservation related to borings, including exploratory borings as defined in section 103I.005, subdivision 9.

Until the commissioner adopts rules under this chapter to replace rules relating to wells and borings that were adopted under chapter 156A, the rules adopted under chapter 156A shall remain in effect.

Sec. 19. Minnesota Statutes 1992, 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 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.

Sec. 20. Minnesota Statutes 1992, section 103I.208, is amended to read:

103I.208 [WELL NOTIFICATION FILING FEES AND PERMIT FEES.]

Subdivision 1. [WELL NOTIFICATION FEE.] The well notification fee to be paid by a property owner is:

(1) for a new well drilled that produces less than 50 gallons a minute based on the actual capacity of the pump installed, ~~\$50~~ \$100; and

(2) for a new well that produces 50 gallons a minute or more based on the actual capacity of the pump installed, \$100; and

(3) for construction of a dewatering well, \$100 for each well except a dewatering project comprising five or more wells shall be assessed a single fee of \$500 for the wells recorded on the notification.

Subd. 2. [PERMIT FEE.] The permit fee to be paid by a property owner is:

(1) for a well that is not in use under a maintenance permit, ~~\$50~~ \$100 annually;

(2) for construction of a monitoring well, ~~\$50~~ \$100;

(3) for a monitoring well that is unsealed under a maintenance permit, ~~\$50~~ \$100 annually;

(4) for monitoring wells used as a leak detection device at a single motor fuel retail outlet or petroleum bulk storage site excluding tank farms, the construction permit fee is ~~\$50~~ \$100 per site regardless of the number of wells constructed on the site, and the annual fee for a maintenance permit for unsealed monitoring wells is ~~\$50~~ \$100 per site regardless of the number of monitoring wells located on site;

(5) for a groundwater thermal exchange device, in addition to the notification fee for wells, ~~\$50~~ \$100;

(6) for a vertical heat exchanger, ~~\$50~~ \$100;

(7) for construction of the dewatering well, \$50 for each well except a dewatering project comprising more than ten wells shall be issued a single permit for the wells recorded on the permit for \$500; and

(8) (7) for a dewatering well that is unsealed under a maintenance permit, ~~\$25~~ \$100 annually for each well, except a dewatering project comprising more than ten five wells shall be issued a single permit for ~~\$250~~ \$500 annually for wells recorded on the permit.

Sec. 21. Minnesota Statutes 1992, section 103I.235, subdivision 1, is amended to read:

Subdivision 1. [DISCLOSURE OF WELLS TO BUYER.] (a) Before signing an agreement to sell or transfer real property, the seller must disclose in writing to the buyer information about the status and location of all known wells on the property, by delivering to the buyer either a statement by the seller that the seller does not know of any wells on the property, or a disclosure statement indicating the legal description and county, and a map drawn from available information showing the location of each well to the extent practicable. In the disclosure statement, the seller must indicate, for each well, whether the well is in use, not in use, or sealed.

(b) At the time of closing of the sale, the disclosure statement information, name and mailing address of the buyer, and the quartile, section, township, and range in which each well is located must be provided on a well disclosure

certificate signed by the seller or a person authorized to act on behalf of the seller.

(c) A well disclosure certificate need not be provided if the seller does not know of any wells on the property and the deed or other instrument of conveyance contains the statement: "The Seller certifies that the Seller does not know of any wells on the described real property."

(d) If a deed is given pursuant to a contract for deed, the well disclosure certificate required by this subdivision shall be signed by the buyer or a person authorized to act on behalf of the buyer. If the buyer knows of no wells on the property, a well disclosure certificate is not required if the following statement appears on the deed followed by the signature of the grantee or, if there is more than one grantee, the signature of at least one of the grantees: "The Grantee certifies that the Grantee does not know of any wells on the described real property." The statement and signature of the grantee may be on the front or back of the deed or on an attached sheet and an acknowledgment of the statement by the grantee is not required for the deed to be recordable.

(e) This subdivision does not apply to the sale, exchange, or transfer of real property:

(1) that consists solely of a sale or transfer of severed mineral interests; or

(2) that consists of an individual condominium unit as described in chapters 515 and 515A.

(f) For an area owned in common under chapter 515 or 515A the association or other responsible person must report to the commissioner by July 1, 1992, the location and status of all wells in the common area. The association or other responsible person must notify the commissioner within 30 days of any change in the reported status of wells.

(g) For real property sold by the state under section 92.67, the lessee at the time of the sale is responsible for compliance with this subdivision.

(h) If the seller fails to provide a required well disclosure certificate, the buyer, or a person authorized to act on behalf of the buyer, may sign a well disclosure certificate based on the information provided on the disclosure statement required by this section or based on other available information.

(i) A county recorder or registrar of titles may not record a deed or other instrument of conveyance dated after October 31, 1990, for which a certificate of value is required under section 272.115, or any deed or other instrument of conveyance dated after October 31, 1990, from a governmental body exempt from the payment of state deed tax, unless the deed or other instrument of conveyance contains the statement made in accordance with paragraph (c) or (d) or is accompanied by the well disclosure certificate containing all the information required by paragraph (b) or (d). The county recorder or registrar of titles must not accept a certificate unless it contains all the required information. The county recorder or registrar of titles shall note on each deed or other instrument of conveyance accompanied by a well disclosure certificate that the well disclosure certificate was received. The notation must include the statement "No wells on property" if the disclosure certificate states there are no wells on the property. The well disclosure certificate shall not be filed or recorded in the records maintained by the county recorder or registrar of titles. After noting "No wells on property" on the deed or other instrument of conveyance, the county recorder or registrar of titles shall

destroy or return to the buyer the well disclosure certificate. The county recorder or registrar of titles shall collect from the buyer or the person seeking to record a deed or other instrument of conveyance, a fee of ~~\$10~~ \$20 for receipt of a completed well disclosure certificate. By the tenth day of each month, the county recorder or registrar of titles shall transmit the well disclosure certificates to the commissioner of health. By the tenth day after the end of each calendar quarter, the county recorder or registrar of titles shall transmit to the commissioner of health ~~\$7.50~~ \$17.50 of the fee for each well disclosure certificate received during the quarter. The commissioner shall maintain the well disclosure certificate for at least six years. The commissioner may store the certificate as an electronic image. A copy of that image shall be as valid as the original.

(j) No new well disclosure certificate is required under this subdivision if the buyer or seller, or a person authorized to act on behalf of the buyer or seller, certifies on the deed or other instrument of conveyance that the status and number of wells on the property have not changed since the last previously filed well disclosure certificate. The following statement, if followed by the signature of the person making the statement, is sufficient to comply with the certification requirement of this paragraph: "I am familiar with the property described in this instrument and I certify that the status and number of wells on the described real property have not changed since the last previously filed well disclosure certificate." The certification and signature may be on the front or back of the deed or on an attached sheet and an acknowledgment of the statement is not required for the deed or other instrument of conveyance to be recordable.

(k) The commissioner in consultation with county recorders shall prescribe the form for a well disclosure certificate and provide well disclosure certificate forms to county recorders and registrars of titles and other interested persons.

(l) Failure to comply with a requirement of this subdivision does not impair:

(1) the validity of a deed or other instrument of conveyance as between the parties to the deed or instrument or as to any other person who otherwise would be bound by the deed or instrument; or

(2) the record, as notice, of any deed or other instrument of conveyance accepted for filing or recording contrary to the provisions of this subdivision.

Sec. 22. Minnesota Statutes 1992, section 103I.331, subdivision 6, is amended to read:

Subd. 6. [REPEALER.] This section is repealed effective June 30, ~~1995~~ 1996.

Sec. 23. Minnesota Statutes 1992, section 103I.401, subdivision 1, is amended to read:

Subdivision 1. [PERMIT REQUIRED.] (a) A person may not construct an elevator shaft until a permit for the hole or excavation is issued by the commissioner.

(b) The fee for excavating holes for the purpose of installing elevator shafts is ~~\$50~~ \$100 for each hole.

(c) The elevator shaft permit preempts local permits except local building permits, and counties and home rule charter or statutory cities may not require a permit for elevator shaft holes or excavations.

Sec. 24. Minnesota Statutes 1993 Supplement, section 115B.20, subdivision 6, is amended to read:

Subd. 6. [REPORT TO LEGISLATURE.] Each year, the commissioner of agriculture and the agency shall submit to the senate finance committee, the house ways and means committee, the environmental quality board, the legislative water commission, and the legislative commission on waste management a report detailing the activities for which money from the account has been spent during the previous fiscal year.

Sec. 25. [APPLICATION OF TECHNIQUES ON STATE LAND.]

(a) The commissioner of natural resources, in consultation with the commissioner of agriculture, must, by September 1, 1995, prepare a plan on the optimum use of sustainable agriculture and integrated pest management techniques to be applied on lands owned by the state.

(b) The commissioner of natural resources, in consultation with the commissioner of agriculture, shall appoint a task force of interagency staff and interested citizens to develop the plan including a review of the requirements of Minnesota Statutes, sections 17.114, subdivision 4, paragraph (b), and 18B.063. The task force is subject to Minnesota Statutes, section 15.059.

(c) At a minimum, the plan must address specific practices for sustainable agriculture and integrated pest management to be applied on state-owned lands, including any funding recommendations.

(d) The commissioner of natural resources must present the plan to the environmental quality board for review and then to the legislative water commission in 1995.

Sec. 26. [REPEALER.]

Minnesota Statutes 1992, section 103F.460, is repealed.

Sec. 27. [EFFECTIVE DATE.]

Sections 16 and 17 are effective the day following final enactment.”

Delete the title and insert:

“A bill for an act relating to water; providing for duties of the legislative water commission; providing for a sustainable agriculture advisory committee; requiring plans relating to sustainable agriculture and integrated pest management; changing disclosures and fees related to dewatering wells; establishing groundwater policy and education; changing water well permit requirements; requiring reports to the legislature; appropriating money; amending Minnesota Statutes 1992, sections 3.887, subdivisions 5, 6, and 8; 17.114, subdivisions 1, 3, 4, and by adding a subdivision; 18B.045, subdivision 1; 103A.43; 103B.151, subdivision 1; 103G.271, subdivision 5; 103H.175, by adding a subdivision; 103H.201, subdivisions 1 and 4; 103I.101, subdivision 5; 103I.205, subdivision 1; 103I.208; 103I.235, subdivision 1; 103I.331, subdivision 6; and 103I.401, subdivision 1; Minnesota Statutes 1993 Supplement, sections 18E.06; and 115B.20, subdivision 6;

proposing coding for new law in Minnesota Statutes, chapters 103A; and 103F; repealing Minnesota Statutes 1992, section 103F.460."

And when so amended the bill do pass and be re-referred to the Committee on Governmental Operations and Reform. Amendments adopted. Report adopted.

Ms. Berglin from the Committee on Health Care, to which was re-referred

S.F. No. 1694: A bill for an act relating to civil commitment; modifying procedures relating to administering intrusive mental health treatment to persons committed as mentally ill and dangerous under the civil commitment act; amending Minnesota Statutes 1992, sections 13.42, subdivision 3; 253B.03, subdivisions 6b and 6c; 253B.07, subdivision 1; 253B.09, subdivision 2; 253B.12, subdivision 1; 253B.17, subdivision 1; and 525.56, subdivision 3.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Novak from the Committee on Jobs, Energy and Community Development, to which was referred

S.F. No. 1825: A bill for an act relating to manufactured homes; restricting the venue for repossession actions to the county in which the manufactured home is located; making technical changes; amending Minnesota Statutes 1992, sections 327.63, subdivision 1; 327.64, subdivision 2; and 327.65.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Judiciary. Report adopted.

Mr. Novak from the Committee on Jobs, Energy and Community Development, to which was referred

S.F. No. 1862: A bill for an act relating to economic development; increasing the membership of the job skills partnership board; amending Minnesota Statutes 1993 Supplement, section 116L.03, subdivisions 1 and 2.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Governmental Operations and Reform. Report adopted.

Mr. Novak from the Committee on Jobs, Energy and Community Development, to which was referred

S.F. No. 1983: A bill for an act relating to economic development; clarifying applications and criteria for Minnesota companies to participate in the international business partnership program; amending Minnesota Statutes 1992, section 116J.974.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 13, delete the new language

Page 2, line 14, delete "applying to" and strike "an" and insert "to be provided to Minnesota companies applying to the"

Page 2, line 16, delete "*and foreign private*"

Page 2, line 17, delete "*companies*" and strike ". An international partnership" and delete "*program*" and insert " ; *and*"

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Mr. Novak from the Committee on Jobs, Energy and Community Development, to which was referred

S.F. No. 2465: A bill for an act relating to the jobs and training department; modifying provisions relating to certain departmental contracts; amending Minnesota Statutes 1993 Supplement, section 16B.06, subdivision 2a.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Novak from the Committee on Jobs, Energy and Community Development, to which was referred

S.F. No. 1938: A bill for an act relating to employment; providing for enforcement of an employees' right to review personnel records; proposing coding for new law in Minnesota Statutes, chapter 181.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 11, after "*fine*" insert " , *together with costs and attorney fees,*"

And when so amended the bill do pass and be re-referred to the Committee on Judiciary. Amendments adopted. Report adopted.

Mr. Novak from the Committee on Jobs, Energy and Community Development, to which was referred

S.F. No. 2496: A bill for an act relating to licensing; directing an expansion of the operations of the bureau of business licenses and of the master application procedure.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 7, after "*procedure*" insert "*for each regulated industry*"

Page 2, line 8, after "*application*" insert a period

Page 2, line 9, delete "*and*" and insert "*The applicant shall*" and delete "*a single fee*" and insert "*all fees*"

Page 2, line 10, delete "*forward portions of the fee*" and insert "*individual fees*"

Page 3, line 5, delete "*and*"

Page 3, line 7, after "*section*" insert " ; *and*

(4) budget recommendations to achieve the purposes of this section"

And when so amended the bill do pass and be re-referred to the Committee

on Governmental Operations and Reform. Amendments adopted. Report adopted.

Mr. Novak from the Committee on Jobs, Energy and Community Development, to which was referred

S.F. No. 1985: A resolution memorializing the President and Congress to act expeditiously in procuring a site or sites for the storage of high-level radioactive waste.

Reports the same back with the recommendation that the resolution be amended as follows:

Page 1, line 13, after "1996" insert "or shut down"

Page 2, line 17, delete everything after the second "to" and insert "accelerate the comprehensive study of the Yucca Mountain site, and if that site is determined appropriate for a permanent repository that it be developed as a permanent repository as rapidly as construction technology permits."

Page 2, delete lines 18 to 20

Amend the title as follows:

Page 1, line 3, delete "or sites"

And when so amended the resolution do pass. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred under Rule 35, together with the committee report thereon,

S.F. No. 1981: A bill for an act relating to railroads; authorizing rail carriers to participate in loan guarantee program; defining terms; amending eligibility requirements; amending Minnesota Statutes 1992, sections 222.55; 222.56, subdivisions 5, 6, and by adding subdivisions; 222.57; and 222.58, subdivision 2.

Reports the same back with the recommendation that the report from the Committee on Transportation and Public Transit, shown in the Journal for March 18, 1994, be amended to read:

"the bill be amended and when so amended the bill do pass and be re-referred to the Committee on Finance". Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred under Rule 35, together with the committee report thereon,

S.F. No. 2177: A bill for an act relating to children; modifying liability provisions for child abuse investigations; providing for attorney fees in certain actions; providing for the establishment of protocols for investigations; prohibiting certain conflicts of interest; providing for access to data regarding determinations of maltreatment; amending Minnesota Statutes 1992, section 626.556, subdivisions 4, 10e, and by adding subdivisions; Minnesota Statutes 1993 Supplement, section 626.556, subdivision 11.

Reports the same back with the recommendation that the report from the

Committee on Judiciary, shown in the Journal for March 23, 1994, be amended to read:

“the bill be amended and when so amended the bill do pass and be re-referred to the Committee on Finance”. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred under Rule 35, together with the committee report thereon,

S.F. No. 2194: A bill for an act relating to legislative audit commission; appropriating money for the legislative auditor to perform best practices review audits; amending Minnesota Statutes 1992, sections 3.97, subdivision 11; and 3.971, by adding a subdivision.

Reports the same back with the recommendation that the report from the Committee on Governmental Operations and Reform, shown in the Journal for March 23, 1994, be amended to read:

“the bill be amended and when so amended the bill do pass and be re-referred to the Committee on Finance”. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred under Rule 35, together with the committee report thereon,

S.F. No. 1643: A bill for an act relating to lotteries; proposing a constitutional amendment to prohibit the legislature from authorizing a lottery operated by the state; providing for conforming legislation if the amendment is adopted by the people.

Reports the same back with the recommendation that the report from the Committee on Gaming Regulation, shown in the Journal for March 16, 1994, be amended to read:

“the bill do pass and be re-referred to the Committee on Finance”. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred under Rule 35, together with the committee report thereon,

S.F. No. 1369: 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.

Reports the same back with the recommendation that the report from the Committee on Governmental Operations and Reform, shown in the Journal for March 23, 1994, be amended to read:

“the bill be amended and when so amended the bill do pass and be re-referred to the Committee on Finance”. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred under Rule 35, together with the committee report thereon,

S.F. No. 2193: A bill for an act relating to water; establishing the drinking water revolving fund administered by the public facilities authority and the

department of health; amending Minnesota Statutes 1992, section 446A.11, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 446A:

Reports the same back with the recommendation that the report from the Committee on Health Care, shown in the Journal for March 17, 1994, be amended to read:

“the bill do pass and be re-referred to the Committee on Finance”. Report adopted.

Ms. Berglin from the Committee on Health Care, to which was referred

S.F. No. 2661: A bill for an act relating to health; prohibiting certain organizational mergers or acquisitions; providing penalties; proposing coding for new law in Minnesota Statutes, chapter 62J.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. [62J.47] [MORATORIUM ON MERGERS OR ACQUISITIONS BY HEALTH CARRIERS.]

Subdivision 1. [DEFINITIONS.] For purposes of this section, “health carrier” has the meaning given in section 62A.011, subdivision 2.

Subd. 2. [RESTRICTIONS.] Until July 1, 1996, the following health carriers are prohibited from merging with, or acquiring, directly or indirectly, any other health carrier:

(1) a health carrier whose number of enrollees residing in the state in the previous calendar year exceeds five percent of the total number of insured persons in that year residing in the state of Minnesota; and

(2) a health carrier whose number of enrollees residing in the seven-county metropolitan area in the previous calendar year exceeds ten percent of the total number of insured persons in that year residing in the seven-county metropolitan area.

Subd. 3. [ENFORCEMENT.] The district court in Ramsey county has jurisdiction to enjoin an alleged violation of subdivision 2. The attorney general may bring an action to enjoin an alleged violation. The commissioner of health or commerce shall not issue or renew a license or certificate of authority to any health carrier in violation of subdivision 2.

Subd. 4. [EXCEPTION.] This section does not apply to any merger or direct or indirect acquisition pursuant to a letter of intent, memorandum of understanding, or other agreement signed before March 17, 1994, or to any merger or direct or indirect acquisition which develops pursuant to an affiliation for which a letter of intent, memorandum of understanding, or other agreement was signed before March 17, 1994.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment.”

And when so amended the bill do pass and be re-referred to the Committee

on Commerce and Consumer Protection. Amendments adopted. Report adopted.

Ms. Reichgott Junge from the Committee on Judiciary, to which was referred

S.F. No. 584: A bill for an act relating to free speech; protecting citizens and organizations from civil lawsuits for exercising their constitutional rights of petition, speech, association, and participation in government; proposing coding for new law as Minnesota Statutes, chapter 554.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. [554.01] [DEFINITIONS.]

Subdivision 1. [SCOPE.] The definitions in this section apply to this chapter.

Subd. 2. [GOVERNMENT.] “Government” includes a branch, department, agency, official, employee, agent, or other person with authority to act on behalf of the federal government, this state, or any political subdivision of this state, including municipalities and their boards, commissions, and departments, or other public authority.

Subd. 3. [JUDICIAL CLAIM; CLAIM.] “Judicial claim” or “claim” includes any civil lawsuit, cause of action, claim, cross-claim, counterclaim, or other judicial pleading or filing seeking damages for an alleged injury. “Judicial claim” does not include a claim solely for injunctive relief.

Subd. 4. [MOTION.] “Motion” includes any motion to dismiss, motion for summary judgment, or any other judicial pleading filed to dispose of a judicial claim.

Subd. 5. [MOVING PARTY.] “Moving party” means any person on whose behalf the motion described in section 2, subdivision 1, is filed seeking dismissal of an action under this chapter.

Subd. 6. [PUBLIC PARTICIPATION.] “Public participation” means speech or lawful conduct that is genuinely aimed in whole or in part at procuring favorable government action.

Subd. 7. [RESPONDING PARTY.] “Responding party” means any person against whom a motion described in section 2, subdivision 1, is filed.

Sec. 2. [554.02] [PROTECTION OF CITIZENS TO PARTICIPATE IN GOVERNMENT.]

Subdivision 1. [APPLICABILITY.] This section applies to any motion in a judicial proceeding to dispose of a judicial claim on the grounds that the claim materially relates to an act of the moving party that involves public participation.

Subd. 2. [PROCEDURE.] On the filing of any motion described in subdivision 1:

(1) discovery must be suspended pending the final disposition of the motion, including any appeal; provided that the court may, on motion and after a

hearing and for good cause shown, order that specified and limited discovery be conducted;

(2) the responding party has the burden of proof, of going forward with the evidence, and of persuasion on the motion;

(3) the court shall grant the motion and dismiss the judicial claim unless the court finds that the responding party has established by a preponderance of the evidence that the acts of the moving party are not immunized from liability under section 3; and

(4) any governmental body to which the moving party's acts were directed or the attorney general's office may intervene in, defend, or otherwise support the moving party.

Sec. 3. [554.03] [IMMUNITY.]

Lawful conduct or speech that is genuinely aimed in whole or in part at procuring favorable government action is immune from liability, unless the conduct or speech constitutes a tort or a violation of a person's constitutional rights.

Sec. 4. [554.04] [FEES AND DAMAGES.]

Subdivision 1. [ATTORNEY FEES AND COSTS.] The court shall award a moving party who prevails in a motion under this chapter reasonable attorney fees and costs associated with the bringing of the motion.

Subd. 2. [DAMAGES.] (a) A moving party may petition the court for damages under this section in conjunction with a motion under this chapter.

(b) If a motion under this chapter is granted and the moving party demonstrates that the respondent brought the cause of action in the underlying lawsuit for the purpose of harassment, to inhibit the moving party's public participation, to interfere with the moving party's exercise of protected constitutional rights, or otherwise wrongfully injure the moving party, the court shall award the moving party actual damages. The court may award the moving party punitive damages under section 549.20. A motion to amend the pleadings under section 529.191 is not required under this section, but the claim for punitive damages must meet all other requirements of section 549.191.

Sec. 5. [554.05] [RELATIONSHIPS TO OTHER LAW.]

Nothing in this chapter limits or precludes any rights the moving party or responding party may have under any other constitutional, statutory, case, or common law, or rule.

Sec. 6. [EFFECTIVE DATE.]

Sections 1 to 5 are effective the day after final enactment."

Delete the title and insert:

"A bill for an act relating to free speech; protecting citizens and organizations from civil lawsuits for exercising their rights of public participation in government; proposing coding for new law as Minnesota Statutes, chapter 554."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Ms. Reichgott Junge from the Committee on Judiciary, to which was re-referred

S.F. No. 2130: A bill for an act relating to health; establishing a health insurance counseling and assistance program; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 256.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 14, after "with" insert "the" and delete "heads of relevant state agencies" and insert "the commissioners of health, commerce, and human services"

Page 2, lines 24 and 25, delete "result from the person's actions or omissions" and insert "arise from providing health insurance counseling services"

Page 2, line 27, after the period, insert "This immunity does not extend to the employer sponsoring the health insurance counseling program."

Page 3, line 24, after the period, insert "This appropriation amount shall not become part of the base appropriation for the board on aging for the 1996-1997 biennium."

And when so amended the bill do pass and be re-referred to the Committee on Health Care. Mr. Belanger questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 1914 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1914	1729				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1914 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1914 and insert the language after the enacting clause of S.F. No. 1729; further, delete the title of H.F. No. 1914 and insert the title of S.F. No. 1729.

And when so amended H.F. No. 1914 will be identical to S.F. No. 1729, and further recommends that H.F. No. 1914 be given its second reading and substituted for S.F. No. 1729, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 1835 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1835	1755				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1835 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1835 and insert the language after the enacting clause of S.F. No. 1755, the first engrossment; further, delete the title of H.F. No. 1835 and insert the title of S.F. No. 1755, the first engrossment.

And when so amended H.F. No. 1835 will be identical to S.F. No. 1755, and further recommends that H.F. No. 1835 be given its second reading and substituted for S.F. No. 1755, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 1934 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1934	1767				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1934 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1934 and insert the language after the enacting clause of S.F. No. 1767; further, delete the title of H.F. No. 1934 and insert the title of S.F. No. 1767.

And when so amended H.F. No. 1934 will be identical to S.F. No. 1767, and further recommends that H.F. No. 1934 be given its second reading and substituted for S.F. No. 1767, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 1964 for comparison with companion Senate File, reports the

following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1964	1749				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1964 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1964 and insert the language after the enacting clause of S.F. No. 1749, the first engrossment; further, delete the title of H.F. No. 1964 and insert the title of S.F. No. 1749, the first engrossment.

And when so amended H.F. No. 1964 will be identical to S.F. No. 1749, and further recommends that H.F. No. 1964 be given its second reading and substituted for S.F. No. 1749, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

SECOND READING OF SENATE BILLS

S.F. Nos. 2099, 2032, 1694, 1983, 2465, 1985 and 584 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 1914, 1835, 1934 and 1964 were read the second time.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time and referred to the committees indicated.

Messrs. Solon, Metzen, Ms. Anderson and Mr. Janezich introduced—

S.F. No. 2807: A bill for an act relating to commerce; distilled spirits; regulating the standards of fill for distilled spirits; proposing coding for new law in Minnesota Statutes, chapter 340A.

Referred to the Committee on Commerce and Consumer Protection.

Mr. Spear introduced—

S.F. No. 2808: A bill for an act relating to education; expanding Minneapolis health insurance subsidy to include eligible Minneapolis teachers who retire before May 1, 1984; amending Minnesota Statutes 1992, section 124.916, subdivision 4.

Referred to the Committee on Governmental Operations and Reform.

Mr. Oliver and Ms. Runbeck introduced—

S.F. No. 2809: A bill for an act relating to drop-in child care programs; requiring certain programs that are exempt from licensure requirements to provide notice to participants; amending Minnesota Statutes 1993 Supplement, section 245A.03, subdivision 2.

Referred to the Committee on Family Services.

Mr. Oliver introduced—

S.F. No. 2810: A bill for an act relating to appropriations; removing limitation on money that may be spent by regional transit board on metro mobility; amending Laws 1993, chapter 266, section 3, subdivision 3.

Referred to the Committee on Metropolitan and Local Government.

Mr. Metzen introduced—

S.F. No. 2811: A bill for an act relating to health; exempting certain municipally operated ambulance services from specific licensing requirements; amending Minnesota Statutes 1992, section 144.802, by adding a subdivision.

Referred to the Committee on Health Care.

Mses. Reichgott Junge, Flynn and Mr. Johnson, D.J. introduced—

S.F. No. 2812: A bill for an act relating to taxation; imposing income limitations on the property tax targeting refund; amending Minnesota Statutes 1993 Supplement, section 290A.04, subdivision 2h.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Vickerman; Chmielewski; Benson, D.D.; Johnson, D.E. and Lessard introduced—

S.F. No. 2813: A bill for an act relating to veterans; requiring the University of Minnesota to follow the state veterans preference law; amending Minnesota Statutes 1992, sections 197.455; and 197.46.

Referred to the Committee on Veterans and General Legislation.

Ms. Reichgott Junge introduced—

S.F. No. 2814: A bill for an act relating to capital improvements; appropriating money to the commissioner of jobs and training to construct facilities for head start or other early intervention education programs; authorizing the sale of state bonds.

Referred to the Committee on Jobs, Energy and Community Development.

Mr. Moe, R.D. introduced—

S.F. No. 2815: A bill for an act relating to Mahnommen county; authorizing the county to issue certain general obligation bonds.

Referred to the Committee on Taxes and Tax Laws.

Ms. Pappas, Messrs. Kelly, Betzold, Ms. Johnston and Mr. Frederickson introduced—

S.F. No. 2816: A bill for an act relating to metropolitan government; increasing the amount of obligations the metropolitan council may issue for certain transit purposes; amending Minnesota Statutes 1992, section 473.39, subdivision 1b.

Referred to the Committee on Metropolitan and Local Government.

Messrs. Hottinger, Kelly, Dille and Metzen introduced—

S.F. No. 2817: A bill for an act relating to public finance; changing procedures for allocation of certain bonding authority; amending Minnesota Statutes 1992, section 474A.091, subdivision 3; Minnesota Statutes 1993 Supplement, section 474A.061, subdivision 2a.

Referred to the Committee on Jobs, Energy and Community Development.

Messrs. Finn, Chmielewski and Stevens introduced—

S.F. No. 2818: A bill for an act relating to education; clarifying post-secondary enrollment options to include pupils at certain American Indian schools; amending Minnesota Statutes 1992, section 123.3514, subdivision 4.

Referred to the Committee on Education.

Messrs. Chmielewski; Moe, R.D.; Mses. Krentz, Lesewski and Mr. Dille introduced—

S.F. No. 2819: A bill for an act relating to motor carriers; delaying application and enforcement of rule against class II permit holder owning, leasing, or controlling more than one terminal.

Referred to the Committee on Transportation and Public Transit.

Mr. Johnson, D.E. introduced—

S.F. No. 2820: A bill for an act relating to capital improvements; appropriating money and authorizing state bonding to build a water retention basin in Renville county.

Referred to the Committee on Environment and Natural Resources.

Messrs. Marty, Metzen, Novak and Frederickson introduced—

S.F. No. 2821: A bill for an act relating to housing; establishing a pilot project for housing homeless persons in severe weather; appropriating money.

Referred to the Committee on Jobs, Energy and Community Development.

Ms. Lesewski introduced—

S.F. No. 2822: A bill for an act relating to energy; creating a grant program to develop wind energy electric generating capacity; appropriating money; amending Minnesota Statutes 1993 Supplement, section 272.02, subdivision 1.

Referred to the Committee on Jobs, Energy and Community Development.

Messrs. Morse, Kelly, Ms. Piper and Mr. Spear introduced—

S.F. No. 2823: A bill for an act relating to crime prevention; prohibiting soliciting children to enter a motor vehicle; increasing the penalty for kidnapping a victim under 16; amending Minnesota Statutes 1992, section 609.25, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 609.

Referred to the Committee on Crime Prevention.

Messrs. Morse, Bertram, Sams and Langseth introduced—

S.F. No. 2824: A bill for an act relating to ethanol; increasing the cap on ethanol development payments to ethanol producers; extending expiration of payments for ethanol development; increasing minimum oxygen content of gasoline; eliminating tax credit for agricultural alcohol gasoline; amending Minnesota Statutes 1992, sections 41A.09, subdivision 5; and 296.02, subdivision 7; Minnesota Statutes 1993 Supplement, section 41A.09, subdivision 3; and 239.791, subdivision 1.

Referred to the Committee on Transportation and Public Transit.

Ms. Kiscaden, Messrs. Samuelson and Benson, D.D. introduced—

S.F. No. 2825: A bill for an act relating to human services; modifying provisions concerning rates for care of certain persons and recovery of medical assistance overpayments; modifying provisions concerning home care and alternative care; requiring changes in related rules; providing instructions to the revisor of statutes; amending Minnesota Statutes 1992, sections 256B.0641, subdivision 1; 256B.0913, subdivision 8; 256B.0915, subdivision 5; and 256B.501, subdivisions 1, 3, 3c, and by adding a subdivision; Minnesota Statutes 1993 Supplement, sections 256B.0911, subdivisions 2 and 7; 256B.0913, subdivisions 5 and 12; 256B.0915, subdivision 1; 256B.501, subdivisions 3g and 8; and 256I.06, subdivision 1; repealing Minnesota Statutes 1992, section 256B.501, subdivisions 3d, 3e, and 3f.

Referred to the Committee on Health Care.

Ms. Pappas, Messrs. Beckman and Larson introduced—

S.F. No. 2826: A bill for an act relating to education; considering whether to include anthropology and history in preparation programs for social studies teachers; including components of American Indian language, history, and culture in teacher preparation curriculum; directing the state board of education to consult with American Indian representatives in developing learner outcomes in American Indian language, history, and culture.

Referred to the Committee on Education.

Mr. Bertram introduced—

S.F. No. 2827: A bill for an act relating to taxation; increasing the funding for firefighters state aid; amending Minnesota Statutes 1992, section 69.021, subdivision 5.

Referred to the Committee on Taxes and Tax Laws.

Mr. Bertram introduced—

S.F. No. 2828: A bill for an act relating to retirement; directing a study and comparison of teacher's retirement annuities.

Referred to the Committee on Governmental Operations and Reform.

Mses. Krentz, Ranum, Pappas and Mr. Beckman introduced—

S.F. No. 2829: A bill for an act relating to education; providing for alternative activities for school age children; expanding parental involvement; providing for training in working with children with special needs; providing for violence prevention activities; appropriating money; amending Minnesota Statutes 1992, sections 121.88, subdivision 10; and 126.69, subdivision 1; Minnesota Statutes 1993 Supplement, sections 121.882, subdivision 2b; 124.2711, subdivision 5; 124.2713, subdivision 5; 124.2716, subdivision 2; 124A.29, subdivision 1; and 126.70, subdivision 2a.

Referred to the Committee on Education.

Mr. Lessard introduced—

S.F. No. 2830: A bill for an act relating to state lands; requiring the sale of certain school trust lands bordering public waters in St. Louis county.

Referred to the Committee on Environment and Natural Resources.

Mr. Lessard introduced—

S.F. No. 2831: A bill for an act relating to the environment; requiring town board or city council approval prior to issuance of a permit by the pollution control agency for spreading soil that contains harmful substances on land; amending Minnesota Statutes 1992, section 116.07, by adding a subdivision.

Referred to the Committee on Environment and Natural Resources.

Mr. Lessard introduced—

S.F. No. 2832: A bill for an act relating to game and fish; allowing use of retractable broadhead arrows in taking big game; amending Minnesota Statutes 1992, section 97B.211, subdivision 2.

Referred to the Committee on Environment and Natural Resources.

Mr. Lessard introduced—

S.F. No. 2833: A bill for an act relating to community colleges; authorizing the state board to construct or acquire student residences; authorizing revenue bonds.

Referred to the Committee on Education.

Mr. Lessard introduced—

S.F. No. 2834: A bill for an act relating to education; modifying teacher contract arbitration provisions; amending Minnesota Statutes 1992, section 179A.16, by adding a subdivision.

Referred to the Committee on Education.

Messrs. Stumpf and Langseth introduced—

S.F. No. 2835: A bill for an act relating to public administration; creating regional telecommunications network; providing grants for telecommunications planning; requiring reports to the legislature; appropriating money.

Referred to the Committee on Governmental Operations and Reform.

Mr. Pogemiller introduced—

S.F. No. 2836: A bill for an act relating to public finance; changing procedures for allocating bonding authority; amending Minnesota Statutes 1992, sections 474A.02, subdivisions 8a, 13a, and 23a; 474A.03, subdivision 1; 474A.04, subdivision 1a; 474A.061, subdivision 4; 474A.091, subdivisions 3 and 5; and 474A.131, subdivision 3, and by adding a subdivision; Minnesota Statutes 1993 Supplement, sections 474A.047, subdivision 1; and 474A.061, subdivision 2a.

Referred to the Committee on Jobs, Energy and Community Development.

Mr. Luther introduced—

S.F. No. 2837: A bill for an act relating to drivers' licenses; allowing social security number to be entered at the option of an applicant for a Class C driver's license; amending Minnesota Statutes 1992, section 171.06, subdivision 3.

Referred to the Committee on Transportation and Public Transit.

Mr. Metzen introduced—

S.F. No. 2838: A bill for an act relating to health and human services; creating an exception to the nursing home moratorium; establishing rates for total replacements; amending Minnesota Statutes 1992, section 256B.431, subdivision 17; Minnesota Statutes 1993 Supplement, section 144A.071, subdivision 4a.

Referred to the Committee on Health Care.

Messrs. Beckman and Hottinger introduced—

S.F. No. 2839: A bill for an act relating to education; modifying the grant application process of the cooperative secondary facilities grant act to include reorganized school districts; amending Minnesota Statutes 1992, sections 124.494, subdivisions 3, 4, 5, and 6; Minnesota Statutes 1993 Supplement, sections 124.494, subdivisions 1, 2, and 4a; proposing coding for new law in Minnesota Statutes, chapter 124.

Referred to the Committee on Education.

MEMBERS EXCUSED

Mrs. Adkins was excused from the Session of today. Mr. Novak was excused from the Session of today from 9:20 to 10:15 a.m.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 10:00 a.m., Monday, March 28, 1994. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

SEVENTY-EIGHTH DAY

St. Paul, Minnesota, Monday, March 28, 1994

The Senate met at 10:00 a.m. and was called to order by the President.

CALL OF THE SENATE

Ms. Flynn imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

Prayer was offered by the Chaplain, Monsignor Francis Fleming.

The members of the Senate gave the pledge of allegiance to the flag of the United States of America.

The roll was called, and the following Senators answered to their names:

Adkins	Dille	Knutson	Moe, R.D.	Reichgott Junge
Anderson	Finn	Krentz	Mondale	Riveness
Belanger	Flynn	Kroening	Morse	Robertson
Benson, D.D.	Frederickson	Laidig	Murphy	Runbeck
Benson, J.E.	Hanson	Langseth	Novak	Sams
Berg	Hottinger	Larson	Oliver	Samuelson
Berglin	Janezich	Lesewski	Olson	Solon
Bertram	Johnson, D.E.	Lessard	Pappas	Spear
Betzold	Johnson, D.J.	Luther	Pariseau	Stevens
Chandler	Johnson, J.B.	Marty	Piper	Terwilliger
Chmielewski	Johnston	McGowan	Pogemiller	Vickerman
Cohen	Kelly	Merriam	Price	Wiener
Day	Kiscaden	Metzen	Ranum	

The President declared a quorum present.

The reading of the Journal was dispensed with and the Journal, as printed and corrected, was approved.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, herewith returned: S.F. No. 2040.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 24, 1994

Mr. President:

I have the honor to announce the passage by the House of the following

Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S.F. No. 1691: A bill for an act relating to real property; clarifying and making technical corrections to statutory provisions relating to real property; allowing the examiner of titles in Olmsted county to be compensated as are examiners in counties of fewer than 75,000 population; amending Minnesota Statutes 1992, sections 14.03, subdivision 3; 83.26, subdivision 2; 500.19, subdivision 4; 507.09; 507.332; 508.12, subdivision 1; 508.13; 508.23, subdivision 1; 508.35; 508.37, subdivision 1a; 508.38; 508.45; 508.47, subdivision 5; 508.51; 508.52; 508.55; 508.68; 508.70; 508.71, subdivision 4; 508A.22, subdivision 1; 508A.35; 508A.38; 508A.45; 508A.47, subdivision 5; 508A.51; 508A.52; 508A.55; 508A.68; 508A.71, subdivision 4; 559.21, subdivisions 3, 4, and 8; and 580.12; Minnesota Statutes 1993 Supplement, section 256B.0595, by adding a subdivision; 508.71, subdivision 7; 515B.1-102; 515B.1-103; 515B.1-105; 515B.1-116; 515B.2-104; 515B.2-105; 515B.2-110; 515B.2-118; 515B.2-119; 515B.3-113; 515B.3-116; and 515B.3-117; proposing coding for new law in Minnesota Statutes, chapters 508; and 508A.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 24, 1994

CONCURRENCE AND REPASSAGE

Mr. Betzold moved that the Senate concur in the amendments by the House to S.F. No. 1691 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 1691 was read the third time, as amended by the House, and placed on its repassage.

The question was taken on the repassage of the bill, as amended.

The roll was called, and there were yeas 58 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Day	Kiscaden	Mondale	Riveness
Anderson	Dille	Knutson	Morse	Robertson
Belanger	Finn	Krentz	Murphy	Runbeck
Benson, D.D.	Flynn	Kroening	Novak	Sams
Benson, J.E.	Frederickson	Lesewski	Oliver	Samuelson
Berg	Hanson	Lessard	Olson	Spear
Berglin	Hottinger	Luther	Pappas	Stevens
Bertram	Janezich	Marty	Pariseau	Terwilliger
Betzold	Johnson, D.E.	McGowan	Piper	Vickerman
Chandler	Johnson, D.J.	Merriam	Pogemiller	Wiener
Chmielewski	Johnson, J.B.	Metzen	Price	
Cohen	Johnston	Moe, R.D.	Ranum	

So the bill, as amended, was repassed and its title was agreed to.

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce the passage by the House of the following

Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S.F. No. 2086: A bill for an act relating to health; extending dispensing authority to physician assistants and advanced practice nurses; amending Minnesota Statutes 1992, sections 147.34, subdivision 1; 148.235, by adding a subdivision; and 151.37, subdivisions 2 and 2a; Minnesota Statutes 1993 Supplement, section 151.01, subdivision 23.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 24, 1994

CONCURRENCE AND REPASSAGE

Ms. Piper moved that the Senate concur in the amendments by the House to S.F. No. 2086 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 2086 was read the third time, as amended by the House, and placed on its repassage.

The question was taken on the repassage of the bill, as amended.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dille	Krentz	Morse	Robertson
Anderson	Finn	Kroening	Murphy	Runbeck
Belanger	Flynn	Langseth	Novak	Sams
Benson, D.D.	Frederickson	Larson	Oliver	Samuelson
Benson, J.E.	Hanson	Lesewski	Olson	Solon
Berg	Hottinger	Lessard	Pappas	Spear
Berglin	Janezich	Luther	Pariseau	Stevens
Bertram	Johnson, D.E.	Marty	Piper	Terwilliger
Betzold	Johnson, D.J.	McGowan	Pogemiller	Vickerman
Chandler	Johnson, J.B.	Merriam	Price	Wiener
Chmielewski	Johnston	Metzen	Ranum	
Cohen	Kiscaden	Moe, R.D.	Reichgott Junge	
Day	Knutson	Mondale	Riveness	

So the bill, as amended, was repassed and its title was agreed to.

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 2080, 2314, 2435, 2646, 1659, 1936, 2330, 1374 and 2099.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 24, 1994

FIRST READING OF HOUSE BILLS

The following bills were read the first time and referred to the committees indicated.

H.F. No. 2080: A bill for an act relating to agriculture; providing for uniformity of certain food laws with federal regulations; amending Minnesota Statutes 1992, sections 31.101; 31.102, subdivision 1; 31.103, subdivision 1; and 31.104.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1975, now on General Orders.

H.F. No. 2314: A bill for an act relating to waste reduction; amending various statutes to be consistent with recent law relating to distribution of reports and materials to legislators; amending Minnesota Statutes 1992, sections 144.672, subdivision 2; 144.70, subdivision 1; 458A.08; and 473.445, subdivision 3.

Referred to the Committee on Health Care.

H.F. No. 2435: A bill for an act relating to animals; changing procedures concerning certain abandoned animals; amending Minnesota Statutes 1992, section 346.37, subdivision 1.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2607.

H.F. No. 2646: A bill for an act relating to agriculture; expanding the restricted seed potato growing area; amending Minnesota Statutes 1992, section 21.1196, subdivision 1.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2283, now on General Orders.

H.F. No. 1659: A bill for an act relating to probate; updating article 2 on intestacy, wills, and donative transfers; correcting a reference; recodifying the Minnesota multiparty accounts act; amending Minnesota Statutes 1992, sections 524.1-201; 524.2-101; 524.2-102; 524.2-103; 524.2-104; 524.2-105; 524.2-106; 524.2-108; 524.2-109; 524.2-110; 524.2-111; 524.2-113; 524.2-114; 524.2-301; 524.2-302; 524.2-502; 524.2-504; 524.2-505; 524.2-507; 524.2-508; 524.2-509; 524.2-512; 524.2-602; 524.2-603; 524.2-604; 524.2-605; 524.2-606; 524.2-607; 524.2-608; 524.2-609; and 524.2-701; proposing coding for new law in Minnesota Statutes, chapter 524; repealing Minnesota Statutes 1992, sections 524.2-112; 524.2-201; 524.2-202; 524.2-203; 524.2-204; 524.2-205; 524.2-206; 524.2-207; 524.2-503; 524.2-610; 524.2-612; 524.3-905; 525.15; 525.151; 525.22; 525.221; and 525.223.

Referred to the Committee on Judiciary.

H.F. No. 1936: A bill for an act relating to game and fish; requiring return to the water of fish snagged in certain waters; amending Minnesota Statutes 1993 Supplement, section 97C.331.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1915, now on General Orders.

H.F. No. 2330: A bill for an act relating to Anoka county; authorizing county to sell tax-forfeited land by sealed bid.

Referred to the Committee on Environment and Natural Resources.

H.F. No. 1374: A bill for an act relating to employment; requiring the department of labor and industry to study and report recommendations on child labor.

Referred to the Committee on Jobs, Energy and Community Development.

H.F. No. 2099: A bill for an act relating to change of name; altering procedural requirements for a change of name application; waiving filing fees in certain cases; amending Minnesota Statutes 1992, sections 259.10; and 259.11; Minnesota Statutes 1993 Supplement, section 357.021, subdivision 1a.

Referred to the Committee on Finance.

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

Mr. Mondale, for Mrs. Adkins, from the Committee on Metropolitan and Local Government, to which was referred

S.F. No. 2550: A bill for an act relating to metropolitan government; providing for appointment of metropolitan area soil and water conservation supervisors by metropolitan counties; amending Minnesota Statutes 1992, section 103C.305, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 103C.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Mondale, for Mrs. Adkins, from the Committee on Metropolitan and Local Government, to which was referred

S.F. No. 2598: A bill for an act relating to local government; authorizing the park and recreation board of the city of Minneapolis to transfer conveyed land to the Minnesota department of transportation.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Mr. Spear from the Committee on Crime Prevention, to which was referred

S.F. No. 1918: A bill for an act relating to crime; making it murder in the first degree to cause the death of a local correctional officer; amending Minnesota Statutes 1992, section 609.185.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 1, after "state" insert "*or local*" and delete "*or a local*"

Page 2, lines 2 to 4, delete the new language and reinstate the stricken language

Amend the title as follows:

Page 1, line 4, delete "officer" and insert "guard"

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Mr. Metzen from the Committee on Governmental Operations and Reform, to which was referred

S.F. No. 2669: A bill for an act relating to public employment; establishing a public employees insurance cooperative task force; appropriating money.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Finance. Report adopted.

Mr. Lessard from the Committee on Environment and Natural Resources, to which was referred

S.F. No. 1616: A bill for an act relating to environmental law; establishing a private cause of action for abandonment of hazardous waste; proposing coding for new law in Minnesota Statutes, chapter 116.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Mr. Bertram from the Committee on Agriculture and Rural Development, to which was referred

S.F. No. 2326: A bill for an act relating to agriculture; appropriating money for a capital access program to facilitate construction of an agricultural product processing facility.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 7, delete "\$5,000,000" and insert "\$2,000,000"

Page 1, line 11, delete "\$5,000,000" and insert "\$2,000,000" and after "account" insert "to be called the agricultural product processing account"

Page 1, line 12, delete "used" and insert "transferred" and after "commissioner" insert "as needed"

Page 1, line 19, delete "\$100,000,000" and insert "\$35,000,000" and delete everything after the period and insert "*The money in the agricultural product processing account shall revert back to the general fund if not needed by the commissioner to fund separate reserve accounts established with lenders by July 1, 1997.*"

Page 1, delete lines 20 and 21

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Bertram from the Committee on Agriculture and Rural Development, to which was referred

S.F. No. 2709: A bill for an act relating to agriculture; amending provisions regarding the pricing of certain dairy products; amending Minnesota Statutes 1993 Supplement, sections 32.72; and 32.73, subdivision 4.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, lines 19 to 21, reinstate the stricken language

Page 2, delete section 2

Amend the title as follows:

Page 1, line 4, delete "sections" and insert "section" and delete the semicolon and insert a period

Page 1, delete line 5

And when so amended the bill do pass. Amendments adopted. Report adopted.

Ms. Berglin from the Committee on Health Care, to which was referred

S.F. No. 2345: A bill for an act relating to health; classifying data relating to a physician license; modifying provisions relating to foreign medical school graduates; amending Minnesota Statutes 1993 Supplement, sections 147.02, subdivision 1; and 147.037, subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Pages 1 to 3, delete section 1

Renumber the sections in sequence

Amend the title as follows:

Page 1, lines 2 and 3, delete "classifying data relating to a physician license;"

Page 1, lines 5 and 6, delete "sections 147.02, subdivision 1; and" and insert "section"

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Ms. Piper from the Committee on Family Services, to which was referred

S.F. No. 2135: A bill for an act relating to community social services; modifying certain provisions regarding county community social service plans; amending Minnesota Statutes 1992, section 256E.09, subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 11, reinstate the stricken "proposed" and before "community" insert "and final"

Page 1, lines 12 to 14, delete the new language

Page 1, line 19, delete from "unless" through page 1, line 20, to "plan" and after the period, insert "*The summarized form of the proposed plan must include a prominent notice that the detailed proposed plan to be considered by the county board is available to county residents upon request. The final plan shall be submitted to the commissioner within 30 days after final adoption of the county budget by the county board. If the commissioner's certification of the final plan is delayed beyond January 1 of the first year of the plan, the previous community social services plan shall remain in effect until the final plan is certified. This does not affect the plan approval process in section 256E.05, subdivision 2.*"

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was re-referred

S.F. No. 1786: A bill for an act relating to partnerships; providing for the registration and operation of limited liability partnerships; appropriating money; amending Minnesota Statutes 1992, sections 319A.02, subdivision 5; 319A.05; 319A.06, subdivision 2; 319A.07; 319A.12, subdivisions 1, 1a, and 2; 323.02, subdivision 8, and by adding a subdivision; 323.06; 323.14; 323.17; 323.35; and 323.39; Minnesota Statutes 1993 Supplement, section 319A.02, subdivision 7; proposing coding for new law in Minnesota Statutes, chapter 323.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Finance. Report adopted.

Ms. Piper from the Committee on Family Services, to which was referred

S.F. No. 2090: A bill for an act relating to human services; modifying provisions dealing with the administration and enforcement of child support; amending Minnesota Statutes 1993 Supplement, section 518.551, subdivision 10.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. [518.551] [ADMINISTRATIVE PROCESS FOR CHILD AND MEDICAL SUPPORT ORDERS.]

Subdivision 1. [GENERAL.] (a) An administrative process is established to obtain, modify, and enforce child and medical support orders and maintenance.

(b) Effective July 1, 1994, all counties shall participate in the administrative process established in this section in accordance with a statewide implementation plan to be set forth by the commissioner of human services. The implementation plan shall include provisions for training the counties by region no later than July 1995.

Subd. 2. [UNCONTESTED ADMINISTRATIVE PROCEEDING.] (a) All actions commenced by the public authority under this section shall be brought within the uncontested administrative proceeding. A party may petition the chief administrative law judge, the chief district court judge, or the chief family court referee to proceed immediately to a contested hearing upon good cause shown. A party may also request in writing that the public authority begin an uncontested administrative proceeding.

(b) The public authority shall give the parties written notice requesting the submission of information necessary for the public authority to prepare a proposed child support order. The written notice shall be sent by first-class mail to the parties' last known addresses. The written notice shall describe the information requested, state the purpose of the request, state the date by which the information must be postmarked or received (which shall be at least 30 days from the date of the mailing of the written notice), state that if the

information is not postmarked or received by that date, the public authority will prepare a proposed order on the basis of the information available, and identify the type of information which will be considered.

(c) Following the submission of information or following the date when the information was due, the public authority shall, on the basis of all information available, complete and sign a proposed child support order and notice. In preparing the proposed child support order, the public authority will establish child support in the highest amount permitted under section 518.551, subdivision 5. The proposed order shall include written findings in accordance with section 518.551, subdivision 5, clauses (i) and (j). The notice shall state that the proposed child support order will be entered as a final and binding default order unless one of the parties requests a conference under subdivision 3 within 14 days following the date of service of the proposed child support order. The method for requesting the conference shall be stated in the notice. The notice and proposed child support order shall be served either personally or by certified mail. The public authority shall prepare and retain an affidavit of service. For the purposes of the contested hearing, and notwithstanding any rule to the contrary, the service of the proposed order pursuant to this paragraph shall be deemed to have commenced a civil action and the judge, including an administrative law judge or a referee, shall have jurisdiction over the contested hearing.

(d) If a conference under subdivision 3 is not requested by a party within 14 days after the date of service of the proposed child support order, the public authority may enter the proposed order as the default order. The default order becomes effective 30 days after the date of service of the notice in paragraph (c). The public authority may also prepare and serve a new notice and proposed child support order if new information is subsequently obtained. The default child support order shall be a final order, and shall be served personally or by first-class mail.

(e) The public authority shall file in the district court copies of the notice served on the parties, all relevant documents sent to or received from the parties, proof of service, and the proposed child support order. The order is effective upon the signature by the court and is retroactive to the date of signature by the public authority.

(f) If a party requests an administrative review, and the public authority denies the request, the public authority shall issue a summary order which denies the request for relief, states the reasons for the denial, and notifies the person of the right to commence an action for relief. If the party commences an action within 30 days from the public authority's denial and the party's action results in a modification of a child support order, the modification may be retroactive to the date the written request was received by the public authority.

Subd. 3. [ADMINISTRATIVE CONFERENCE.] (a) If a party requests a conference within 14 days of the date of service of the proposed order, the public authority shall schedule a conference, and shall serve written notice of the date, time, and place of the conference on the parties.

(b) The purpose of the conference is to review all available information and seek an agreement to enter a consent child support order. The notice shall state the purpose of the conference, and that the proposed child support order will be entered as a final and binding default order if the requesting party fails to appear at the conference. The notice shall be served on the parties by

first-class mail at their last known addresses, and the method of service shall be documented in the public authority file.

(c) A party alleging domestic abuse by the other party shall not be required to participate in a conference. In such a case, the public authority shall meet separately with the parties in order to determine whether an agreement can be reached.

(d) If the party requesting the conference does not appear and fails to provide a reasonable excuse, the public authority may enter a default child support order through the uncontested administrative process.

(e) If the parties appear at the conference, the public authority may seek agreement of the parties to the entry of a consent child support order which establishes child support in accordance with applicable law. The public authority shall advise the parties that if a consent order is not entered, the matter will be scheduled for a hearing before an administrative law judge, or a district court judge or referee, and that the public authority will seek the establishment of child support at the hearing in accordance with the highest amount permitted under section 518.551, subdivision 5. The public authority shall schedule the matter before an administrative law judge, district court judge, or referee.

(f) If an agreement is reached by the parties at the conference, a consent child support order shall be prepared by the public authority, and shall be signed by the parties. All consent and default orders shall be signed by the public authority and shall be submitted to an administrative law judge or the district court for countersignature. The consent order shall be served on the parties either personally or by first-class mail, and shall be filed in district court, along with an affidavit of service.

Subd. 4. [CONTESTED ADMINISTRATIVE PROCEEDING.] (a) The commissioner of human services is authorized to designate counties that are not in compliance with federal child support guidelines to use contested administrative proceedings. The contested administrative hearing process may also be initiated upon request of a county board. The administrative hearing process shall be implemented in counties designated by the commissioner.

(b) Nothing contained herein shall prevent a party, upon timely notice to the public authority, from bringing a motion for the establishment, modification, or enforcement of child support or maintenance orders in district court if additional issues involving domestic abuse, establishment or modification of custody or visitation, or property issues, or other issues outside the jurisdiction of the administrative process, are part of the motion or action, or if a motion or action brought by another party containing one or more of these issues is pending in district court. The matter may be decided in district court if the public authority is a party or provides services to a party if a motion for child support is pending in court.

(c) Contested proceedings commenced by the public authority or in which the public authority is a party, shall be heard by an administrative hearing officer in the following cases:

- (1) establishing, modifying, or enforcing child support;
- (2) establishing, modifying, or enforcing medical support;

(3) *modifying maintenance, if combined with child support or medical support issues; or*

(4) *adjudicating uncontested parentage.*

(d) *The following proceedings may not be heard in a contested administrative process:*

(1) *adjudication of contested parentage;*

(2) *motions to set aside a paternity adjudication, declaration, or recognition of parentage;*

(3) *evidentiary hearing on contempt motions; or*

(4) *motions to sentence or to revoke the stay of a jail sentence in contempt proceedings.*

(e) *An administrative law judge may approve a stipulation reached on a contempt motion brought by the public authority. Any stipulation that involves a finding of contempt and a jail sentence, whether stayed or imposed, shall require the review and signature of a district court judge.*

(f) *For the purpose of this process, all powers, duties, and responsibilities conferred on judges of the district court to obtain and enforce child and medical support and maintenance obligations, subject to the limitation set forth herein, are conferred on the administrative law judge conducting the proceedings, including the power to issue subpoenas for the production of documents, to issue orders to show cause, and to issue bench warrants for failure to appear.*

(g) *Before implementing the process in a county, the chief administrative law judge, the commissioner of human services, the director of the county human services agency, the county attorney, the county court administrator, and the county sheriff shall jointly establish procedures, and the county shall provide hearing facilities for implementing this process in the county. A contested administrative hearing shall be conducted in a courtroom, if one is available, or a conference or meeting room with at least two exits and of sufficient size to permit adequate physical separation of the parties. Security personnel shall either be present during the administrative hearings, or be available to respond to a request for emergency assistance.*

(h) *The contested administrative hearings shall be conducted under the rules of the office of administrative hearings, Minnesota Rules, parts 1400.7100 to 1400.7500, 1400.7700, and 1400.7800, as adopted by the chief administrative law judge. Other aspects of the case, including, but not limited to, pleadings, discovery, and motions, shall be conducted under the rules of family court, the rules of civil procedure, and chapter 518.*

(i) *Pursuant to a contested administrative hearing, the administrative law judge shall make findings of fact, conclusions, and a final decision and issue an order. Orders issued by an administrative law judge are enforceable by the contempt powers of the district courts.*

(j) *The decision and order of the administrative law judge is appealable to the court of appeals in the same manner as a decision of the district court.*

Subd. 5. [NONATTORNEY AUTHORITY.] Nonattorney employees of the public authority responsible for child support may prepare, sign, serve, and

file complaints, motions, notices, and proposed orders for obtaining, modifying, or enforcing child and medical support orders, maintenance orders, orders establishing paternity, and related documents. The nonattorney may also conduct prehearing conferences, and participate in proceedings before an administrative law judge. This activity shall not be considered to be the unauthorized practice of law. After the commencement of the administrative process, the public authority and the administrative law judge shall each have the authority to issue subpoenas for the production of documents.

Subd. 6. [PUBLIC AUTHORITY LEGAL ADVISOR.] At all stages of the administrative process prior to the contested hearing, the county attorney, or other attorney under contract, shall act as the legal advisor for the public authority, but shall not play an active role in the review of information and the preparation of default and consent orders.

Subd. 7. [COSTS ASSOCIATED WITH THE ADMINISTRATIVE PROCESS.] The commissioner of human services shall distribute money for this purpose to counties to cover the costs of the administrative process, including the salaries of administrative law judges. If available appropriations are insufficient to cover the costs, the commissioner shall prorate the amount among the counties.

Subd. 8. [TRAINING AND RESTRUCTURING.] The commissioner of human services shall provide training to child support officers and other employees of the public authority involved in the administrative process. The commissioner of human services shall prepare simple and easy to understand forms for all notices and orders prescribed in this subdivision, and the public authority shall use them. The commissioner of human services, in consultation with the commissioner's advisory committee for child support enforcement, shall continue to develop and implement a plan to restructure the administrative process, specifically the contested hearings.

Sec. 2. [REPEALER.]

Minnesota Statutes 1993 Supplement, section 518.551, subdivision 10, is repealed.

Sec. 3. [EFFECTIVE DATE.]

Section 1 is effective July 1, 1994."

Amend the title as follows:

Page 1, line 4, delete "amending" and insert "proposing coding for new law in Minnesota Statutes, chapter 518; repealing"

And when so amended the bill do pass and be re-referred to the Committee on Judiciary. Amendments adopted. Report adopted.

Ms. Reichgott Junge from the Committee on Judiciary, to which was referred

S.F. No. 2291: A bill for an act relating to attorneys-at-law; prohibiting fees for public bond counsel from being based primarily on the amount of bonds sold; proposing coding for new law in Minnesota Statutes, chapter 481.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Ms. Reichgott Junge from the Committee on Judiciary, to which was referred

S.F. No. 2552: A bill for an act relating to courts; increasing the number of trial court judgeships; extending the deadline for compliance with case disposition time standards; appropriating money; amending Minnesota Statutes 1992, sections 2.722, subdivision 1; and 631.021.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Finance. Report adopted.

Ms. Reichgott Junge from the Committee on Judiciary, to which was referred

S.F. No. 1791: A bill for an act relating to data practices; regulating the classification and release of certain department of commerce data; amending Minnesota Statutes 1992, section 13.71, by adding subdivisions.

Reports the same back with the recommendation that the bill be amended as follows:

Pages 1 and 2, delete sections 1 and 2 and insert:

“Section 1. Minnesota Statutes 1992, section 13.71, is amended by adding a subdivision to read:

Subd. 8. [RELEASE OF COMPLAINT TO RESPONDENT.] The commissioner may provide a copy of a complaint to the subject of the complaint when the commissioner determines that the access is necessary in order to effectively conduct the investigation.”

Page 2, line 6, delete “10” and insert “9”

Page 2, line 10, delete “Sections 1 to 3 are” and insert “Section 2 is”

Renumber the sections in sequence

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Ms. Reichgott Junge from the Committee on Judiciary, to which was referred

S.F. No. 1888: A bill for an act relating to human rights; prohibiting marital status discrimination by public accommodations; amending Minnesota Statutes 1993 Supplement, section 363.03, subdivision 3.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Solon from the Committee on Commerce and Consumer Protection, to which was re-referred

S.F. No. 1133: A bill for an act relating to the environment; establishing a cleanup program for closed landfills; establishing an advisory committee; authorizing rulemaking; providing penalties; providing a voluntary buy-out option for insurance companies; authorizing the sale of state bonds; appropriating money; amending Minnesota Statutes 1992, section 115B.04, by adding a subdivision; Minnesota Statutes 1993 Supplement, sections 115B.42,

subdivision 2; 116.07, subdivision 10; proposing coding for new law in Minnesota Statutes, chapter 115B.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Judiciary. Report adopted.

Mr. Solon from the Committee on Commerce and Consumer Protection, to which was referred

S.F. No. 2255: A bill for an act relating to insurance; requiring the commissioner of commerce to conduct a study of pollution coverage in Minnesota farm liability policies and report to the legislature.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Ms. Piper from the Committee on Family Services, to which was re-referred

S.F. No. 1930: A bill for an act relating to human services; mental health grants; rules concerning psychopathic personalities; treatment for alcohol, drug abuse, and chemical dependency; stepparent income standards under aid to families with dependent children; child support incentives; medical assistance for needy persons; state and county social service plans; organ and tissue transplants; family preservation; commissioner's reports; group residential housing payments and agreements; and paternity proceedings; amending Minnesota Statutes 1992, sections 245.696, subdivision 2; 254A.02, subdivision 11; 254B.04, subdivision 1; 254B.05, subdivision 1; 256.74, subdivision 1a; 256B.69, subdivision 4; 256E.04; 256E.09, subdivision 3; 256H.24; and 257.60; Minnesota Statutes 1993 Supplement, sections 246B.04; 256.979, subdivision 8; 256B.0629, subdivisions 3 and 4; 256F.11, subdivision 3; and 256I.04, subdivisions 1a and 2a; repealing Minnesota Statutes 1992, section 254A.16, subdivisions 3 and 4; Laws 1993, chapter 337, section 16.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Mr. Vickerman from the Committee on Veterans and General Legislation, to which was referred

S.F. No. 2607: A bill for an act relating to animals; changing procedures concerning certain abandoned animals; amending Minnesota Statutes 1992, section 346.37, subdivision 1.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Mr. Novak from the Committee on Jobs, Energy and Community Development, to which was referred

S.F. No. 2033: A bill for an act relating to local government; authorizing the board of county commissioners of Benton county to establish an economic development authority.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Taxes and Tax Laws. Report adopted.

Mr. Novak from the Committee on Jobs, Energy and Community Development, to which was referred

H.F. No. 2679: A bill for an act relating to boilers and engines; modifying provisions relating to hobby boilers and show engines; amending Minnesota Statutes 1992, section 183.411, subdivision 2; repealing Minnesota Statutes 1992, section 183.411, subdivision 1a.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Mr. Novak from the Committee on Jobs, Energy and Community Development, to which was referred

S.F. No. 2393: A bill for an act relating to the jobs and training department; making changes of a technical and housekeeping nature; amending Minnesota Statutes 1992, sections 248.011; 248.07, subdivisions 1, 2, 3, 4, 5, 13, 14a, and 16; 248.11; 268A.09; and 268A.11, subdivisions 1 and 3; Minnesota Statutes 1993 Supplement, sections 248.10; and 268A.02, subdivision 2; repealing Minnesota Statutes 1992, sections 268A.12.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Chmielewski from the Committee on Transportation and Public Transit, to which was referred

S.F. No. 2680: A bill for an act relating to highways; changing mileage limitation for municipal state-aid streets; amending Minnesota Statutes 1992, section 162.09, subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, after line 23, insert:

“Sec. 2. Minnesota Statutes 1992, section 169.825, subdivision 11, is amended to read:

Subd. 11. [GROSS WEIGHT SEASONAL INCREASES.] (a) The limitations provided in this section are increased:

- (1) by ten percent from January 1 to March 7 each winter, statewide;
- (2) by ten percent from December 1 through December 31 each winter in the zone bounded as follows: beginning at Pigeon River in the northeast corner of Minnesota; thence in a southwesterly direction along the north shore of Lake Superior along trunk highway No. 61 to the junction with trunk highway No. 210; thence westerly along trunk highway No. 210 to the junction with trunk highway No. 10; thence northwesterly along trunk highway No. 10 to the Minnesota-North Dakota border; thence northerly along that border to the Minnesota-Canadian Border; thence easterly along said Border to Lake Superior; and
- (3) by ten percent from the beginning of harvest to November 30 each year for the movement of sugar beets and potatoes within an area having a 75-mile radius from the field of harvest to the point of the first unloading. The commissioner shall not issue permits under this clause if to do so will result in a loss of federal highway funding to the state.

(b) The duration of a ten percent increase in load limits is subject to limitation by order of the commissioner, subject to implementation of springtime load restrictions, or March 7.

(c) When the ten percent increase is in effect, a permit is required for a motor vehicle, trailer, or semitrailer combination that has a gross weight in excess of 80,000 pounds, an axle group weight in excess of that prescribed in subdivision 10, or a single axle weight in excess of 20,000 pounds and which travels on interstate routes.

(d) In cases where gross weights in an amount less than that set forth in this section are fixed, limited, or restricted on a highway or bridge by or under another section of this chapter, the lesser gross weight as fixed, limited, or restricted may not be exceeded and must control instead of the gross weights set forth in this section.

(e) Notwithstanding any other provision of this subdivision, no vehicle may exceed a total gross vehicle weight of 80,000 pounds on routes which have not been designated by the commissioner under section 169.832, subdivision 11.

(f) The commissioner may, after determining the ability of the highway structure and frost condition to support additional loads, grant a permit extending seasonal increases for vehicles using portions of routes falling within two miles of the southern boundary of the zone described under paragraph (a), clause (2)."

Page 1, line 25, delete "Section 1 is" and insert "Sections 1 and 2 are"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "allowing permits to extend seasonal gross weight limit increases;"

Page 1, line 4, delete "section" and insert "sections" and before the period, insert "and 169.825, subdivision 11"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Ms. Reichgott Junge from the Committee on Judiciary, to which was referred

S.F. No. 2314: A bill for an act relating to probate; modifying provisions governing guardianships and conservatorships; amending Minnesota Statutes 1992, sections 525.539, subdivision 7; 525.55, subdivision 2; 525.551, subdivision 5; 525.56, subdivisions 3 and 4; 525.58, subdivision 1; and 525.64; Minnesota Statutes 1993 Supplement, section 525.703, subdivision 3.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 9, reinstate the stricken language

Page 2, delete line 10

Page 2, line 11, delete the new language and reinstate the stricken language

Page 2, line 12, delete the new language

Page 4, line 31, after "525.55" insert "*at least 14 days*"

Page 4, line 33, delete "*object to the proposed change within ten*"

Page 4, delete lines 34 to 36

Page 5, lines 1 to 4, delete the new language and insert "*petition the court to prevent or to initiate a change in abode.*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Ms. Reichgott Junge from the Committee on Judiciary, to which was referred

S.F. No. 1764: A bill for an act relating to data privacy; allowing probation and parole agencies and child support enforcement agencies access to vehicle registration information; amending Minnesota Statutes 1993 Supplement, section 168.346.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, after line 25, insert:

"Sec. 2. Minnesota Statutes 1992, section 171.12, subdivision 7, is amended to read:

Subd. 7. [PRIVACY OF RESIDENCE ADDRESS.] An applicant for a driver's license or a Minnesota identification card may request that the applicant's residence address be classified as private data on individuals, as defined in section 13.02, subdivision 12. The commissioner shall grant the classification upon receipt of a signed statement by the individual that the classification is required for the safety of the applicant or the applicant's family, if the statement also provides a valid, existing address where the applicant consents to receive service of process. The commissioner shall use the mailing address in place of the residence address in all documents and notices pertaining to the driver's license or identification card. The residence address and any information provided in the classification request, other than the mailing address, are private data on individuals and may be provided to requesting law enforcement agencies, *probation and parole agencies, and public authorities, as defined in section 518.54, subdivision 9.*"

Page 2, line 2, delete "*Section 1*" and insert "*This act*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, after "registration" insert "*and certain identification*" and after "amending" insert "*Minnesota Statutes 1992, section 171.12, subdivision 7;*"

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Mr. Mondale, for Mrs. Adkins, from the Committee on Metropolitan and Local Government, to which was referred

S.F. No. 2647: A bill for an act relating to local government; giving the Minneapolis school district and the municipal building commission the same authority as the city of Minneapolis to negotiate certain trade and craft contracts; amending Laws 1988, chapter 471, sections 1 and 2.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Mr. Mondale, for Mrs. Adkins, from the Committee on Metropolitan and Local Government, to which was referred

S.F. No. 2816: A bill for an act relating to metropolitan government; increasing the amount of obligations the metropolitan council may issue for certain transit purposes; amending Minnesota Statutes 1992, section 473.39, subdivision 1b.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Transportation and Public Transit. Report adopted.

Mr. Lessard from the Committee on Environment and Natural Resources, to which was re-referred

S.F. No. 1706: A bill for an act relating to public utilities; providing legislative authorization of the construction of a facility for the temporary dry cask storage of spent nuclear fuel at Prairie Island nuclear generating plant; providing conditions for any future expansion of storage capacity; approving the continued operation of pool storage at Monticello and Prairie Island nuclear generating plants; requiring development of wind power; regulating nuclear power plants; requiring increased conservation investments; providing low-income discounted electric rates; appropriating money; amending Minnesota Statutes 1992, sections 216B.16, by adding a subdivision; 216B.241, subdivision 1a; and 216B.243, by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 216B.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 4, before "The" insert "*Except as provided in section 5*"

Page 2, line 6, before "17" insert "*up to*"

Page 2, line 8, after the period, insert "*Up to four of the casks may be used at the approved Prairie Island site if the public utility operating Prairie Island immediately commences and pursues with due diligence the approval and licensure of an alternative site that:*

(1) *is located outside the 100-year floodplain;*

(2) *is not within an area that meets the criteria developed by the commissioner of natural resources under Minnesota Statutes, section 103H.101, for identifying sensitive groundwater areas; and*

(3) *minimizes risk of transport to the extent practicable.*

If an alternative site is licensed by December 31, 1997:

(1) *the contents of the four casks at Prairie Island shall be transferred to the*

alternative site and a total of 17 casks may be used at the alternative site without further legislative approval;

(2) the four casks used at Prairie Island shall be decommissioned; and

(3) no dry cask storage is authorized at Prairie Island.

If an alternative site is not licensed, legislative approval is again required for the remaining 13 casks. If an alternative site is not licensed and dry cask storage eliminated at Prairie Island by December 31, 1997, the state must, by purchase or condemnation, acquire 1200 contiguous acres of land in Goodhue county by December 31, 1999, for transfer without consideration to the United States in trust for the Mdewakanton Sioux Tribe at Prairie Island. The state shall also provide relocation assistance to members of the Mdewakanton Sioux Tribe residing at Prairie Island for relocation to the land acquired and transferred by the state."

Page 2, delete lines 10 to 24 and insert:

"(a) Except as provided under paragraph (b), dry cask storage capacity for high-level nuclear waste within the state may not be increased beyond the 17 casks authorized by section 1.

(b) This section does not prohibit a public utility from applying for or the public utilities commission from granting a certificate of need for dry cask storage to accommodate the decommissioning of a nuclear power plant within this state.

Sec. 3. [PRAIRIE ISLAND RERACKING.]

The nuclear waste storage pool at Prairie Island may not be reracked to increase the pool storage capacity."

Page 2, after line 32, insert:

"Sec. 5. [CONTRACTUAL AGREEMENT.]

The authorization for up to 17 dry casks contained in section 1 is not effective until the state and the public utility operating the Prairie Island nuclear plant enter into an agreement binding the parties to the terms of sections 2 and 3. The Mdewakanton Sioux Tribal Council at Prairie Island is an intended third-party beneficiary of this agreement and has standing to enforce the agreement.

Sec. 6. [SHIPMENT PRIORITIES; PRAIRIE ISLAND.]

If a storage or disposal site becomes available outside of the state to accept high-level nuclear waste stored at Prairie Island, the waste contained in dry casks shall be shipped to that site before the shipment of any waste from the spent nuclear fuel storage pool. Once waste is shipped that was contained in a cask, the cask must be decommissioned and not used for further storage."

Renumber the sections of article 1 in sequence

Page 3, delete section 3

Renumber the sections of article 2 in sequence

Page 5, line 19, delete "by January 1, 2000"

Page 5, line 22, after "state" insert "by January 1, 2000, and an additional 150,000 kilowatts by January 1, 2005"

Page 5, after line 23, insert:

"Sec. 3. [BIOMASS POWER MANDATE.]

A public utility, as defined in Minnesota Statutes, section 216B.02, subdivision 4, that operates a nuclear powered electric generating plant within this state must by January 1, 1999, develop and operate a biomass fueled electric generating plant within this state of 50,000 kilowatts or more, using biomass supplies that are compatible with existing crop rotation systems used by Minnesota farmers."

Renumber the sections of article 3 in sequence

Page 6, delete section 2

Page 6, line 31, delete "Section 2 is"

Page 6, delete line 32

Renumber the sections of article 4 in sequence

Amend the title as follows:

Page 1, line 15, delete "subdivisions" and insert "a subdivision"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Marty from the Committee on Ethics and Campaign Reform, to which was referred

S.F. No. 1995: A bill for an act relating to elections; providing for access to broadcast facilities for state and local candidates; imposing penalties; amending Minnesota Statutes 1992, section 211B.05, by adding a subdivision.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 14, delete from "during" through page 1, line 17, to "candidate." and insert "from the first day for filing affidavits of candidacy for office until the day before the general or special election."

Page 1, line 18, delete from "10A.01" through page 1, line 20, to "commissioner" and insert "211B.01, subdivision 3"

Page 1, line 21, before "The" insert "A candidate may petition the district court for equitable relief to enforce this subdivision and" and delete "fine" and insert "penalty"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Marty from the Committee on Ethics and Campaign Reform, to which was referred

S.F. No. 2671: A bill for an act relating to Itasca county; permitting the county board to submit a question to nonbinding referendum.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Mr. Marty from the Committee on Ethics and Campaign Reform, to which was referred

S.F. No. 2011: A bill for an act relating to elections; providing for simulated elections for minors; proposing coding for new law in Minnesota Statutes, chapter 204B.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Mr. Metzen from the Committee on Governmental Operations and Reform, to which was referred

S.F. No. 1969: A bill for an act relating to state government; revising procedures used for adoption and review of administrative rules; making various technical changes; amending Minnesota Statutes 1992, sections 14.05, subdivision 1; 14.12; 14.38, subdivisions 7, 8, and 9; 14.46, subdivisions 1 and 3; 14.47, subdivisions 1, 2, and 6; 14.50; 14.51; 17.84; 84.027, by adding a subdivision; and 128C.02, subdivision 4; Minnesota Statutes 1993 Supplement, sections 3.841; and 3.984, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 3; and 14; repealing Minnesota Statutes 1992, sections 3.842; 3.843; 3.844; 3.845; 3.846; 14.03, subdivision 3; 14.05, subdivisions 2 and 3; 14.06; 14.08; 14.09; 14.11; 14.115; 14.131; 14.1311; 14.14; 14.15; 14.16; 14.18; 14.19; 14.20; 14.22; 14.225; 14.23; 14.235; 14.24; 14.25; 14.26; 14.27; 14.28; 14.29; 14.30; 14.305; 14.31; 14.32; 14.33; 14.34; 14.35; 14.36; 14.365; 14.38, subdivisions 4, 5, and 6; and 17.83; Minnesota Statutes 1993 Supplement, section 14.10.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1993 Supplement, section 3.841, is amended to read:

3.841 [LEGISLATIVE COMMISSION TO REVIEW ADMINISTRATIVE RULES; COMPOSITION; MEETINGS.]

A legislative commission to review administrative rules, consisting of five senators appointed by the committee on committees of the senate and five representatives appointed by the speaker of the house of representatives shall be appointed *within 30 days after the convening of a legislative session*. Its members must include the chair or vice-chair of the committees in each body having jurisdiction over administrative rules. The commission shall meet at the call of its chair or upon a call signed by two of its members or signed by five members of the legislature. The office of chair of the legislative commission shall alternate between the two houses of the legislature every two years.

Sec. 2. Minnesota Statutes 1992, section 3.842, subdivision 2, is amended to read:

Subd. 2. [JURISDICTION.] The jurisdiction of the commission includes all rules as defined in section 14.02, subdivision 4. The commission also has

jurisdiction of rules which are filed with the secretary of state in accordance with ~~section~~ sections 14.38, subdivisions 5, 6, 7, 8, 9, and 11 ~~or were filed with the secretary of state in accordance with the provisions of section 14.38, subdivisions 5 to 9, which were in effect on the date the rules were filed; 14.386; and 14.388.~~

The commission may periodically review statutory exemptions to the rulemaking provisions of this chapter.

Sec. 3. Minnesota Statutes 1992, section 3.842, subdivision 4, is amended to read:

Subd. 4. [SUSPENSIONS.] (a) The commission may, *on any of the grounds listed in paragraph (b) and on the basis of the testimony received at the public hearings, suspend any rule complained of by the affirmative vote of at least six members provided the provisions of section 3.844 have been met. If any rule is suspended, the commission shall as soon as possible place before the legislature, at the next year's session, a bill to repeal the suspended rule. If the bill is not enacted in that year's session, the rule is effective upon adjournment of the session unless the agency has repealed it. If the bill is enacted, the rule is repealed.*

(b) *A rule suspension under paragraph (a) must be based on one or more of the following reasons:*

- (1) *an absence of statutory authority;*
- (2) *an emergency relating to public health, safety, or welfare;*
- (3) *a failure to comply with legislative intent;*
- (4) *a conflict with state law;*
- (5) *a change in circumstances since enactment of the earliest law upon which the rule is based;*
- (6) *arbitrariness and capriciousness, or imposition of an undue hardship.*

(c) *This section authorizes the commission to suspend a rule only when the vote to suspend is taken, and the effective date of the suspension occurs, at a time when the legislature could not enact a bill to repeal the rule.*

Sec. 4. Minnesota Statutes 1992, section 3.842, is amended by adding a subdivision to read:

Subd. 4a. [OBJECTIONS TO RULES.] (a) *If the legislative commission to review administrative rules objects to all or some portion of a rule, including a proposed rule submitted under section 14.15, subdivision 4, or 14.26, subdivision 3, paragraph (c), the commission may file that objection in the office of the secretary of state. The filed objection must contain a concise statement of the commission's reasons for its action. An objection to a proposed rule submitted under section 14.15, subdivision 4, or 14.26, subdivision 3, paragraph (c), may not be filed before the rule is adopted.*

(b) *The secretary of state shall affix to each objection a certification of the date and time of its filing and as soon after the objection is filed as practicable shall transmit a certified copy of it to the agency issuing the rule in question, the revisor of statutes, and the administrative rules counsel. The secretary of state shall also maintain a permanent register open to public inspection of all objections by the commission.*

(c) *The legislative commission to review administrative rules shall publish and index an objection filed under this section in the next issue of the State Register. The revisor of statutes shall indicate its existence adjacent to the rule in question when that rule is published in Minnesota Rules.*

(d) *Within 14 days after the filing of an objection by the commission to a rule, the issuing agency shall respond in writing to the commission. After receipt of the response, the commission may withdraw or modify its objection.*

(e) *After the filing of an objection by the commission that is not subsequently withdrawn, the burden is upon the agency in any proceeding for judicial review or for enforcement of the rule to establish that the whole or portion of the rule objected to is valid.*

(f) *The failure of the commission to object to a rule is not an implied legislative authorization of its validity.*

(g) *Pursuant to sections 14.44 and 14.45, the commission may petition for a declaratory judgment to determine the validity of any rule objected to by the commission.*

This action must be started within two years after an objection is filed in the office of the secretary of state.

(h) *The commission may intervene in litigation arising from agency action. For purposes of this paragraph, agency action means the whole or part of a rule, or the failure to issue a rule.*

Sec. 5. Minnesota Statutes 1992, section 3.842, is amended by adding a subdivision to read:

Subd. 6. [REPORTS ON GENERAL AND SPECIFIC GRANTS OF RULEMAKING AUTHORITY.] Beginning with a report submitted to the legislature on February 1, 2000, and every four years after that date, the legislative commission to review administrative rules shall compile a list of all general and specific grants of rulemaking of all departments and agencies. The report should include a brief description of each grant and a citation to the authorizing statute.

Sec. 6. Minnesota Statutes 1993 Supplement, section 3.984, subdivision 2, is amended to read:

Subd. 2. [CONTENTS.] The note required by subdivision 1 must treat separately each grant of rulemaking authority contained in the bill and must include a detailed explanation of:

- (1) the reasons for the grant of rulemaking authority;*
- (2) the persons or groups the rules would impact;*
- (3) the estimated cost to the agency of adopting the rule and the estimated cost of the rule for the persons or groups specified pursuant to clause (2); and*
- (4) the areas of controversy anticipated by the agency.*

The note must be delivered to the chair of the standing committee to which the bill has been referred or rereferred, the chair of the legislative commission to review administrative rules, and the chairs of the committees in each body having jurisdiction over administrative rules.

Sec. 7. [4.036] [RULE REVIEW BY GOVERNOR.]

Subdivision 1. [ADOPTED RULES; POWER TO RESCIND OR SUSPEND RULES AUTHORIZED BUT NOT REQUIRED.] The governor may rescind or suspend all or a severable portion of a rule of an agency. In exercising this authority, the governor shall act by an executive order. An executive order under this subdivision is considered a rule and is subject to the rulemaking provisions of chapter 14.

Subd. 2. [PROPOSED RULES; POWER TO TERMINATE PROCEEDINGS FOR RULES AUTHORIZED BUT NOT REQUIRED.] The governor may terminate a rulemaking proceeding by an executive order to that effect, stating in the order the reasons for the action. The executive order shall be filed by the governor in the office of the secretary of state. The secretary of state shall promptly forward a certified copy to the agency and the revisor of statutes. An executive order terminating a rulemaking proceeding becomes effective on the date it is filed and shall be published by the governor in the next issue of the State Register.

Subd. 3. [APPLICATION.] The authority granted in this section does not apply to rules adopted, and rulemaking proceedings conducted, under a statutory grant of rulemaking authority that requires rules to be adopted.

Subd. 4. [ADMINISTRATIVE RULES COUNSEL.] There is created, within the office of the governor, an administrative rules counsel to advise the governor on administrative rules issues. The governor shall appoint the administrative rules counsel who shall serve at the pleasure of the governor.

Sec. 8. Minnesota Statutes 1992, section 14.04, is amended to read:

14.04 [AGENCY ORGANIZATION; GUIDEBOOK.]

To assist interested persons dealing with it, each agency shall, in a manner prescribed by the commissioner of administration, prepare a description of its organization, stating the ~~process whereby~~ *general course and method of its operations and where and how the public may obtain information or make submissions or requests. The commissioner of administration shall publish these descriptions at least once every four years commencing in 1981 in a guidebook of state agencies. Notice of the publication of the guidebook shall be published in the State Register and given in newsletters, newspapers, or other publications, or through other means of communication.*

Sec. 9. Minnesota Statutes 1992, section 14.05, subdivision 2, is amended to read:

Subd. 2. [AUTHORITY TO MODIFY PROPOSED RULE.] (a) An agency may modify a proposed rule in accordance with the procedures of the administrative procedure act. However, an agency may not modify a proposed rule so that it is substantially different from the proposed rule in the notice of intent to adopt rules or notice of hearing.

(b) A modification does not make a proposed rule substantially different if:

(1) the differences are within the scope of the matter announced in the notice of intent to adopt or notice of hearing and are in character with the issues raised in that notice;

(2) the differences are a logical outgrowth of the contents of the notice of intent to adopt or notice of hearing and the comments submitted in response to the notice; and

(3) *the notice of intent to adopt or notice of hearing provided fair warning that the outcome of that rulemaking proceeding could be the rule in question.*

(c) *In determining whether the notice of intent to adopt or notice of hearing provided fair warning that the outcome of that rulemaking proceeding could be the rule in question the following factors must be considered:*

(1) *the extent to which persons who will be affected by the rule should have understood that the rulemaking proceeding on which it is based could affect their interests;*

(2) *the extent to which the subject matter of the rule or issues determined by the rule are different from the subject matter or issues contained in the notice of intent to adopt or notice of hearing; and*

(3) *the extent to which the effects of the rule differ from the effects of the proposed rule contained in the notice of intent to adopt or notice of hearing.*

Sec. 10. Minnesota Statutes 1992, section 14.05, is amended by adding a subdivision to read:

Subd. 5. [REVIEW AND REPEAL OF RULES.] By December 1 of each year, an agency shall submit a list of all the rules of the agency to the governor, the legislative commission to review administrative rules, and the revisor of statutes. The list must identify any rules that are obsolete and should be repealed. The list must also include an explanation of why the rule is obsolete and the agency's timetable for repeal.

Sec. 11. Minnesota Statutes 1992, section 14.06, is amended to read:

14.06 [REQUIRED RULES.]

(a) *Each agency shall adopt rules, in the form prescribed by the revisor of statutes, setting forth the nature and requirements of all formal and informal procedures related to the administration of official agency duties to the extent that those procedures directly affect the rights of or procedures available to the public, including a description of all forms and instructions that are to be used by the public in dealing with the agency.*

(b) *Each agency shall, as soon as feasible and to the extent practicable, adopt rules to supersede those principles of law or policy lawfully declared by the agency as the basis for its decisions in particular cases it intends to rely on as precedents in future cases.*

Sec. 12. Minnesota Statutes 1992, section 14.08, is amended to read:

14.08 [REVISOR OF STATUTES APPROVAL OF RULE AND RULE FORM; COSTS.]

(a) *Two copies of a rule adopted pursuant to the provisions of section 14.26 or 14.32 shall be submitted by the agency to the attorney general administrative law judge. The attorney general administrative law judge shall send one copy of the rule to the revisor on the same day as it is submitted by the agency under section 14.26 or 14.32. Within five days after receipt of the rule, excluding weekends and holidays, the revisor shall either return the rule with a certificate of approval of the form of the rule to the attorney general administrative law judge or notify the attorney general administrative law judge and the agency that the form of the rule will not be approved.*

If the ~~attorney general~~ *administrative law judge* disapproves a rule, the agency may modify it and the agency shall submit two copies of the modified rule to the ~~attorney general~~ *administrative law judge* who shall send a copy to the revisor for approval as to form as described in this paragraph.

(b) One copy of a rule adopted after a public hearing shall be submitted by the agency to the revisor for approval of the form of the rule. Within five working days after receipt of the rule, the revisor shall either return the rule with a certificate of approval to the agency or notify the agency that the form of the rule will not be approved.

(c) If the revisor refuses to approve the form of the rule, the revisor's notice shall revise the rule so it is in the correct form.

(d) The ~~attorney general~~ *administrative law judge* shall assess an agency for the ~~attorney general's~~ actual cost of processing rules under this section. ~~The agency shall pay the attorney general's assessments using the procedures of section 8.15.~~ Each agency shall include in its budget money to pay the ~~attorney general's~~ assessments. Receipts from the assessment must be deposited in the ~~state treasury and credited to the general fund~~ *administrative hearings account created in section 14.54.*

Sec. 13. Minnesota Statutes 1992, section 14.09, is amended to read:

14.09 [PETITION FOR ADOPTION OF RULE.]

Any ~~interested~~ person may petition an agency requesting the adoption, ~~suspension,~~ amendment, or repeal of any rule. The petition shall be specific as to what action is requested and the need for the action. Upon receiving a petition an agency shall have 60 days in which to make a specific and detailed reply in writing as to its planned disposition of the request. If the agency states its intention to hold a public hearing on the subject of the request, it shall proceed according to sections 14.05 to ~~14.36~~ *14.28.* The ~~attorney general~~ *administrative law judge* shall prescribe by rule the form for all petitions under this section and may prescribe further procedures for their submission, consideration, and disposition.

Sec. 14. [14.101] [ADVICE ON POSSIBLE RULES.]

Subdivision 1. [REQUIRED NOTICE.] In addition to seeking information by other methods designed to reach persons or classes of persons who might be affected by the proposal, an agency, before publication of a notice of intent to adopt or a notice of hearing, shall solicit comments from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency by causing notice to be published in the State Register. The notice must include a description of the subject matter of the proposal, the types of groups and individuals likely to be affected, and indicate where, when, and how persons may comment on the proposal and whether and how drafts of any proposal may be obtained from the agency.

Subd. 2. [ADVISORY COMMITTEES.] Each agency may also appoint committees to comment, before publication of a notice of intent to adopt or a notice of hearing, on the subject matter of a possible rulemaking under active consideration within the agency. The membership of those committees must be published at least annually in the State Register.

Subd. 3. [EFFECT OF GOOD FAITH COMPLIANCE.] If an agency has made a good faith effort to comply with this section, a rule may not be

invalidated on the grounds that the contents of this notice are insufficient or inaccurate.

Sec. 15. [14.125] [TIME LIMIT ON AUTHORITY TO ADOPT, AMEND, OR REPEAL RULES.]

An agency shall publish a notice of intent to adopt rules or a notice of hearing within 18 months of the effective date of the law authorizing or requiring rules to be adopted, amended, or repealed. If the notice is not published within the time limit imposed by this section, the authority for the rules expires. The agency shall not use other law in existence at the time of the expiration of rulemaking authority under this section as authority to adopt, amend, or repeal these rules.

An agency that adopts or amends rules within the time limit specified in this section may subsequently amend or repeal the rules without additional legislative authorization.

Sec. 16. Minnesota Statutes 1992, section 14.131, is amended to read:

14.131 [STATEMENT OF NEED AND REASONABLENESS.]

Before the agency orders the publication of a rulemaking notice required by section 14.14, subdivision 1a, the agency must prepare, review, and make available for public review a statement of the need for and reasonableness of the rule and a fiscal note if required by section 3.982. The statement of need and reasonableness must be prepared under rules adopted by the chief administrative law judge and must include the following:

(1) a description of the classes of persons who probably will be affected by the proposed rule, including classes that will bear the costs of the proposed rule and classes that will benefit from the proposed rule;

(2) the probable costs to the agency and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenues;

(3) a determination of whether there are less costly methods or less intrusive methods for achieving the purpose of the proposed rule; and

(4) a description of any alternative methods for achieving the purpose of the proposed rule that were seriously considered by the agency and the reasons why they were rejected in favor of the proposed rule.

For rules setting, adjusting, or establishing, regulatory, licensure, or other charges for goods and services, the statement of need and reasonableness must include the comments and recommendations of the commissioner of finance and must address any fiscal and policy concerns raised during the review process, as required by section 16A.1285.

The statement must also describe the agency's efforts to provide additional notification to persons or classes of persons who may be affected by the proposed rule or must explain why these efforts were not made.

The agency shall send a copy of the statement of need and reasonableness to the legislative commission to review administrative rules when it becomes available for public review.

Sec. 17. Minnesota Statutes 1992, section 14.14, subdivision 1a, is amended to read:

Subd. 1a. [NOTICE OF RULE HEARING.] (a) Each agency shall maintain a list of all persons who have registered with the agency for the purpose of receiving notice of rule ~~hearings~~ *proceedings*. The agency may inquire as to whether those persons on the list wish to maintain their names thereon and may remove names for which there is a negative reply or no reply within 60 days. The agency shall, at least 30 days prior to the date set for the hearing, give notice of its intention to adopt rules by United States mail to all persons on its list; and by publication in the State Register. The mailed notice shall include either a copy of the proposed rule or a description of the nature and effect of the proposed rule and an announcement that a free copy of the proposed rule is available on request from the agency. Each agency may, at its own discretion, also contact persons not on its list ~~and may give~~ *who may be affected by the rule being proposed*. In addition, each agency shall make reasonable efforts to notify persons or classes of persons who may be affected by the rule being proposed by giving notice of its intention in newsletters, newspapers or other publications, or through other means of communication. Subject to paragraph (b), the notice in the State Register must include the proposed rule or an amended rule in the form required by the revisor under section 14.07, together with a citation to the most specific statutory authority for the proposed rule, a statement of the place, date, and time of the public hearing, *a statement that persons may register with the agency for the purpose of receiving notice of rule proceedings and notice that a rule has been adopted*, and other information as required by law or rule. When an entire rule is proposed to be repealed, the agency need only publish that fact, giving the citation to the rule to be repealed in the notice.

(b) The administrative rules counsel may authorize an agency to omit from the published notice the text of a proposed rule, the publication of which would be unduly cumbersome, expensive, or otherwise inexpedient if:

(1) knowledge of the rule is likely to be important to only a small class of persons;

(2) the published notice states that a free copy of the entire rule is available upon request to the agency; and

(3) the published notice states in detail the specific subject matter of the omitted rule.

Sec. 18. Minnesota Statutes 1992, section 14.15, subdivision 3, is amended to read:

Subd. 3. [FINDING OF SUBSTANTIAL CHANGE DIFFERENCE.] If the report contains a finding that a rule has been modified in a way which makes it substantially different, *as determined under section 14.05, subdivision 2*, from that which was originally proposed, or that the agency has not met the requirements of sections 14.131 to 14.18, it shall be submitted to the chief administrative law judge for approval. If the chief administrative law judge approves the finding of the administrative law judge, the chief administrative law judge shall advise the agency and the revisor of statutes of actions which will correct the defects. The agency shall not adopt the rule until the chief administrative law judge determines that the defects have been corrected *or, if applicable, that the agency has satisfied the rule requirements for the adoption of a substantially different rule.*

Sec. 19. Minnesota Statutes 1992, section 14.15, subdivision 4, is amended to read:

Subd. 4. [NEED OR REASONABLENESS NOT ESTABLISHED.] If the chief administrative law judge determines that the need for or reasonableness of the rule has not been established pursuant to section 14.14, subdivision 2, and if the agency does not elect to follow the suggested actions of the chief administrative law judge to correct that defect, then the agency shall submit the proposed rule to the legislative commission to review administrative rules for the commission's advice and comment. The agency shall not adopt the rule until it has received and considered the advice of the commission. However, the agency is not required to ~~delay adoption longer~~ wait for the commission's advice for more than 30 60 days after the commission has received the agency's submission. ~~Advice of the commission shall not be binding on the agency.~~

Sec. 20. Minnesota Statutes 1992, section 14.16, subdivision 1, is amended to read:

Subdivision 1. [REVIEW OF MODIFICATIONS.] If the report of the administrative law judge finds no defects, the agency may proceed to adopt the rule. After receipt of the administrative law judge's report, if the agency makes any modifications to the rule other than those recommended by the administrative law judge, it must return the rule to the chief administrative law judge for a review on the issue of ~~substantial change~~ *whether the rule as modified is substantially different, as determined under section 14.05, subdivision 2, from the rule as originally proposed.* If the chief administrative law judge determines that the modified rule is substantially different from that which was originally proposed, the chief administrative law judge shall advise the agency of actions which will correct the defects. The agency shall not adopt the modified rule until the chief administrative law judge determines that the defects have been corrected *or, if applicable, that the agency has satisfied the rule requirements for the adoption of a substantially different rule.*

The agency shall give notice to all persons who requested to be informed that the rule has been adopted and filed with the secretary of state. This notice shall be given on the same day that the rule is filed.

Sec. 21. Minnesota Statutes 1992, section 14.18, subdivision 1, is amended to read:

Subdivision 1. [GENERALLY.] (a) A rule is effective after it has been subjected to all requirements described in sections 14.131 to 14.20 and five working days after the notice of adoption is published in the State Register unless a later date is required by law or specified in the rule. If the rule adopted is the same as the proposed rule, publication may be made by publishing notice in the State Register that the rule has been adopted as proposed and by citing the prior publication. *Subject to paragraph (b),* if the rule adopted differs from the proposed rule, the portions of the adopted rule which differ from the proposed rule shall be included in the notice of adoption together with a citation to the prior State Register publication of the remainder of the proposed rule. The nature of the modifications must be clear to a reasonable person when the notice of adoption is considered together with the State Register publication of the proposed rule, except that modifications may also be made which comply with the form requirements of section 14.07, subdivision 7.

(b) The administrative rules counsel may authorize an agency to omit from the notice of adoption the portions of the adopted rule that differ from the proposed rule if the requirements of section 14.14, subdivision 1a, paragraph (b), are satisfied.

Sec. 22. Minnesota Statutes 1992, section 14.19, is amended to read:

14.19 [DEADLINE TO COMPLETE RULEMAKING.]

The agency shall, within 180 days after issuance of the administrative law judge's report, submit its notice of adoption, amendment, ~~suspension~~, or repeal to the State Register for publication. If the agency has not submitted its notice to the State Register within 180 days, the rule is automatically withdrawn. The agency shall not adopt the withdrawn rules without again following the procedures of sections 14.05 to 14.36. It shall report to the legislative commission to review administrative rules, other appropriate committees of the legislature, and the governor its failure to adopt rules and the reasons for that failure. The 180-day time limit of this section does not include any days used for review by the chief administrative law judge, ~~the attorney general~~, or the legislative commission to review administrative rules if the review is required by law.

Sec. 23. Minnesota Statutes 1992, section 14.22, subdivision 1, is amended to read:

Subdivision 1. [CONTENTS.] Unless an agency proceeds directly to a public hearing on a proposed rule and gives the notice prescribed in section 14.14, subdivision 1a; the agency shall give notice of its intention to adopt a rule without public hearing. The notice shall be given by publication in the State Register and by United States mail to persons who have registered their names with the agency pursuant to section 14.14, subdivision 1a. The mailed notice shall include either a copy of the proposed rule or a description of the nature and effect of the proposed rule and an announcement that a free copy of the proposed rule is available on request from the agency. *Each agency may, at its own discretion, also contact persons not on its list who may be affected by the rule being proposed. In addition, each agency shall make reasonable efforts to notify persons or classes of persons who may be affected by the rule by giving notice of its intention in newsletters, newspapers, or other publications, or through other means of communication.* Subject to section 14.14, subdivision 1a, paragraph (b), the notice in the State Register shall include the proposed rule or the amended rule in the form required by the revisor under section 14.07, ~~and~~ a citation to the most specific statutory authority for the proposed rule, *a statement that persons may register with the agency for the purpose of receiving notice of rule proceedings and notice that a rule has been submitted to the administrative law judge, and other information as required by law or rule.* When an entire rule is proposed to be repealed, the notice need only state that fact, giving the citation to the rule to be repealed in the notice. The notice shall include a statement advising the public:

(1) that they have 30 days in which to submit comment in support of or in opposition to the proposed rule and that comment is encouraged;

(2) that each comment should identify the portion of the proposed rule addressed; the reason for the comment, and any change proposed;

(3) that if 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held;

(4) of the manner in which persons shall request a public hearing on the proposed rule;

(5) ~~that the name and address of the person requesting a public hearing shall be stated of the requirements contained in section 14.25 relating to a written request for a public hearing, and that the requester is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and propose any change proposed desired;~~

(6) that the proposed rule may be modified if the modifications are supported by the data and views submitted; and

(7) that if a hearing is not required, notice of the date of submission of the proposed rule to the ~~attorney general~~ *administrative law judge* for review will be mailed to *all persons on its mailing list and to any person requesting to receive the notice.*

In connection with the statements required in clauses (1) and (3), the notice must also include the date on which the 30-day comment period ends.

Sec. 24. Minnesota Statutes 1992, section 14.23, is amended to read:

14.23 [STATEMENT OF NEED AND REASONABLENESS.]

Before the date of the section 14.22 notice, the agency shall prepare a statement of need and reasonableness which shall be available to the public. *The statement of need and reasonableness must include the analysis required in section 14.131 and the comments and recommendations of the commissioner of finance, and must address any fiscal and policy concerns raised during the review process, as required by section 16A.1285. The statement must also describe the agency's efforts to provide additional notification to persons or classes of persons who may be affected by the proposed rules or must explain why these efforts were not made.* For at least 30 days following the notice, the agency shall afford ~~all interested persons~~ *the public* an opportunity to request a public hearing and to submit data and views on the proposed rule in writing.

The agency shall send a copy of the statement of need and reasonableness to the legislative commission to review administrative rules when it becomes available to the public.

Sec. 25. Minnesota Statutes 1992, section 14.24, is amended to read:

14.24 [MODIFICATIONS OF PROPOSED RULE.]

The proposed rule may be modified if the modifications are supported by the data and views submitted to the agency and do not result in a ~~substantial change~~ *substantially different rule, as determined under section 14.05, subdivision 2, from the rule as originally proposed.*

Sec. 26. Minnesota Statutes 1992, section 14.25, is amended to read:

14.25 [PUBLIC HEARING REQUIRED.]

Subdivision 1. [REQUESTS FOR HEARING.] If, during the 30-day period allowed for comment, 25 or more persons submit to the agency a written request for a public hearing of the proposed rule, the agency shall proceed

under the provisions of sections 14.14 to 14.20. *The written request must include: (1) the name and address of the person requesting the public hearing; and (2) the portion or portions of the rule to which the person objects.* A notice of the public hearing must be published in the State Register and mailed to those persons who submitted a written request for the public hearing *and all persons on the agency's mailing list.* Unless the agency has modified the proposed rule, the notice need not include the text of the proposed rule but only a citation to the State Register pages where the text appears.

A written request for a public hearing that does not comply with the requirements of this section is invalid and must not be counted by the agency for purposes of determining whether a public hearing must be held.

Subd. 2. [WITHDRAWAL OF HEARING REQUESTS.] If a request for a public hearing has been withdrawn, the agency must give written notice of that fact to all persons who have requested the public hearing. The notice must explain why the request is being withdrawn, and must include a description of any action the agency has taken or will take that affected or may have affected the decision to withdraw the request. The notice must also invite persons to submit written comments to the agency relating to the withdrawal. The notice and any written comments received by the agency is part of the rulemaking record submitted to the administrative law judge under section 14.14 or 14.26. The administrative law judge shall review the notice and any comments received and determine whether the withdrawal is consistent with section 14.001, clauses (2), (4), and (5).

Sec. 27. Minnesota Statutes 1992, section 14.26, is amended to read:

14.26 [ADOPTION OF PROPOSED RULE; SUBMISSION TO ATTORNEY GENERAL ADMINISTRATIVE LAW JUDGE.]

Subdivision 1. [SUBMISSION.] If no hearing is required, the agency shall submit to the ~~attorney general~~ an administrative law judge assigned by the chief administrative law judge the proposed rule and notice as published, the rule as proposed for adoption, any written comments received by the agency, and a statement of need and reasonableness for the rule. The agency shall give notice to all persons who requested to be informed that these materials have been submitted to the ~~attorney general~~ administrative law judge. This notice shall be given on the same day that the record is submitted. If the proposed rule has been modified, the notice shall state that fact, and shall state that a free copy of the proposed rule, as modified, is available upon request from the agency. The rule and these materials shall be submitted to the ~~attorney general~~ administrative law judge within 180 days of the day that the comment period for the rule is over or the rule is automatically withdrawn. The agency shall report its failure to adopt the rules and the reasons for that failure to the legislative commission to review administrative rules, other appropriate legislative committees, and the governor.

Subd. 2. [RESUBMISSION.] Even if the 180-day period expires while the ~~attorney general~~ administrative law judge reviews the rule, if the ~~attorney general~~ administrative law judge rejects the rule, the agency may resubmit it after taking corrective action. The resubmission must occur within 30 days of when the agency receives written notice of the disapproval. If the rule is again disapproved, the rule is withdrawn. An agency may resubmit at any time before the expiration of the 180-day period. If the agency withholds some of the proposed rule, it may not adopt the withheld portion without again following the procedures of sections 14.14 to 14.28, ~~or 14.29 to 14.36.~~

Subd. 3: [REVIEW.] (a) The ~~attorney general~~ administrative law judge shall, *within 14 days*, approve or disapprove the rule as to its legality and its form to the extent the form relates to legality, including the ~~issue~~ *issues* of ~~substantial change~~ *whether the rule if modified is substantially different, as determined under section 14.05, subdivision 2, from the rule as originally proposed, and determine* whether the agency has the authority to adopt the rule, and whether the record demonstrates a rational basis for the need for and reasonableness of the proposed rule ~~within 14 days~~. If the rule is approved, the ~~attorney general~~ administrative law judge shall promptly file two copies of it in the office of the secretary of state. The secretary of state shall forward one copy of each rule to the revisor of statutes. If the rule is disapproved, the ~~attorney general~~ administrative law judge shall state in writing the reasons and make recommendations to overcome the ~~deficiencies, and defects~~.

(b) *The written disapproval must be submitted to the chief administrative law judge for approval. If the chief administrative law judge approves of the findings of the administrative law judge, the chief administrative law judge shall send the statement of the reasons for disapproval of the rule to the agency, the legislative commission to review administrative rules, and the revisor of statutes and advise the agency and the revisor of statutes of actions that will correct the defects. The rule shall not be filed in the office of the secretary of state, nor published until the deficiencies chief administrative law judge determines that the defects have been overcome corrected or, if applicable, that the agency has satisfied the rule requirements for the adoption of a substantially different rule. The attorney general shall send a statement of reasons for disapproval of the rule to the agency, the chief administrative law judge, the legislative commission to review administrative rules, and to the revisor of statutes.*

(c) *If the chief administrative law judge determines that the need for or reasonableness of the rule has not been established, and if the agency does not elect to follow the suggested actions of the chief administrative law judge to correct that defect, then the agency shall submit the proposed rule to the legislative commission to review administrative rules for the commission's advice and comment. The agency shall not adopt the rule until it has received and considered the advice of the commission. However, the agency is not required to wait for the commission's advice for more than 60 days after the commission has received the agency's submission.*

(d) The ~~attorney general~~ administrative law judge shall disregard any error or defect in the proceeding due to the agency's failure to satisfy any procedural requirements imposed by law or rule if the ~~attorney general~~ administrative law judge finds:

(1) that the failure did not deprive any person or entity of an opportunity to participate meaningfully in the rulemaking process; or

(2) that the agency has taken corrective action to cure the error or defect so that the failure did not deprive any person or entity of an opportunity to participate meaningfully in the rulemaking process.

Subd. 4. [COSTS.] The ~~attorney general~~ office of administrative hearings shall assess an agency for the actual cost of processing rules under this section. ~~The agency shall pay the attorney general's assessments using the procedures of section 8.15.~~ Each agency shall include in its budget money to pay the ~~attorney general's~~ assessment. Receipts from the assessment must be

deposited in the state treasury and credited to the general fund administrative hearings account created in section 14.54.

Sec. 28. Minnesota Statutes 1992, section 14.365, is amended to read:

14.365 [OFFICIAL RULEMAKING RECORD.]

The agency shall maintain the official rulemaking record for every rule adopted pursuant to sections 14.05 to ~~14.36~~ 14.28. The record shall be available for public inspection. The record required by this section constitutes the official and exclusive agency rulemaking record with respect to agency action on or judicial review of the rule. The record shall contain:

- (1) copies of all publications in the State Register pertaining to the rule;
- (2) all written petitions, requests, submissions, or comments received by the agency, or the administrative law judge, or the attorney general pertaining to the rule;
- (3) the statement of need and reasonableness for the rule, if any;
- (4) the official transcript of the hearing if one was held, or the tape recording of the hearing if a transcript was not prepared;
- (5) the report of the administrative law judge, if any;
- (6) the rule in the form last submitted to the administrative law judge under sections 14.14 to 14.20 or first submitted to the attorney general administrative law judge under sections 14.22 to 14.28;
- (7) the attorney general's administrative law judge's written statement of required modifications and of approval or disapproval by the chief administrative law judge, if any;
- (8) any documents required by applicable rules of the office of administrative hearings or of the attorney general;
- (9) the agency's order adopting the rule;
- (10) the revisor's certificate approving the form of the rule; and
- (11) a copy of the adopted rule as filed with the secretary of state.

Sec. 29. [14.366] [PUBLIC RULEMAKING DOCKET.]

- (a) Each agency shall maintain a current, public rulemaking docket.
- (b) The rulemaking docket must contain a listing of the precise subject matter of each possible proposed rule currently under active consideration within the agency for proposal, the name and address of agency personnel with whom persons may communicate with respect to the matter, and an indication of its present status within the agency.
- (c) The rulemaking docket must list each pending rulemaking proceeding. A rulemaking proceeding is pending from the time it is begun, by publication of the notice of solicitation, the notice of intent to adopt, or notice of hearing, to the time it is terminated, by publication of a notice of withdrawal or the rule becoming effective. For each rulemaking proceeding, the docket must indicate:

- (1) the subject matter of the proposed rule;

- (2) a citation to all published notices relating to the proceeding;
- (3) where written comments on the proposed rule may be inspected;
- (4) the time during which written comments may be made;
- (5) the names of persons who have made written requests for a public hearing, where those requests may be inspected, and where and when the hearing will be held;
- (6) the current status of the proposed rule and any agency determinations with respect to the rule;
- (7) any known timetable for agency decisions or other action in the proceeding;
- (8) the date of the rule's adoption;
- (9) the date the rule was filed with the secretary of state; and
- (10) when the rule will become effective.

Sec. 30. [14.386] [PROCEDURE FOR ADOPTING EXEMPT RULES; DURATION.]

(a) A rule adopted, amended, or repealed by an agency, under a statute authorizing or requiring rules to be adopted but excluded from the rulemaking provisions of chapter 14 or from the definition of a rule, has the force and effect of law only if:

- (1) the revisor of statutes approves the form of the rule by certificate;
- (2) the office of administrative hearings approves the rule as to its legality within 14 days after the agency submits it for approval and files two copies of the rule with the revisor's certificate in the office of the secretary of state; and
- (3) a copy is published by the agency in the State Register.

(b) A rule adopted under this section is effective for a period of two years from the date of publication of the rule in the State Register. The authority for the rule expires at the end of this two-year period.

(c) The chief administrative law judge shall adopt rules relating to the rule approval duties imposed by this section and section 14.388, including rules establishing standards for review.

(d) This section does not apply to rules adopted, amended, or repealed under section 14.388.

This section also does not apply to:

- (1) rules implementing emergency powers pursuant to sections 12.31 to 12.37;
- (2) rules of agencies directly in the legislative or judicial branches;
- (3) rules of the regents of the University of Minnesota;
- (4) rules of the department of military affairs;
- (5) rules of the comprehensive health association provided in section 62E.10;

- (6) rules of the tax court provided by section 271.06;
- (7) rules concerning only the internal management of the agency or other agencies, and which do not directly affect the rights of or procedure available to the public;
- (8) rules of the commissioner of corrections relating to the placement and supervision of inmates serving a supervised release term, the internal management of institutions under the commissioner's control, and rules adopted under section 609.105 governing the inmates of those institutions;
- (9) rules relating to weight limitations on the use of highways when the substance of the rules is indicated to the public by means of signs;
- (10) opinions of the attorney general;
- (11) the systems architecture plan and long-range plan of the state education management information system provided by section 121.931;
- (12) the data element dictionary and the annual data acquisition calendar of the department of education to the extent provided by section 121.932;
- (13) the occupational safety and health standards provided in section 182.655; or
- (14) revenue notices and tax information bulletins of the commissioner of revenue.

Sec. 31. [14.387] [LEGAL STATUS OF EXISTING EXEMPT RULES.]

A rule adopted on or before the day following final enactment of this section, and which was not adopted under sections 14.05 to 14.36 or their predecessor provisions, does not have the force and effect of law on and after July 1, 1996, and the authority for the rule expires on that date.

This section does not apply to:

- (1) rules implementing emergency powers under sections 12.31 to 12.37;
- (2) rules of agencies directly in the legislative or judicial branches;
- (3) rules of the regents of the University of Minnesota;
- (4) rules of the department of military affairs;
- (5) rules of the comprehensive health association provided in section 62E.10;
- (6) rules of the tax court provided by section 271.06;
- (7) rules concerning only the internal management of the agency or other agencies, and which do not directly affect the rights of or procedure available to the public;
- (8) rules of the commissioner of corrections relating to the placement and supervision of inmates serving a supervised release term, the internal management of institutions under the commissioner's control, and rules adopted under section 609.105 governing the inmates of those institutions;
- (9) rules relating to weight limitations on the use of highways when the substance of the rules is indicated to the public by means of signs;
- (10) opinions of the attorney general;

(11) the systems architecture plan and long-range plan of the state education management information system provided by section 121.931;

(12) the data element dictionary and the annual data acquisition calendar of the department of education to the extent provided by section 121.932;

(13) the occupational safety and health standards provided in section 182.655; or

(14) revenue notices and tax information bulletins of the commissioner of revenue.

Sec. 32. [14.388] [GOOD CAUSE EXEMPTION.]

If an agency for good cause finds that the rulemaking provisions of this chapter are unnecessary, impracticable, or contrary to the public interest when adopting, amending, or repealing a rule to:

(1) address a serious and immediate threat to the public health, safety, or welfare;

(2) comply with a court order or a requirement in federal law in a manner that does not allow for compliance with sections 14.14 to 14.28;

(3) make changes necessary to conform the rule to changes in applicable statutes; or

(4) make changes that do not alter the sense, meaning, or effect of a rule,

the agency may adopt, amend, or repeal the rule after satisfying the requirements of section 14.386, paragraph (a), clauses (1) to (3). The agency shall incorporate its findings and a brief statement of its supporting reasons in its order adopting, amending, or repealing the rule.

In review of the rule under section 14.386, the office of administrative hearings shall determine whether the agency has provided adequate justification for its use of this section.

Rules adopted, amended, or repealed under clauses (1) and (2) are effective for a period of two years from the date of publication of the rule in the State Register.

Rules adopted, amended, or repealed under clause (3) or (4) are effective upon publication in the State Register.

Sec. 33. Minnesota Statutes 1992, section 14.48, is amended to read:

14.48 [CREATION OF OFFICE OF ADMINISTRATIVE HEARINGS; CHIEF ADMINISTRATIVE LAW JUDGE APPOINTED; OTHER ADMINISTRATIVE LAW JUDGES APPOINTED.]

A state office of administrative hearings is created. The office shall be under the direction of a chief administrative law judge who shall be learned in the law and appointed by the governor, with the advice and consent of the senate, for a term ending on June 30 of the sixth calendar year after appointment. Senate confirmation of the chief administrative law judge shall be as provided by section 15.066. The chief administrative law judge may hear cases and shall appoint additional administrative law judges and compensation judges to serve in the office as necessary to fulfill the duties prescribed in ~~sections 14.48 to 14.56~~ chapters 14 and ~~chapter~~ 176. The chief administrative law judge may

delegate to a subordinate employee the exercise of a specified statutory power or duty as deemed advisable, subject to the control of the chief administrative law judge. Every delegation must be by written order filed with the secretary of state. All administrative law judges and compensation judges shall be in the classified service except that the chief administrative law judge shall be in the unclassified service, but may be removed only for cause. All administrative law judges shall have demonstrated knowledge of administrative procedures and shall be free of any political or economic association that would impair their ability to function officially in a fair and objective manner. All workers' compensation judges shall be learned in the law, shall have demonstrated knowledge of workers' compensation laws and shall be free of any political or economic association that would impair their ability to function officially in a fair and objective manner.

Sec. 34. Minnesota Statutes 1992, section 14.51, is amended to read:

14.51 [PROCEDURAL RULES FOR HEARINGS.]

The chief administrative law judge shall adopt rules to govern: (1) the procedural conduct of all hearings, relating to both rule adoption, amendment, suspension or repeal hearings, contested case hearings, and workers' compensation hearings, and to govern the conduct of voluntary mediation sessions for rulemaking and contested cases other than those within the jurisdiction of the bureau of mediation services. ~~Temporary rulemaking authority is granted to the chief administrative law judge for the purpose of implementing Laws 1981, chapter 346, sections 2 to 6, 103 to 122, 127 to 135, and 141; and (2) the review of rules adopted without a public hearing.~~ The procedural rules ~~for hearings~~ shall be binding upon all agencies and shall supersede any other agency procedural rules with which they may be in conflict. The procedural rules ~~for hearings~~ shall include in addition to normal procedural matters provisions relating to ~~recessing and reconvening new hearings the procedure to be followed~~ when the proposed final rule of an agency is substantially different, ~~as determined under section 14.05, subdivision 2, from that which was proposed at the public hearing.~~ The procedural rules shall establish a procedure whereby the proposed final rule of an agency shall be reviewed by the chief administrative law judge ~~to determine whether or not a new hearing is required because on the issue of substantial changes whether the proposed final rule of the agency is substantially different than that which was proposed or failure of the agency to meet the requirements of sections 14.131 to 14.18 chapter 14. The rules must also provide an expedited procedure, consistent with section 14.001, clauses (1) to (5), for the adoption of substantially different rules by agencies.~~ Upon the chief administrative law judge's own initiative or upon written request of an interested party, the chief administrative law judge may issue a subpoena for the attendance of a witness or the production of books, papers, records or other documents as are material to the matter being heard. The subpoenas shall be enforceable through the district court in the district in which the subpoena is issued.

Sec. 35. Minnesota Statutes 1993 Supplement, section 16A.1285, subdivision 2, is amended to read:

Subd. 2. [POLICY.] Unless otherwise provided by law, specific charges falling within definitions stipulated in subdivision 1 must be set in the manner prescribed in this subdivision provided that: (1) agencies, when setting, adjusting, or authorizing any charge for goods or services that are of direct, immediate, and primary benefit to an individual, business, or other nonstate

entity, shall set the charges at a level that neither significantly over recovers nor under recovers costs, including overhead costs, involved in providing the services; or (2) that agencies, when setting, adjusting, or establishing regulatory, licensure, or other charges that are levied, in whole or in part, in the public interest shall recover, but are not limited to, the costs involved in performance and administration of the functions involved.

In setting, adjusting, or authorizing charges that in whole or in part recover previously unrecovered costs, recovery is limited to those unrecovered costs incurred during the two fiscal years immediately preceding the setting, adjustment, or authorization.

Sec. 36. Minnesota Statutes 1992, section 17.84, is amended to read:

17.84 [DUTIES OF THE COMMISSIONER.]

Within 30 days of the receipt of the ~~notices~~ notice provided in section 17.82 ~~of 17.83~~, the commissioner shall review the agency's proposed action, shall negotiate with the agency, and shall recommend to the agency in writing the implementation either of the action as proposed or an alternative. In making recommendations, the commissioner shall follow the statement of policy contained in section 17.80. ~~If the proposed agency action is the adoption of a rule, the recommendation of the commissioner shall be made a part of the record in the rule hearing.~~ If the agency receives no response from the commissioner within 30 days, it shall be deemed a recommendation that the agency take the action as proposed.

Sec. 37. Minnesota Statutes 1992, section 43A.04, is amended by adding a subdivision to read:

Subd. 11. [TRAINING FOR AGENCY RULEMAKING STAFF.] The commissioner, in cooperation with the office of administrative hearings, the administrative rules counsel, the attorney general, and the revisor of statutes, shall provide training to agency staff involved in rulemaking, including training on the use of professional negotiators and mediators in rulemaking proceedings.

Sec. 38. Minnesota Statutes 1992, section 84.027, is amended by adding a subdivision to read:

Subd. 12. [GAME AND FISH RULES.] (a) The commissioner of natural resources may adopt rules under Minnesota Statutes 1992, sections 14.29 to 14.36, and this subdivision that are authorized under:

(1) chapters 97A, 97B, and 97C to set open seasons and areas, to close seasons and areas, to select hunters for areas, to provide for tagging and registration of game, to prohibit or allow taking of wild animals to protect a species, and to prohibit or allow importation, transportation, or possession of a wild animal; and

(2) sections 84.093, 84.14, 84.15, and 84.152 to set seasons for harvesting wild ginseng roots and wild rice and to restrict or prohibit harvesting in designated areas.

Clause (2) does not limit or supersede the commissioner's authority to establish opening dates, days, and hours of the wild rice harvesting season under section 84.14, subdivision 3.

(b) If conditions exist that do not allow the commissioner to comply with Minnesota Statutes 1992, sections 14.29 to 14.36, the commissioner may adopt a rule under this subdivision by submitting the rule to the attorney general for review under Minnesota Statutes 1992, section 14.32, complying with Minnesota Statutes 1992, section 3.846, subdivision 2, and Minnesota Statutes 1992, section 14.36, and including a statement of the emergency conditions and a copy of the rule in the notice. The notice may be published after it is received from the attorney general or five business days after it is submitted to the attorney general, whichever is earlier.

(c) Rules adopted under paragraph (b) are effective upon publishing in the State Register and may be effective up to seven days before publishing and filing under Minnesota Statutes 1992, section 3.846, subdivision 2, if:

(1) the commissioner of natural resources determines that an emergency exists;

(2) the attorney general approves the rule; and

(3) for a rule that affects more than three counties the commissioner publishes the rule once in a legal newspaper published in Minneapolis, St. Paul, and Duluth, or for a rule that affects three or fewer counties the commissioner publishes the rule once in a legal newspaper in each of the affected counties.

(d) Except as provided in paragraph (e), a rule published under paragraph (c), clause (3), may not be effective earlier than seven days after publication.

(e) A rule published under paragraph (c), clause (3), may be effective the day the rule is published if the commissioner gives notice and holds a public hearing on the rule within 15 days before publication.

(f) The commissioner shall attempt to notify persons or groups of persons affected by rules adopted under paragraphs (b) and (c) by public announcements, posting, and other appropriate means as determined by the commissioner.

(g) Notwithstanding Minnesota Statutes 1992, section 14.35, a rule adopted under this subdivision is effective for the period stated in the notice but not longer than 18 months after the rule is adopted.

Sec. 39. [APPROPRIATION.]

(a) \$35,000 is appropriated from the general fund to the administrative hearings account in Minnesota Statutes, section 14.54, for the purposes of section 40. The appropriation is available until spent. The approved complement of the office of administrative hearings is increased by three positions in the classified service.

(b) The office of the attorney general shall transfer \$15,000 in fiscal year 1995 to the office of administrative hearings.

(c) \$..... is appropriated from the general fund to the legislative commission to review administrative rules for fiscal year 1995.

Sec. 40. [TRANSFER OF RULE REVIEW AUTHORITY.]

(a) The rule review duties of the office of the attorney general are transferred to the office of administrative hearings on January 1, 1995. Minnesota Statutes, section 15.039, does not apply to this transfer.

(b) Proposed rules for which a notice under Minnesota Statutes, section 14.22 or 14.30, has been published in the State Register before January 1, 1995, shall continue to be reviewed by the attorney general under the rule review authority transferred by this act and are governed by Minnesota Statutes 1992, chapter 14, and Minnesota Rules, chapter 2010.

(c) Except as otherwise provided in paragraph (b), Minnesota Rules, chapter 2010, shall be enforced by the office of administrative hearings until it is amended or repealed by that office.

Sec. 41. [REVISOR INSTRUCTION.]

The revisor of statutes shall correct or remove the references in Minnesota Statutes and Minnesota Rules to the statutory sections repealed in this act.

The revisor of statutes shall change the terms "office of attorney general," "attorney general," or similar terms to "office of administrative hearings," "chief administrative law judge," "administrative law judge," or similar terms in Minnesota Rules, chapter 2010, to reflect the intent of the legislature to transfer the attorney general's rule review functions in the manner provided in this act.

Sec. 42. [REPEALER.]

(a) Minnesota Statutes 1992, sections 3.846; 14.12; 14.1311; and 14.235, are repealed.

(b) Minnesota Statutes 1992, sections 14.29; 14.30; 14.305; 14.31; 14.32; 14.33; 14.34; 14.35; and 14.36, are repealed.

(c) Minnesota Statutes 1992, sections 14.11; 14.115; 17.83; and Minnesota Statutes 1993 Supplement, section 14.10, are repealed.

Sec. 43. [EFFECTIVE DATE.]

Sections 1, 3 to 8, 10, 11, 14, 19, 27, subdivision 3, paragraph (c), 31, 35, 36, 42, paragraph (c), and the rulemaking authority granted in sections 30 and 34 are effective the day following final enactment. Section 15 applies to laws authorizing or requiring rulemaking that are finally enacted after January 1, 1995. Section 39 is effective July 1, 1994. The remainder of the act is effective January 1, 1995."

Delete the title and insert:

"A bill for an act relating to state government; administrative rulemaking; revising the procedures for the adoption and review of rules by state agencies; appropriating money; amending Minnesota Statutes 1992, sections 3.842, subdivisions 2, 4, and by adding subdivisions; 14.04; 14.05, subdivision 2, and by adding a subdivision; 14.06; 14.08; 14.09; 14.131; 14.14, subdivision 1a; 14.15, subdivisions 3 and 4; 14.16, subdivision 1; 14.18, subdivision 1; 14.19; 14.22, subdivision 1; 14.23; 14.24; 14.25; 14.26; 14.365; 14.48; 14.51; 17.84; 43A.04, by adding a subdivision; 84.027, by adding a subdivision; Minnesota Statutes 1993 Supplement, sections 3.841; 3.984, subdivision 2; and 16A.1285, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 4; and 14; repealing Minnesota Statutes 1992, sections 3.842; 3.846; 14.11; 14.115; 14.1311; 14.235; 14.29; 14.30; 14.305; 14.31; 14.32; 14.33; 14.34; 14.35; 14.36; and 17.83; Minnesota Statutes 1993 Supplement, section 14.10."

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Vickerman from the Committee on Veterans and General Legislation, to which was referred

S.F. No. 2626: A bill for an act relating to public administration; providing for two women's ice centers; establishing a women's ice centers building account; appropriating money.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 21, after "*available*" insert "*100 percent of the prime ice time and*"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Novak from the Committee on Jobs, Energy and Community Development, to which was referred

S.F. No. 1982: A bill for an act relating to housing; modifying accessibility loan program provisions; authorizing tribal Indian housing rehabilitation loans; authorizing the payment of housing program costs and expenses; amending Minnesota Statutes 1992, sections 462A.05, subdivision 14d; and 462A.21, by adding a subdivision; Minnesota Statutes 1993 Supplement, section 462A.07, subdivision 14.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1992, section 462A.05, subdivision 14d, is amended 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 without limitations relating to the maximum incomes of the borrowers.~~

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. 2. Minnesota Statutes 1992, section 462A.05, is amended by adding a subdivision to read:

Subd. 14e. [PURCHASE-REHABILITATION LOANS.] The agency may agree and enter into commitments to purchase, make, or otherwise participate

in making loans to persons or families, without limitations relating to the maximum incomes of the borrowers, for the purchase and rehabilitation of existing owner-occupied residential housing, as provided under subdivision 14.

Sec. 3. Minnesota Statutes 1992, section 462A.05, is amended by adding a subdivision to read:

Subd. 39. [EQUITY TAKE-OUT LOANS.] The agency may make equity take-out loans to owners of section 8 project-based rental property upon which the agency holds a first mortgage. The owner must agree to participate in the section 8 program and extend the low-income affordability restrictions on the housing for the maximum term of the section 8 contract. The equity take-out loan must be secured by a subordinate loan on the property and may include additional appropriate security determined necessary by the agency.

Sec. 4. Minnesota Statutes 1993 Supplement, section 462A.07, subdivision 14, is amended to read:

Subd. 14. [AMERICAN INDIANS.] (a) It may engage in housing programs for low- and moderate-income American Indians developed and administered separately or in combination by the Minnesota Chippewa tribe, the Red Lake band of Chippewa Indians, and the Sioux communities as determined by such tribe, band, or communities. In furtherance of the policy of economic integration stated in section 462A.02, subdivision 6, it may engage in housing programs for American Indians who intend to reside on reservations and who are not persons of low and moderate income, provided that the aggregate dollar amount of the loans for each lender's fiscal year shall not exceed an amount equal to 25 percent of the total dollar amount of all loans made by that lender during the lender's fiscal year at the time of loan application. In developing such housing programs, the tribe, band, or communities shall take into account the housing needs of all American Indians residing both on and off reservations within the state. A plan for each such program, which specifically describes the program content, utilization of funds, administration, operation, implementation and other matter, as determined by the agency, must be submitted to the agency for its review and approval prior to the making of eligible loans pursuant to section 462A.21. All such programs must conform to rules promulgated by the agency concerning program administration, including but not limited to rules concerning costs of administration; the quality of housing; interest rates, fees, and charges in connection with making eligible loans; and other matters determined by the agency to be necessary in order to effectuate the purposes of this subdivision and section 462A.21, subdivisions 4b and 4c. All such programs must provide for a reasonable balance in the distribution of funds appropriated for the purpose of this section between American Indians residing on and off reservations within the state. Nothing in this section shall preclude such tribe, band, or communities from requesting and receiving cooperation, advice, and assistance from the agency as regards program development, operation, delivery; financing, or administration. As a condition to the making of such eligible loans, the Minnesota Chippewa tribe, the Red Lake band of Chippewa Indians, and the Sioux communities shall:

(1) enter into a loan agreement and other contractual arrangements with the agency for the purpose of transferring the allocated portion of loan funds as set forth in section 462A.26 and to insure compliance with the provisions of this section and this chapter; and

(2) agree that all of their official books and records related to such housing programs shall be subjected to audit by the legislative auditor in the manner prescribed for agencies of state government.

The agency shall submit a biennial report concerning the various housing programs for American Indians, and related receipts and expenditures as provided in section 462A.22, subdivision 9, and such tribe, band, or communities to the extent that they administer such programs, shall be responsible for any costs and expenses related to such administration provided, however, they shall be eligible for payment for costs, expenses, and services pursuant to subdivision 12 and section 462A.21. The agency may provide or cause to be provided essential general technical services as set forth in subdivision 2, and general consultative project assistance services, including, but not limited to, management training, and home ownership counseling as set forth in subdivision 3. Members of boards, committees, or other governing bodies of the tribe, band, and communities administering the programs authorized by this subdivision must be compensated for those services as provided in section 15.0575. Rules promulgated under this subdivision may be promulgated as emergency rules under chapter 14.

(b) The agency may engage in demonstration projects to encourage the participation of financial institutions or other leveraging sources in providing housing opportunities for American Indians. The agency shall consult with the Minnesota Chippewa tribe, the Red Lake band of Chippewa Indians, and the Sioux communities in developing the demonstration projects. The income limits specified in paragraph (a) do not apply to the demonstration projects.

(c) *The agency may make home improvement loans under this subdivision without regard to household income.*

Sec. 5. Minnesota Statutes 1992, section 462A.10, is amended by adding a subdivision to read:

Subd. 10. [DEFERRAL OF ISSUANCE AND DELIVERY.] It may provide that the agency may defer the issuance and delivery of the bonds to the underwriters to a designated future date when the proceeds of the bonds are required for one or more of the purposes specified in section 462A.08.

Sec. 6. Minnesota Statutes 1992, section 462A.201, is amended by adding a subdivision to read:

Subd. 7. [CAPACITY BUILDING GRANT SET-ASIDE.] Five percent of the money credited to the housing trust fund account under section 82.24, subdivision 8, may be used to make capacity building grants as provided under section 462A.21, subdivision 3b.

Sec. 7. Minnesota Statutes 1993 Supplement, section 462A.202, subdivision 7, is amended to read:

Subd. 7. [RESTRICTIONS.] (a) Except as provided in paragraphs (b), (c), (d), and (e), and (f), the city must own the property financed with a loan under this section and use the property for the purposes specified in this section:

(1) the city may sell the property at its fair market value provided it repays the lesser of the net proceeds of the sale or the amount of the loan balance to the agency for deposit in the local government unit housing account; or

(2) the city may use the property for a different purpose provided that the city repays the amount of the original loan.

If the city owns and uses the property for the purposes specified in this section for a 20-year period, the agency shall forgive the loan.

(b) In cases where the property consists of land only, including land on which buildings acquired with a loan under this section are demolished by the city, the city may lease the property for a term not to exceed 99 years to a nonprofit ~~corporation~~ *organization* to use for the purposes specified in this section.

(c) In cases where the property consists of land and buildings, the city may do the following:

(1) demolish the buildings in whole or in part and use or lease the property under paragraph (b);

(2) sell the buildings to a nonprofit ~~corporation~~ *organization* to use for the purposes specified in this section. If sold, the city must sell the buildings for fair market value and repay the proceeds of the sale to the agency for deposit in the local government unit housing account;

(3) lease the buildings to a nonprofit ~~corporation~~ *organization* to use for the purposes specified in this section. If leased, except as provided in paragraph (d), the annual rental must equal the amount of the loan attributable to the cost of the buildings, divided by the number of years of useful life of the buildings as determined in accordance with generally accepted accounting principles. For purposes of determining the required rental, the purchase price of land and buildings must be allocated between them based on standard valuation procedures; or

(4) contract with a nonprofit organization to manage the property.

(d) A city may lease a building to a nonprofit organization for a nominal amount under the following conditions:

(1) the lease does not exceed ten years;

(2) the city must have the option to cancel the lease with or without cause at the end of any three-year period; and

(3) the city must determine annually that the property is being used for the purposes specified in this section and that the terms of the lease, including any income limits for residents, are being met.

(e) A city may sell single-family residential housing directly to persons and families of low and moderate income.

(f) A city may lease the buildings to a partnership consisting of a nonprofit organization and a limited partner if the nonprofit organization is the general partner and the financing for the land trust project includes low-income housing tax credits. All conditions for leasing buildings to a nonprofit organization as provided under this subdivision apply to the lease authorized under this paragraph.

Sec. 8. Minnesota Statutes 1992, section 462A.21, is amended by adding a subdivision to read:

Subd. 21. [COMMUNITY REHABILITATION PROGRAM.] The agency may spend money for the purposes of the community rehabilitation program authorized under section 462A.206 and may pay the costs and expenses necessary and incidental to the development and operation of the program.

Sec. 9. Minnesota Statutes 1993 Supplement, 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) in the metropolitan area:

(i) new construction or substantial rehabilitation of projects in which at least 75 percent of the total units are single-room occupancy projects, efficiency, or one bedroom units and which are affordable by households whose income does not exceed 30 percent of the median income;

(ii) new construction or substantial rehabilitation family housing projects that are not restricted to persons who are 55 years of age or older and 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; or

(iii) substantial rehabilitation projects in neighborhoods targeted by the city for revitalization;

(2) outside the metropolitan area, projects which meet a locally identified housing need and which are in short supply in the local housing market as evidenced by credible data submitted with the application;

(3) projects in which a percentage of the units are 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 (5), 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. 10. Minnesota Statutes 1992, section 462A.30, subdivision 9, is amended to read:

Subd. 9. [PERSONS AND FAMILIES OF LOW AND MODERATE INCOME.] "Persons and families of low and moderate income" means persons or families whose income does not exceed: (1) 80 percent of the greater of (1) state median income, or (2) area or county median income as determined by the department of housing and urban development, or (2) the amount that qualifies the organization for tax exempt status under United States Code, title 26, section 501(c)(3), whichever is less.

Sec. 11. Minnesota Statutes 1992, section 462A.31, subdivision 4, is amended to read:

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 *acquisition*, 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 *acquisition*, construction, or renovation of housing on the land.

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 housing; modifying programs of the housing finance agency for low-income and tribal housing and for accessibility loans;

amending Minnesota Statutes 1992, sections 462A.05, subdivision 14d, and by adding subdivisions; 462A.10, by adding a subdivision; 462A.201, by adding a subdivision; 462A.21, by adding a subdivision; 462A.30, subdivision 9; and 462A.31, subdivision 4; Minnesota Statutes 1993 Supplement, sections 462A.07, subdivision 14; 462A.202, subdivision 7; and 462A.222, subdivision 3."

And when so amended the bill do pass and be re-referred to the Committee on Taxes and Tax Laws. Amendments adopted. Report adopted.

Mr. Novak from the Committee on Jobs, Energy and Community Development, to which was referred

S.F. No. 615: A bill for an act relating to human rights; providing for protection for disabled persons in employment; clarifying permissible absenteeism under the "reasonable accommodation" clause; extending the time frame from 45 to 90 days for bringing a civil action after a "no probable cause" determination; providing for the right to a jury trial; amending Minnesota Statutes 1992, sections 363.01, subdivision 13; 363.02, subdivision 5; 363.03, subdivision 1; 363.14, subdivision 2; and 363.117.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 2212 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
2212	2023				

and that the above Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 1880 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1880	1700				

and that the above Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 2487 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
		2487	2056		

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 2487 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2487 and insert the language after the enacting clause of S.F. No. 2056, the first engrossment; further, delete the title of H.F. No. 2487 and insert the title of S.F. No. 2056, the first engrossment.

And when so amended H.F. No. 2487 will be identical to S.F. No. 2056, and further recommends that H.F. No. 2487 be given its second reading and substituted for S.F. No. 2056, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

SECOND READING OF SENATE BILLS

S.F. Nos. 2550, 2598, 1918, 1616, 2709, 2345, 2135, 2291, 1791, 1888, 2255, 1930, 2607, 2393, 2680, 2314, 1764, 2647, 1706, 1995, 2671, 2011 and 615 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 2679, 2212, 1880 and 2487 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Solon moved that the name of Mr. Stumpf be added as a co-author to S.F. No. 2011. The motion prevailed.

Mr. Larson moved that the names of Messrs. Langseth, Chmielewski and Ms. Krentz be added as co-authors to S.F. No. 2099. The motion prevailed.

Mr. Vickerman moved that the name of Ms. Berglin be added as a co-author to S.F. No. 2345. The motion prevailed.

Mr. Johnson, D.E. moved that his name be stricken as a co-author to S.F. No. 2523. The motion prevailed.

Mr. Sams moved that the name of Mr. Luther be added as a co-author to S.F. No. 2738. The motion prevailed.

Mr. Finn moved that the name of Ms. Berglin be added as a co-author to S.F. No. 2818. The motion prevailed.

Ms. Pappas moved that the names of Mr. Finn and Ms. Berglin be added as co-authors to S.F. No. 2826. The motion prevailed.

Mr. Belanger introduced—

Senate Resolution No. 69: A Senate resolution congratulating the Bloomington Jefferson High School hockey team for winning the 1994 State High School Class AA Hockey Tournament.

Referred to the Committee on Rules and Administration.

Ms. Krentz moved that S.F. No. 614 be withdrawn from the Committee on Education and re-referred to the Committee on Governmental Operations and Reform. The motion prevailed.

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate take up the Consent Calendar. The motion prevailed.

CONSENT CALENDAR

H.F. No. 2090: A bill for an act relating to local government; providing that the statutory procedure for tree removal does not apply to trees removed from town roads dedicated by plat; amending Minnesota Statutes 1992, section 160.22, subdivision 7a, and by adding a subdivision.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Dille	Krentz	Mondale	Reichgott Junge
Belanger	Finn	Kroening	Morse	Riveness
Benson, D.D.	Flynn	Langseth	Murphy	Robertson
Benson, J.E.	Frederickson	Larson	Novak	Runbeck
Berg	Hottinger	Lesewski	Oliver	Sams
Berglin	Johnson, D.E.	Lessard	Olson	Samuelson
Bertram	Johnson, D.J.	Luther	Pappas	Solon
Betzold	Johnson, J.B.	Marty	Pariseau	Spear
Chandler	Johnston	McGowan	Piper	Stevens
Chmielewski	Kelly	Merriam	Pogemiller	Terwilliger
Cohen	Kiscaden	Metzen	Price	Vickerman
Day	Knutson	Moe, R.D.	Ranum	Wiener

So the bill passed and its title was agreed to.

H.F. No. 2016: A bill for an act relating to commerce; regulating mortgage payment services; requiring a bond or other security; amending Minnesota Statutes 1992, section 332.13, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 332.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 1, as follows:

Those who voted in the affirmative were:

Anderson	Dille	Knutson	Moe, R.D.	Reichgott Junge
Belanger	Finn	Krentz	Mondale	Riveness
Benson, D.D.	Flynn	Kroening	Morse	Robertson
Benson, J.E.	Frederickson	Laidig	Novak	Runbeck
Berg	Hanson	Langseth	Oliver	Sams
Berglin	Hottinger	Larson	Olson	Samuelson
Bertram	Janezich	Lesewski	Pappas	Solon
Betzold	Johnson, D.J.	Lessard	Pariseau	Spear
Chandler	Johnson, J.B.	Marty	Piper	Stevens
Chmielewski	Johnston	McGowan	Pogemiller	Terwilliger
Cohen	Kelly	Merriam	Price	Vickerman
Day	Kiscaden	Metzen	Ranum	Wiener

Mr. Luther voted in the negative.

So the bill passed and its title was agreed to.

S.F. No. 1835: A bill for an act relating to corrections; prohibiting payment of costs of elective or cosmetic procedures for prison and jail inmates; amending Minnesota Statutes 1992, sections 241.021, subdivision 4, and 641.15, subdivision 2.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Finn	Kroening	Morse	Runbeck
Belanger	Flynn	Laidig	Novak	Sams
Benson, D.D.	Frederickson	Langseth	Oliver	Samuelson
Benson, J.E.	Hanson	Larson	Olson	Solon
Berg	Hottinger	Lesewski	Pappas	Spear
Berglin	Janezich	Lessard	Pariseau	Stevens
Bertram	Johnson, D.J.	Luther	Piper	Terwilliger
Betzold	Johnson, J.B.	Marty	Pogemiller	Vickerman
Chandler	Johnston	McGowan	Price	Wiener
Chmielewski	Kelly	Merriam	Ranum	
Cohen	Kiscaden	Metzen	Reichgott Junge	
Day	Knutson	Moe, R.D.	Riveness	
Dille	Krentz	Mondale	Robertson	

So the bill passed and its title was agreed to.

H.F. No. 1906: A bill for an act relating to state trails; routing an existing trail; establishing new trails; amending Minnesota Statutes 1992, section 85.015, subdivision 7, and by adding subdivisions.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Finn	Krentz	Mondale	Robertson
Belanger	Flynn	Kroening	Morse	Runbeck
Benson, D.D.	Frederickson	Laidig	Novak	Sams
Benson, J.E.	Hanson	Langseth	Oliver	Samuelson
Berg	Hottinger	Larson	Olson	Solon
Berglin	Janezich	Lesewski	Pappas	Spear
Bertram	Johnson, D.E.	Lessard	Pariseau	Stevens
Betzold	Johnson, D.J.	Luther	Piper	Terwilliger
Chandler	Johnson, J.B.	Marty	Pogemiller	Vickerman
Chmielewski	Johnston	McGowan	Price	
Cohen	Kelly	Merriam	Ranum	
Day	Kiscaden	Metzen	Reichgott Junge	
Dille	Knutson	Moe, R.D.	Riveness	

So the bill passed and its title was agreed to.

S.F. No. 2149: A bill for an act relating to the environment; making the field citation pilot project permanent law; authorizing penalties for unauthorized waste disposal; proposing coding for new law in Minnesota Statutes, chapter 116.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Finn	Krentz	Morse	Runbeck
Belanger	Flynn	Laidig	Novak	Sams
Benson, D.D.	Frederickson	Langseth	Oliver	Samuelson
Benson, J.E.	Hanson	Larson	Olson	Solon
Berg	Hottinger	Lesewski	Pappas	Spear
Berglin	Janezich	Lessard	Pariseau	Stevens
Bertram	Johnson, D.E.	Luther	Piper	Terwilliger
Betzold	Johnson, D.J.	Marty	Pogemiller	Vickerman
Chandler	Johnson, J.B.	McGowan	Price	Wiener
Chmielewski	Johnston	Merriam	Ranum	
Cohen	Kelly	Metzen	Reichgott Junge	
Day	Kiscaden	Moe, R.D.	Riveness	
Dille	Knutson	Mondale	Robertson	

So the bill passed and its title was agreed to.

S.F. No. 2237: A bill for an act relating to game and fish; changing certain dates relating to the taking of fish; changing requirements relating to when fish houses and dark houses may be on the ice; amending Minnesota Statutes 1992, sections 97C.345, subdivisions 1, 2, and 3; 97C.355, subdivision 7; and 97C.371, subdivision 4.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Berg	Chandler	Dille	Hottinger
Belanger	Berglin	Chmielewski	Finn	Janezich
Benson, D.D.	Bertram	Cohen	Flynn	Johnson, D.E.
Benson, J.E.	Betzold	Day	Hanson	Johnson, D.J.

Johnson, J.B.	Larson	Mondale	Price	Spear
Johnston	Lesewski	Morse	Ranum	Stevens
Kelly	Lessard	Novak	Reichgott Junge	Terwilliger
Kiscaden	Luther	Oliver	Riveness	Vickerman
Knutson	Marty	Olson	Robertson	Wiener
Krentz	McGowan	Pappas	Runbeck	
Kroening	Merriam	Pariseau	Sams	
Laidig	Metzen	Piper	Samuelson	
Langseth	Moe, R.D.	Pogemiller	Solon	

So the bill passed and its title was agreed to.

S.F. No. 2242: A bill for an act relating to crimes; defining escaping while held in lawful custody to include absconding from electronic monitoring devices; amending Minnesota Statutes 1992, section 609.485, subdivision 2.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Finn	Krentz	Morse	Robertson
Belanger	Flynn	Laidig	Murphy	Runbeck
Benson, D.D.	Frederickson	Langseth	Novak	Sams
Benson, J.E.	Hanson	Larson	Oliver	Samuelson
Berg	Hottinger	Lesewski	Olson	Solon
Berglin	Janezich	Lessard	Pappas	Spear
Bertram	Johnson, D.E.	Luther	Pariseau	Stevens
Betzold	Johnson, D.J.	Marty	Piper	Terwilliger
Chandler	Johnson, J.B.	McGowan	Pogemiller	Vickerman
Chmielewski	Johnson	Merriam	Price	Wiener
Cohen	Kelly	Metzen	Ranum	
Day	Kiscaden	Moe, R.D.	Reichgott Junge	
Dille	Knutson	Mondale	Riveness	

So the bill passed and its title was agreed to.

S.F. No. 1870: A bill for an act relating to crime victims; requiring the court at sentencing to inform victims how to implement their right to notice of offender release from correctional facilities; proposing coding for new law in Minnesota Statutes, chapter 611A.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Finn	Krentz	Mondale	Riveness
Belanger	Flynn	Kroening	Morse	Robertson
Benson, D.D.	Frederickson	Laidig	Murphy	Runbeck
Benson, J.E.	Hanson	Langseth	Novak	Sams
Berg	Hottinger	Larson	Oliver	Samuelson
Berglin	Janezich	Lesewski	Olson	Solon
Bertram	Johnson, D.E.	Lessard	Pappas	Spear
Betzold	Johnson, D.J.	Luther	Pariseau	Stevens
Chandler	Johnson, J.B.	Marty	Piper	Terwilliger
Chmielewski	Johnson	McGowan	Pogemiller	Vickerman
Cohen	Kelly	Merriam	Price	Wiener
Day	Kiscaden	Metzen	Ranum	
Dille	Knutson	Moe, R.D.	Reichgott Junge	

So the bill passed and its title was agreed to.

S.F. No. 2522: A bill for an act relating to Wadena county; permitting the consolidation of the offices of auditor and treasurer.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 57 and nays 6, as follows:

Those who voted in the affirmative were:

Anderson	Hottinger	Larson	Novak	Runbeck
Belanger	Janezich	Lesewski	Oliver	Sams
Benson, J.E.	Johnson, D.E.	Lessard	Olson	Samuelson
Berg	Johnson, D.J.	Luther	Pappas	Solon
Berglin	Johnson, J.B.	Marty	Pariseau	Spear
Bertram	Johnston	McGowan	Piper	Stevens
Betzold	Kelly	Merriam	Pogemiller	Terwilliger
Chandler	Kiscaden	Metzen	Price	Vickerman
Chmielewski	Knutson	Moe, R.D.	Ranum	Wiener
Cohen	Krentz	Mondale	Reichgott Junge	
Flynn	Kroening	Morse	Riveness	
Hanson	Langseth	Murphy	Robertson	

Those who voted in the negative were:

Benson, D.D.	Dille	Finn	Frederickson	Laidig
Day				

So the bill passed and its title was agreed to.

S.F. No. 1951: A bill for an act relating to insurance; health; restricting termination or reductions of coverage for fibrocystic conditions; proposing coding for new law in Minnesota Statutes, chapter 62A.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Finn	Krentz	Mondale	Riveness
Belanger	Flynn	Kroening	Morse	Robertson
Benson, D.D.	Frederickson	Laidig	Murphy	Runbeck
Benson, J.E.	Hanson	Langseth	Novak	Sams
Berg	Hottinger	Larson	Oliver	Samuelson
Berglin	Janezich	Lesewski	Olson	Solon
Bertram	Johnson, D.E.	Lessard	Pappas	Spear
Betzold	Johnson, D.J.	Luther	Pariseau	Stevens
Chandler	Johnson, J.B.	Marty	Piper	Terwilliger
Chmielewski	Johnston	McGowan	Pogemiller	Vickerman
Cohen	Kelly	Merriam	Price	Wiener
Day	Kiscaden	Metzen	Ranum	
Dille	Knutson	Moe, R.D.	Reichgott Junge	

So the bill passed and its title was agreed to.

S.F. No. 2425: A bill for an act relating to occupations and professions; requiring the state fire marshal to conduct a study on fireworks safety and operator qualifications.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 3, as follows:

Those who voted in the affirmative were:

Anderson	Dille	Knutson	Moe, R.D.	Ranum
Belanger	Finn	Krentz	Mondale	Reichgott Junge
Benson, D.D.	Flynn	Laidig	Morse	Riveness
Benson, J.E.	Frederickson	Langseth	Murphy	Runbeck
Berg	Hanson	Larson	Novak	Sams
Berglin	Hottinger	Lesewski	Oliver	Samuelson
Bertram	Janezich	Lessard	Olson	Solon
Betzold	Johnson, D.E.	Luther	Pappas	Spear
Chandler	Johnson, D.J.	Marty	Pariseau	Stevens
Chmielewski	Johnson, J.B.	McGowan	Piper	Terwilliger
Cohen	Johnston	Merriam	Pogemiller	Vickerman
Day	Kelly	Metzen	Price	Wiener

Ms. Kiscaden, Mr. Kroening and Ms. Robertson voted in the negative.

So the bill passed and its title was agreed to.

S.F. No. 2450: A bill for an act relating to the Minnesota historical society; clarifying law relating to its status; amending Minnesota Statutes 1992, section 138.01, subdivision 1.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Finn	Kroening	Morse	Robertson
Belanger	Flynn	Laidig	Murphy	Runbeck
Benson, D.D.	Frederickson	Langseth	Novak	Sams
Benson, J.E.	Hanson	Larson	Oliver	Samuelson
Berg	Hottinger	Lesewski	Olson	Solon
Berglin	Johnson, D.E.	Lessard	Pappas	Spear
Bertram	Johnson, D.J.	Luther	Pariseau	Stevens
Betzold	Johnson, J.B.	Marty	Piper	Terwilliger
Chandler	Johnston	McGowan	Pogemiller	Vickerman
Chmielewski	Kelly	Merriam	Price	Wiener
Cohen	Kiscaden	Metzen	Ranum	
Day	Knutson	Moe, R.D.	Reichgott Junge	
Dille	Krentz	Mondale	Riveness	

So the bill passed and its title was agreed to.

S.F. No. 2388: A bill for an act relating to consumer protection; regulating deceptive trade practices related to environmental marketing claims; amending Minnesota Statutes 1992, section 8.31, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 325E.

Pursuant to Rule 9, there being three objectors, S.F. No. 2388 was stricken from the Consent Calendar and placed on General Orders.

S.F. No. 1823: A bill for an act relating to government data practices; listing provisions codified outside the government data practices act that limit access to data; amending Minnesota Statutes 1992, section 13.99, subdivisions 7, 39, 45, 53, 60, 71, and by adding subdivisions.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 59 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Dille	Knjutsen	Moe, R.D.	Riveness
Belanger	Finn	Krentz	Mondale	Robertson
Benson, D.D.	Flynn	Kroening	Morse	Runbeck
Benson, J.E.	Frederickson	Laidig	Oliver	Sams
Berg	Hanson	Larson	Olson	Samuelson
Berglin	Hottinger	Lesewski	Pappas	Solon
Bertram	Johnson, D.E.	Lessard	Pariseau	Spear
Betzold	Johnson, D.J.	Luther	Piper	Stevens
Chandler	Johnson, J.B.	Marty	Pogemiller	Terwilliger
Chmielewski	Johnston	McGowan	Price	Vickerman
Cohen	Kelly	Merriam	Ranum	Wiener
Day	Kiscaden	Metzen	Reichgott Junge	

So the bill passed and its title was agreed to.

S.F. No. 2415: A bill for an act relating to traffic regulations; increasing from \$500 to \$1,000 the threshold level of reportable motor vehicle accidents; amending Minnesota Statutes 1993 Supplement, section 169.09, subdivision 7.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Dille	Krentz	Moe, R.D.	Reichgott Junge
Belanger	Finn	Kroening	Morse	Riveness
Benson, D.D.	Flynn	Laidig	Murphy	Robertson
Benson, J.E.	Hanson	Langseth	Novak	Runbeck
Berg	Hottinger	Larson	Oliver	Sams
Berglin	Johnson, D.E.	Lesewski	Olson	Samuelson
Bertram	Johnson, D.J.	Lessard	Pappas	Solon
Betzold	Johnson, J.B.	Luther	Pariseau	Spear
Chandler	Johnston	Marty	Piper	Stevens
Chmielewski	Kelly	McGowan	Pogemiller	Terwilliger
Cohen	Kiscaden	Merriam	Price	Vickerman
Day	Knutson	Metzen	Ranum	Wiener

So the bill passed and its title was agreed to.

S.F. No. 1968: A bill for an act relating to veterans; extending eligibility for special veterans' license plates to allied veterans; amending Minnesota Statutes 1992, section 168.123, subdivisions 1 and 2.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 57 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Dille	Kroening	Mondale	Runbeck
Belanger	Finn	Laidig	Morse	Sams
Benson, D.D.	Flynn	Langseth	Murphy	Samuelson
Benson, J.E.	Frederickson	Larson	Novak	Solon
Berg	Hottinger	Lesewski	Oliver	Spear
Berglin	Johnson, D.J.	Lessard	Pariseau	Stevens
Bertram	Johnson, J.B.	Luther	Piper	Terwilliger
Betzold	Johnston	Marty	Pogemiller	Vickerman
Chandler	Kelly	McGowan	Price	Wiener
Chmielewski	Kiscaden	Merriam	Ranum	
Cohen	Knutson	Metzen	Reichgott Junge	
Day	Krentz	Moe, R.D.	Riveness	

So the bill passed and its title was agreed to.

S.F. No. 1983: A bill for an act relating to economic development; clarifying applications and criteria for Minnesota companies to participate in the international business partnership program; amending Minnesota Statutes 1992, section 116J.974.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Finn	Laidig	Murphy	Runbeck
Belanger	Flynn	Langseth	Novak	Sams
Benson, D.D.	Frederickson	Larson	Oliver	Samuelson
Benson, J.E.	Hanson	Lesewski	Olson	Solon
Berg	Hottinger	Lessard	Pappas	Spear
Berglin	Johnson, D.J.	Luther	Pariseau	Stevens
Bertram	Johnson, J.B.	Marty	Piper	Terwilliger
Betzold	Johnston	McGowan	Pogemiller	Vickerman
Chandler	Kelly	Merriam	Price	Wiener
Chmielewski	Kiscaden	Metzen	Ranum	
Cohen	Knutson	Moe, R.D.	Reichgott Junge	
Day	Krentz	Mondale	Riveness	
Dille	Kroening	Morse	Robertson	

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Luther moved that S.F. No. 2634 be withdrawn from the Committee on Jobs, Energy and Community Development and re-referred to the Committee on Commerce and Consumer Protection. The motion prevailed.

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate take up the General Orders Calendar. The motion prevailed.

GENERAL ORDERS

The Senate resolved itself into a Committee of the Whole, with Mr. Frederickson in the chair.

After some time spent therein, the committee arose, and Mr. Frederickson reported that the committee had considered the following:

S.F. Nos. 2262, 1999, 2241, 2303, 1774, 1832, 1702 and H.F. Nos. 1964, 1914, 1934, 1886, which the committee recommends to pass.

S.F. No. 1662, which the committee recommends to pass with the following amendment offered by Mr. Knutson:

Page 22, line 34, before "Confirmation" insert "If a contesting party has received notice of registration under section 518C.605,"

Page 22, line 36, after "order" insert "based upon facts that were known or reasonably should have been known by the contesting party at the time of registration"

The motion prevailed. So the amendment was adopted.

S.F. No. 1483, which the committee recommends to pass with the following amendments offered by Ms. Kiscaden and Mr. Marty:

Ms. Kiscaden moved to amend S.F. No. 1483 as follows:

Page 1, after line 17, insert:

“Section 1. Minnesota Statutes 1992, section 201.061, subdivision 1, is amended to read:

Subdivision 1. [PRIOR TO ELECTION DAY.] At any time except during the 20 days immediately preceding any election, an eligible voter or any individual who will be an eligible voter at the time of the next election may register to vote in the precinct in which the voter maintains residence by completing a registration card and submitting it in person or by mail to the county auditor of that county or to the secretary of state's office. A registration that is received no later than 5:00 p.m. on the 21st day preceding any election shall be accepted. An improperly addressed or delivered registration card shall be forwarded within two working days after receipt to the county auditor of the county where the voter maintains residence. *A state or local agency or an individual that accepts completed voter registration cards from a voter must submit the completed cards to the secretary of state or the appropriate county auditor within ten days after the cards are dated by the voter.*”

Page 3, line 15, strike “Upon” and insert “*Within ten days after*”

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Marty moved to amend S.F. No. 1483 as follows:

Page 13, line 36, after the first semicolon, insert “10;”

The motion prevailed. So the amendment was adopted.

On motion of Mr. Moe, R.D., the report of the Committee of the Whole, as kept by the Secretary, was adopted.

MOTIONS AND RESOLUTIONS – CONTINUED

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate revert to the Orders of Business of Reports of Committees and Second Reading of Senate Bills. The motion prevailed.

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted, with the exception of the reports on S.F. Nos. 2381, 2117 and 2346. The motion prevailed.

Mr. Solon from the Committee on Commerce and Consumer Protection, to which was referred

S.F. No. 2117: A bill for an act relating to commerce; regulating certain insurance and real property licensing terms and fees; providing for two-year licensing; amending Minnesota Statutes 1992, sections 60A.14, subdivision 1; 60A.19, subdivision 4; 60A.21, subdivision 2; 60K.03, subdivisions 1, 5, and

6; 60K.06; 60K.19, subdivision 8; 82.20, subdivisions 7 and 8; 82.21, by adding a subdivision; 82B.08, subdivisions 4 and 5; 82B.09, subdivision 1; 83.25; Minnesota Statutes 1993 Supplement, sections 60A.198, subdivision 3; 82.21, subdivision 1; 82.22, subdivisions 6 and 13; 82.34, subdivision 3.

Reports the same back with the recommendation that the bill be amended as follows:

Page 8, line 7, after "partnership" insert "renewal"

Page 9, delete lines 21 and 22 and insert:

"(c) Initial licenses issued under this section must be valid for a period not to exceed two years. The commissioner shall assign an expiration date to each initial license so that approximately one-half of all licenses expire each year. Each initial license must expire on October 31 of the expiration year assigned by the commissioner."

Page 10, line 1, after the period, insert "At least 15 of the 30 credit hours must be completed during the first 12 months of the 24-month licensing period."

Page 10, line 2, delete "12" and insert "six"

Page 10, line 10, delete "reported" and insert "earned"

Page 10, line 17, delete "Licenses" and strike "issued" and insert "Licenses renewed"

Page 13, line 27, after the period, insert "At least 15 of the 30 credit hours must be completed during the first 12 months of the 24-month licensing period."

Page 13, line 31, strike "salespersons and brokers shall report"

Page 13, line 32, after the stricken "basis" insert "must be earned"

Page 14, line 12, reinstate the stricken language

Page 14, delete line 13 and insert:

"(1) at least two hours of training every year during each license period in courses in"

Page 14, line 14, reinstate the stricken language

Page 14, line 15, reinstate the stricken "(2)"

Page 14, lines 19 to 23, reinstate the stricken language

Page 15, line 2, before "Licenses" insert "Initial"

Page 15, line 4, delete "of"

Page 15, delete line 5 and insert "not to exceed two years. The commissioner shall assign an expiration date to each initial license so that approximately one-half of all licenses expire each year. Each initial license must expire on August 31 of the expiration year assigned by the commissioner."

Page 15, line 8, after "(a)" insert "Licenses renewed under this chapter are valid for a period of 24 months."

Page 16, after line 6, insert:

“Sec. 20. Minnesota Statutes 1992, section 82B.19, subdivision 1, is amended to read:

Subdivision 1. [LICENSE RENEWALS.] A licensed real estate appraiser shall present evidence satisfactory to the commissioner of having met the continuing education requirements of this chapter before the commissioner renews a license.

The basic continuing education requirement for renewal of a license is the completion by the applicant either as a student or as an instructor, during the immediately preceding term of licensing, of at least ~~15~~ 30 classroom hours ~~per year~~, of instruction in courses or seminars that have received the approval of the commissioner. *If the applicant's immediately preceding term of licensing consisted of 12 or more months, but fewer than 24 months, the applicant must provide evidence of completion of 15 hours of instruction during the license period. If the immediately preceding term of licensing consisted of fewer than 12 months, no continuing education need be reported.*”

Page 16, line 33, delete “19” and insert “20”

Page 16, line 35, delete “20” and insert “21”

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 9, after the second semicolon, insert “82B.19, subdivision 1;”

And when so amended the bill do pass and be placed on the Consent Calendar. Mr. Merriam questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Mr. Lessard from the Committee on Environment and Natural Resources, to which was referred

S.F. No. 2289: A bill for an act relating to the environment; authorizing a person who wishes to construct or expand an air emission facility to reimburse certain costs of the pollution control agency; amending Minnesota Statutes 1992, section 116.07, subdivision 4d.

Reports the same back with the recommendation that the bill be amended as follows:

Page 3, line 31, delete “or” and insert “and”

Amend the title as follows:

Page 1, line 5, after the semicolon, insert “appropriating money;”

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Lessard from the Committee on Environment and Natural Resources, to which was re-referred

S.F. No. 2168: A bill for an act relating to agricultural businesses; exempting from sales tax the gross receipts of used farm machinery sales; providing matching moneys for federal emergency disaster funds to flood

damaged counties; providing supplemental funding for certain emergency employment programs, financial assistance programs under the ethanol production fund, and small business disaster loan programs; expanding research on grain diseases; increasing funding for the farm advocates program, agricultural resource centers, legal challenges to the federal milk market order system, farm and small business management programs at technical colleges, and the Farmers' Legal Action Group; providing funding to the Agricultural Utilization Research Institute; appropriating money; amending Minnesota Statutes 1992, sections 297A.02, subdivision 2; and 297A.25, by adding a subdivision; Minnesota Statutes 1993 Supplement, section 41B.044, subdivision 2; and Laws 1993, chapter 172, section 7, subdivision 3.

Reports the same back with the recommendation that the bill be amended as follows:

Page 4, line 16, before the first period, insert "*in accordance with Minnesota Statutes, section 480.242, subdivision 5*"

Page 4, delete section 11 and insert:

"Sec. 11. [APPROPRIATION; FARM FINANCIAL ASSISTANCE; STATE BOARD OF TECHNICAL COLLEGES.]

(a) \$285,000 is appropriated from the general fund to the state board of technical colleges for farm and small business management programs using the FINPAK computer software program and other training and assistance to provide financial information to farmers affected by the weather conditions in 1993 to be used as follows:

(1) \$20,000 for teleconferencing to provide information to farm and small business operators from federal and state agencies; and

(2) \$265,000 for support, assistance, and travel expenses for educators to target emergency assistance to persons in counties affected by the weather conditions in 1993.

(b) The board must coordinate the delivery of services with Minnesota extension to ensure broad coverage of the state for areas affected by the weather conditions in 1993. This appropriation is available until June 30, 1995.

Sec. 12. [APPROPRIATION; FARM FINANCIAL ASSISTANCE; MINNESOTA EXTENSION.]

(a) \$315,000 is appropriated from the general fund to the University of Minnesota for the Minnesota extension service for farm and small business management programs using the FINPAK computer software program and other training and assistance to provide financial information to farmers affected by the weather conditions in 1993 to be used as follows:

(1) \$50,000 to the center for farm financial management for computer software upgrades and support of educators providing financial information to farmers; and

(2) \$265,000 for support, assistance, and travel expenses for educators to target emergency assistance to persons in counties affected by the weather conditions in 1993.

(b) Minnesota extension must coordinate the delivery of services with the state board of technical colleges to ensure broad coverage of the state for areas affected by the weather conditions in 1993. This appropriation is available until June 30, 1995.

Page 5, line 2, after the period, insert *"This appropriation is available until June 30, 1995."*

Page 5, line 4, delete *"as"*

Page 5, line 5, delete *"supplemental funding"* and delete *"This"*

Page 5, delete lines 6 to 10

Page 5, line 14, delete *"and/or"* and insert *"or"* and delete *"great"*

Page 5, line 15, after the period, insert *"This appropriation is available until June 30, 1995."*

Page 5, line 17, before *"\$59,000"* insert *"(a)"*

Page 5, line 18, delete from *"for"* through page 5, line 19, to *"systems"* and insert *"as a one-time appropriation for family farm legal assistance for financially distressed dairy farmers under Minnesota Statutes, section 480.242, subdivision 5, clause (2)"*

Page 5, line 23, after the period, insert *"This appropriation is available until June 30, 1995. The income eligibility rules described in Minnesota Statutes, section 480.242, subdivision 2, paragraph (b), are waived for purposes of this appropriation."*

(b) The \$20,000 balance on May 22, 1993, of amounts authorized under Laws 1992, chapter 513, article 2, section 6, subdivision 5, is transferred to the general fund and is appropriated to the supreme court for family farm legal assistance rendered from July 1, 1993, through June 30, 1995, for financially distressed dairy farmers under Minnesota Statutes, section 480.242, subdivision 5, clause (2). The income eligibility rules described in Minnesota Statutes, section 480.242, subdivision 2, paragraph (b), are waived for purposes of this appropriation."

Page 5, line 25, delete *"This act is"* and insert *"Sections 2 and 3 are effective July 1, 1994. The remaining sections are"*

Re-number the sections in sequence

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Solon from the Committee on Commerce and Consumer Protection, to which was referred

S.F. No. 2346: A bill for an act relating to securities; face-amount certificate companies, open-end management companies, and unit investment trusts; providing for the calculation of registration fees and uniform expiration, renewal, and reporting provisions; amending Minnesota Statutes 1992, sections 80A.12, subdivisions 2, 9, 10, and by adding a subdivision; 80A.13, subdivision 1; and 80A.28, subdivision 1, and by adding a subdivision; repealing Minnesota Statutes 1992, section 80A.12, subdivision 9.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 22, delete "do" and insert "does" and delete "investment" and insert "management"

Page 2, line 17, delete "investment" and insert "management"

Page 2, line 26, delete "investment" and insert "management"

Page 2, line 34, delete "investment" and insert "management"

Page 2, line 36, delete the second "investment" and insert "management"

Page 3, line 2, delete "investment" and insert "management"

Pages 3 to 5, delete section 5

Page 5, line 34, delete "\$50" and insert "\$25"

Page 6, delete section 8 and insert:

"Sec. 7. [EFFECTIVE DATE.]

This act is effective July 1, 1995."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 8, delete "80A.13, subdivision 1;"

Page 1, line 9, delete the semicolon and insert a period

Page 1, delete lines 10 and 11

And when so amended the bill do pass and be placed on the Consent Calendar. Mr. Merriam questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Ms. Berglin from the Committee on Health Care, to which was referred

S.F. No. 2381: A bill for an act relating to health; giving the commissioner of administration authority to negotiate contracts for all prescription drugs sold in Minnesota; allowing correction orders to be issued; establishing a cause of action; establishing a formulary and a drug technology assessment committee; requiring price disclosure and cost savings; requiring a study of a statewide list of covered drugs; proposing coding for new law in Minnesota Statutes, chapters 16B; and 144.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [16B.93] [CONTRACTOR FOR PRESCRIPTION DRUGS.]

Subdivision 1. [DEFINITIONS.] (a) For purposes of sections 16B.93 to 16B.96, the following definitions apply.

(b) "Covered drug list" means all drugs that meet the contract bidding requirements set by the commissioner of administration.

(c) "Manufacturer" has the meaning provided in section 151.44.

(d) "Prescription drug" means a drug as defined in section 151.44, paragraph (d).

(e) "Purchaser" means a pharmacy as defined in section 151.01.

(f) "Rebate" means any money, incentives, or credits given.

(g) "Seller" means any person, other than a manufacturer, who sells or distributes drugs to purchasers or other sellers within the state.

Subd. 2. [MINNESOTA POOLED CONTRACT FOR PRESCRIPTION DRUG DISCOUNTS.] (a) Effective January 1, 1995, the commissioner of administration shall have the authority to negotiate price contracts for Minnesota purchasers for prescription drugs on the covered drug list established by the commissioner.

(b) The contract price for each drug on the covered drug list shall consist of, at a minimum, the average manufacturer's price minus 15 percent. However, either a better competitive bid price, or a better negotiated price, will be awarded. The initial average manufacturer's price is the purchaser's actual acquisition cost as of March 1, 1994. For purposes of computing the contract price in 1995 and each year thereafter for those drugs on the covered drug list, the commissioner shall not recognize increases in the average manufacturer's contracted price that exceed the rate of increase in the Consumer Price Index for all urban consumers (CPI-U).

Subd. 3. [EXEMPTION.] (a) The commissioner of human services may seek an exemption from the Medicaid prescription drug requirements of the Omnibus Budget Reconciliation Act of 1990 (Public Law Number 101-508) in order to allow medical assistance to participate in the state contracting program.

(b) The commissioner shall exempt drugs purchased by a hospital purchaser for its own use from the Minnesota covered drug list, unless the hospital purchaser chooses to participate. "For its own use" means that the purchased drugs are provided to or used for:

(1) patients registered at the hospital who are under active treatment by physicians employed by or under contract with the hospital;

(2) hospital employees, their spouses and dependents; or

(3) ancillary services or facilities for which the hospital is the majority owner.

"For its own use" does not include the provision of drugs to outpatient customers by pharmacies owned by the hospital.

(c) The commissioner shall exempt drugs purchased by community health clinics who meet the criteria listed in Minnesota Rules, part 9505.0255, from the Minnesota covered drug list, unless the community health clinic chooses to participate.

Subd. 4. [REBATES.] Rebates offered by manufacturers for drugs delivered to Minnesota sellers and purchasers are a violation of this section. This subdivision does not prohibit rebates received by the commissioner of human services through purchasing drugs for the medical assistance program.

Subd. 5. [ADDITIONAL DISCOUNTS.] Sections 16B.93 to 16B.96 do not prevent a purchaser from negotiating further discounts for distribution

services as long as the drug item and contract vendor of that drug remain the same as that established by the commissioner's contract award.

Subd. 6. [EXEMPTION FROM PREFERENCE REQUIREMENTS.] *In implementing this section, the commissioner is exempt from sections 16B.101, 16B.102, 16B.121, 16B.18, and 16B.19.*

Subd. 7. [RULEMAKING.] *The commissioner shall adopt rules to implement and administer sections 16B.93 to 16B.96 and to establish a covered drug list. The commissioner may adopt rules to exempt state agencies from the requirements of section 16B.94.*

Sec. 2. [16B.94] [STATE AGENCY PURCHASES.]

A state agency shall not purchase prescription drugs from a manufacturer that does not adhere to the contract price requirements established in section 16B.93. This requirement does not apply to the medical assistance program, to the extent the requirement would conflict with federal Medicaid requirements for the purchase of prescription drugs or would result in the loss of federal financial participation in the state medical assistance program.

Sec. 3. [16B.95] [CIVIL PENALTY.]

The commissioner may issue correction orders requiring violations of section 16B.93 to be corrected. The commissioner may assess administrative penalties for failure to comply with correction orders. The minimum amount of an administrative penalty order is \$1,000 per violation and the maximum amount is \$100,000 per violation.

Sec. 4. [16B.96] [PRICING DISCLOSURE.]

The commissioner of administration, in consultation with the commissioners of health and human services, shall compile the pricing of drugs from manufacturers and sellers serving all Minnesota purchasers. This information shall be updated on an annual basis and shall be filed with the information clearinghouse established under section 62J.33, subdivision 2.

Sec. 5. [62J.48] [DEMONSTRATION OF COST SAVINGS.]

Health plan companies and health care providers shall demonstrate, to the satisfaction of the commissioner of health, that cost savings resulting from participation in the Minnesota drug contracting program under section 16B.93, or resulting from an exemption from this program, are passed on to consumers or patients, in the form of lower premiums or copayments, or lower prices. The commissioner of health shall adopt rules to administer this section.

Sec. 6. [STATEWIDE LIST OF COVERED DRUGS.]

The commissioner of human services, in consultation with the commissioner of administration, shall develop recommendations for a statewide drug formulary. The commissioner shall report these recommendations to the legislature by January 1, 1995."

Delete the title and insert:

"A bill for an act relating to health; giving the commissioner of administration authority to negotiate contracts for all prescription drugs sold in Minnesota; allowing correction orders to be issued; requiring price disclosure

and cost savings; requiring a study of a statewide list of covered drugs; proposing coding for new law in Minnesota Statutes, chapters 16B; and 62J."

And when so amended the bill do pass and be re-referred to the Committee on Finance. Ms. Kiscaden questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Ms. Piper from the Committee on Family Services, to which was referred

S.F. No. 2271: A bill for an act relating to family law; requiring publication of names of certain delinquent child support obligors; proposing coding for new law in Minnesota Statutes, chapter 518.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, after line 6, insert:

"Section 1. Minnesota Statutes 1993 Supplement, section 13.46, subdivision 2, is amended to read:

Subd. 2. [GENERAL.] (a) Unless the data is summary data or a statute specifically provides a different classification, data on individuals collected, maintained, used, or disseminated by the welfare system is private data on individuals, and shall not be disclosed except:

- (1) pursuant to section 13.05;
- (2) pursuant to court order;
- (3) pursuant to a statute specifically authorizing access to the private data;
- (4) to an agent of the welfare system, including a law enforcement person, attorney, or investigator acting for it in the investigation or prosecution of a criminal or civil proceeding relating to the administration of a program;
- (5) to personnel of the welfare system who require the data to determine eligibility, amount of assistance, and the need to provide services of additional programs to the individual;
- (6) to administer federal funds or programs;
- (7) between personnel of the welfare system working in the same program;
- (8) the amounts of cash public assistance and relief paid to welfare recipients in this state, including their names and social security numbers, upon request by the department of revenue to administer the property tax refund law, supplemental housing allowance, and the income tax;
- (9) to the Minnesota department of jobs and training for the purpose of monitoring the eligibility of the data subject for unemployment compensation, for any employment or training program administered, supervised, or certified by that agency, or for the purpose of administering any rehabilitation program, whether alone or in conjunction with the welfare system, and to verify receipt of energy assistance for the telephone assistance plan;
- (10) to appropriate parties in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the individual or other individuals or persons;

(11) data maintained by residential facilities as defined in section 245A.02 may be disclosed to the protection and advocacy system established in this state pursuant to Part C of Public Law Number 98-527 to protect the legal and human rights of persons with mental retardation or other related conditions who live in residential facilities for these persons if the protection and advocacy system receives a complaint by or on behalf of that person and the person does not have a legal guardian or the state or a designee of the state is the legal guardian of the person;

(12) to the county medical examiner or the county coroner for identifying or locating relatives or friends of a deceased person;

(13) data on a child support obligor who makes payments to the public agency may be disclosed to the higher education coordinating board to the extent necessary to determine eligibility under section 136A.121, subdivision 2, clause (5);

(14) participant social security numbers and names collected by the telephone assistance program may be disclosed to the department of revenue to conduct an electronic data match with the property tax refund database to determine eligibility under section 237.70, subdivision 4a;

(15) the current address of a recipient of aid to families with dependent children, medical assistance, general assistance, work readiness, or general assistance medical care may be disclosed to law enforcement officers who provide the name and social security number of the recipient and satisfactorily demonstrate that: (i) the recipient is a fugitive felon, including the grounds for this determination; (ii) the location or apprehension of the felon is within the law enforcement officer's official duties; and (iii) the request is made in writing and in the proper exercise of those duties; ~~or~~

(16) information obtained from food stamp applicant or recipient households may be disclosed to local, state, or federal law enforcement officials, upon their written request, for the purpose of investigating an alleged violation of the food stamp act, in accordance with Code of Federal Regulations, title 7, section 272.1(c); *or*

(17) data on a child support obligor who is in arrears may be disclosed for purposes of publishing the data pursuant to section 518.575.

(b) Information on persons who have been treated for drug or alcohol abuse may only be disclosed in accordance with the requirements of Code of Federal Regulations, title 42, sections 2.1 to 2.67.

(c) Data provided to law enforcement agencies under paragraph (a), clause (15) or (16); or (b) are investigative data and are confidential or protected nonpublic while the investigation is active. The data are private after the investigation becomes inactive under section 13.82, subdivision 5, paragraph (a) or (b).

(d) Mental health data shall be treated as provided in subdivisions 7, 8, and 9, but is not subject to the access provisions of subdivision 10, paragraph (b)."

Page 1, line 9, delete "Once each month" and insert "Every three months" and delete "state" and insert "department of human services".

Page 1, line 10, delete "legal"

Page 1, line 14, after "payment" insert "or had an amount intercepted from federal or state taxes" and after the period, insert "An obligor's name may not be published if the obligor claims in writing, and the department of human services determines, there is good cause for the nonpayment of child support."

Page 1, after line 16, insert:

"Before publishing the name of the obligor, the department of human services shall send a notice to the obligor's last known address which states the department's intention to publish the obligor's name and the amount of child support the obligor owes. The notice must also provide an opportunity to have the obligor's name removed from the list by paying the arrearage or by entering into an agreement to pay the arrearage, and the final date when the payment or agreement can be accepted."

Sec. 3. [REPORT TO LEGISLATURE.]

The department of human services shall report to the legislature in January 1996, in the department of human services annual report to the legislature, the fiscal implications of the program, including related costs and savings."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "amending Minnesota Statutes 1993 Supplement, section 13.46, subdivision 2;"

And when so amended the bill do pass and be re-referred to the Committee on Judiciary. Amendments adopted. Report adopted.

Mr. Metzen from the Committee on Governmental Operations and Reform, to which was re-referred

S.F. No. 1849: A bill for an act relating to occupations and professions; providing that health-related licensing boards may establish a program to protect the public from impaired regulated persons; providing for appointments; providing for rulemaking; appropriating money; amending Minnesota Statutes 1993 Supplement, section 214.06, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 214.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 24, delete "8" and insert "7"

Page 4, line 1, delete "8" and insert "7"

Page 5, line 31, delete "8" and insert "7"

Page 6, line 15, delete "7" and insert "6"

Page 6, delete section 6

Page 7, line 3, delete "7" and insert "6"

Page 7, lines 6 and 15, delete "9" and insert "8"

Page 7, line 10, delete "8" and insert "7"

Renumber the sections in sequence

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Metzen from the Committee on Governmental Operations and Reform, to which was re-referred

S.F. No. 1742: A bill for an act relating to state departments and agencies; environmental quality board; providing that the board may provide its own staff and administration; amending Minnesota Statutes 1992, section 116C.03, subdivision 4; repealing Minnesota Statutes 1992, section 116C.03, subdivision 5.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, after line 8, insert:

“Section 1. Minnesota Statutes 1992, section 116.02, subdivision 1, is amended to read:

Subdivision 1. ~~A pollution control agency, designated as~~ The Minnesota pollution control agency, ~~is hereby created. The agency shall consist~~ consists of nine members appointed by the governor, by and with the advice and consent of the senate, ~~and the commissioner of the agency. One of such the~~ members ~~shall~~ must be a person knowledgeable in the field of agriculture.

Sec. 2. Minnesota Statutes 1992, section 116.02, subdivision 4, is amended to read:

Subd. 4. *The commissioner shall serve as the chair of the agency. The agency shall elect a chair and such other officers as it deems necessary.*”

Re-number the sections in sequence

Amend the title as follows:

Page 1, line 2, after the semicolon, insert “pollution control agency; providing for the commissioner of the pollution control agency to serve as chair of the agency;”

Page 1, line 5, delete “section” and insert “sections 116.02, subdivisions 1 and 4;”

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Metzen from the Committee on Governmental Operations and Reform, to which was referred

S.F. No. 2720: A bill for an act relating to human development; appropriating money for preliminary planning and programming for a human development center.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 8, after “1995” insert “to the capitol area architectural and planning board”

Page 1, line 11, delete “shall” and insert “must”

Page 1, line 19, delete "will" and insert "shall"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Metzen from the Committee on Governmental Operations and Reform, to which was referred

S.F. No. 2464: A bill for an act relating to retirement; authorizing the purchase of prior service credit in the public employees retirement association by an employee of the city of Minneapolis.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Mr. Bertram from the Committee on Agriculture and Rural Development, to which was re-referred

S.F. No. 2072: A bill for an act relating to commerce; agriculture; adding labeling requirements for salvaged food; adding licensing and permit requirements for salvaged food distributors; adding record keeping requirements; requiring salvaged food served for compensation to be identified; appropriating money; amending Minnesota Statutes 1992, section 31.495, subdivisions 1, 2, and 5, and by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 31.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, after line 11, insert:

"Section 1. Minnesota Statutes 1992, section 30.49, subdivision 2, is amended to read:

Subd. 2. [NATURAL LAKE OR RIVER WILD RICE.] (a) (i) A package containing only 100 percent natural lake or river wild rice that is offered for sale at wholesale or retail sale in this state must be plainly and conspicuously labeled as "100 percent naturally grown, lake and river wild rice" in letters of a size and form prescribed by the commissioner. A package of wild rice labeled "100 percent naturally grown, lake and river wild rice" must also contain the license number issued under section 84.152 of the last licensed dealer, if any, who handled the wild rice.

(ii) *A package containing only 100 percent natural lake or river wild rice that contains a portion of wild rice grown in Canada and offered for wholesale or retail sale in Minnesota must be plainly and conspicuously labeled as "Canadian" wild rice in letters of a size and form prescribed by the commissioner.*

(b) A package that does not contain 100 percent natural lake or river wild rice may not contain a label authorized under paragraph (a).

(c) A package containing a portion of 100 percent naturally grown lake and river wild rice that is harvested by use of mechanical harvesting devices and that is offered for sale at wholesale or retail in this state must be plainly and conspicuously labeled as "machine harvested" in letters of a size and form prescribed by the commissioner. In addition, the letters "machine

harvested" must be placed near the product's identity on the label. Packages containing 100 percent hand-harvested wild rice may be labeled as "hand harvested."

Page 2, line 20, delete "or retail"

Page 3, lines 4 and 7, after "processor" insert "or distributor"

Page 3, line 12, after the second comma, insert "at wholesale,"

Page 3, line 16, delete everything after the period

Page 3, delete lines 17 to 21

Page 3, line 29 after "food" insert ", except as described in paragraph (e)."

Page 3, line 32, delete everything after the period

Page 3, delete lines 33 to 36 and insert:

"(c) All persons selling salvaged food, at retail, except as described in paragraph (e), shall notify the consumer that the food is salvaged either by (1) labeling each retail package or container "salvaged" or "reconditioned" or (2) posting a conspicuous placard at the retail display location stating "salvaged food" or "reconditioned food." Placards must be readable, using letters of not less than 1-1/2 inch type. Placards may also state "This item has been reconditioned and has been determined wholesome for human consumption under applicable state requirements by (name of food seller)."

(d)"

Page 4, after line 7, insert:

"(e) Paragraphs (b) and (c) do not apply to food products damaged in the normal course of handling and transportation, where the food is intact in its original container and has not been subject to fire, chemical spills, temperature abuse in perishable food products, immersion in water, or other similar risk of contamination."

Page 4, line 14, delete everything after the comma

Page 4, line 15, delete "address of the manufacturer or distributor,"

Page 4, line 16, delete "and"

Page 4, line 17, after "conducted" insert ", and the purchase of the salvaged food"

Page 5, delete sections 6 and 7 and insert:

"Sec. 7. [COMMISSIONER'S STUDY.]

The commissioner, in consultation with the commissioner of health and affected industry, shall study the need for further regulation of the purchase, reconditioning, and sale of salvaged food from food service establishments and retailers within the state and those received in interstate commerce. The commissioner shall report to the legislature by January 15, 1996, on the results of the study."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 6, after the semicolon, insert "providing for labeling of Canadian wild rice;"

Page 1, line 7, delete "appropriating money;"

Page 1, line 8, delete "section" and insert "sections 30.49, subdivision 2; and"

Page 1, line 9, delete everything after "subdivisions"

Page 1, line 10, delete everything before the period

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Bertram from the Committee on Agriculture and Rural Development, to which was referred

S.F. No. 2325: A bill for an act relating to agriculture; providing for an agricultural processing facility loan program administered by the rural finance authority; providing for funding; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 41B.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [41B.045] [VALUE-ADDED AGRICULTURAL PRODUCT LOAN PROGRAM.]

Subdivision 1. [DEFINITIONS.] For purposes of this section:

(1) "Agricultural product processing facility" means land, buildings, structures, fixtures, and improvements located or to be located in Minnesota and used or operated primarily for the processing or production of marketable products from agriculture crops, including waste and residues from agriculture crops, but not including livestock or livestock products, poultry or poultry products, or wood or wood products.

(2) "Value-added agricultural product" means a product derived from agricultural crops, including waste and residues from agricultural crops, but not including livestock or livestock products, poultry or poultry products, or wood or wood products, which are processed by an agricultural product processing facility.

Subd. 2. [ESTABLISHMENT.] The authority shall establish and implement a value-added agricultural product loan program to help farmers finance the purchase of stock in a cooperative proposing to build or purchase and operate an agricultural product processing facility.

Subd. 3. [REVOLVING FUND.] There is established in the state treasury a value-added agricultural product revolving fund which is eligible to receive appropriations. All repayments of financial assistance granted under subdivision 2, including principal and interest, must be deposited into this fund. Interest earned on money in the fund accrues to the fund, and money in the fund is appropriated to the commissioner of agriculture for purposes of the

value-added agricultural loan program, including costs incurred by the authority to establish and administer the program.

Subd. 4. [ELIGIBILITY.] To be eligible for this program a borrower must:

(1) be a resident of Minnesota or a domestic family farm corporation as defined in section 500.24, subdivision 2;

(2) be a grower of the agricultural product which is to be processed by an agricultural product processing facility;

(3) demonstrate an ability to repay the loan; and

(4) meet any other requirements which the authority may impose by rule.

Subd. 5. [LOANS.] (a) The authority may participate in a stock loan with an eligible lender to a farmer who is eligible under subdivision 4. Participation is limited to 50 percent of the principal amount of the loan or \$30,000, whichever is less. The interest rates and repayment terms of the authority's participation interest may differ from the interest rates and repayment terms of the lender's retained portion of the loan, but the authority's interest rate may not exceed 50 percent of the lender's interest rate.

(b) Loans under this program may not be included in lifetime limitation calculated under section 41B.03, subdivision 1, clause (3).

(c) Security for stock loans must be the stock purchased, a personal note executed by the borrower, and whatever other security is required by the eligible lender or the authority.

(d) The authority may impose a reasonable nonrefundable application fee for each application for a stock loan. The authority may review the fee annually and make adjustments as necessary. The application fee is initially \$50. Application fees received by the authority must be deposited in the value-added agricultural product revolving fund.

(e) Stock loans under this program will be made using money in the value-added agricultural product revolving fund established under subdivision 3.

(f) The authority may not grant stock loans in a cumulative amount exceeding \$10,000,000 for the financing of stock purchases in any one cooperative.

Subd. 6. [RULES.] The authority shall adopt rules necessary for the administration of the program established under subdivision 2, including rules which establish a minimum cost of any agricultural product processing facility for which financial assistance may be given to any farmer to help finance the purchase of stock in a cooperative.

Sec. 2. [VALUE-ADDED AGRICULTURAL PRODUCT LOAN PROGRAM FUNDING.]

\$..... is appropriated from the general fund to the value-added agricultural revolving fund to fund the authority's value-added agricultural product loan program under section 1.

Sec. 3. [EFFECTIVE DATE.]

The act is effective the day following final enactment."

Amend the title as follows:

Page 1, lines 2 and 3, delete "an agricultural processing facility" and insert "a value-added agricultural product"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Lessard from the Committee on Environment and Natural Resources, to which was referred

S.F. No. 2445: A bill for an act relating to game and fish; clarifying the purposes for which various game and fish revenues may be spent; requiring establishment of citizen oversight committees to review expenditures of game and fish revenues; appropriating money and reducing earlier appropriations; amending Minnesota Statutes 1992, sections 97A.055, by adding a subdivision; 97A.061, subdivision 1; 97A.071, subdivision 3, and by adding subdivisions; 97A.075, subdivisions 2, 3, and 4; 97A.165; 97A.475, subdivisions 6, 7, 8, and 13; and 97A.485, subdivision 7; Minnesota Statutes 1993 Supplement, sections 97A.055, subdivision 4; 97A.061, subdivision 3; 97A.071, subdivision 2; and 97A.475, subdivision 12; repealing Minnesota Statutes 1992, sections 97A.065, subdivision 3; 97A.071, subdivision 4; 97A.475, subdivision 9; and 103E.615, subdivision 6.

Reports the same back with the recommendation that the bill be amended as follows:

Pages 3 and 4, delete sections 3 and 4

Page 5, line 8, after "*means*" insert "*noxious weed control and other*"

Page 7, delete section 12

Page 8, after line 34, insert:

"Sec. 15. Minnesota Statutes 1993 Supplement, 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. An auditor or subagent must provide information on the purposes for which license receipts are spent and the effects of applying for a refund.~~

(g) For duplicate licenses, the issuing fees are:

- (1) for licenses to take big game, 75 cents; and
- (2) for other licenses, 50 cents."

Page 9, after line 12, insert:

"Sec. 17. [FISHING LICENSE REVENUES.]

For the 1996-1997 biennium, the additional \$2.50 added to the licenses in sections 10 to 16 of this act may only be used in the division of enforcement for enforcement of laws related to fish and in the section of fisheries. Expenditures must be focused on individual lake management, habitat preservation and improvement, and education. Personnel costs must be limited to on-site work."

Page 9, delete lines 23 to 27

Page 9, line 28, delete "(3)" and insert "(1)"

Page 9, line 29, delete "\$52,000" and insert "\$49,000"

Page 9, line 30, delete "(4)" and insert "(2)"

Page 9, line 32, delete "(5)" and insert "(3)"

Page 9, after line 33, insert:

"(c) \$200,000 is appropriated from the wildlife acquisition account to the commissioner of natural resources for only the purposes specified in Minnesota Statutes, section 97A.071. This appropriation is available until June 30, 1995."

Page 10, line 10, delete "13 to 18 and section 21" and insert "10 to 16 and 20"

Page 10, line 12, delete "21" and insert "20"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 6, after the semicolon, insert "abolishing the angling license refund for senior citizens;"

Page 1, lines 8 and 9, delete "97A.061, subdivision 1;"

Page 1, line 11, delete "97A.165;"

Page 1, lines 13 and 14, delete "97A.061, subdivision 3;" and delete "and"

Page 1, line 15, after the semicolon, insert "and 97A.485, subdivision 6;"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Metzen from the Committee on Governmental Operations and Reform, to which was re-referred

S.F. No. 1695: A bill for an act relating to veterans; establishing a veterans' cemetery; providing for funding; appropriating money; amending Minnesota Statutes 1992, sections 349.212, subdivision 1; 349.213, subdivision 1; Minnesota Statutes 1993 Supplement, sections 349.12, subdivision 25; and 349.212, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 197; repealing Minnesota Statutes 1992, section 197.235.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [197.236] [VETERANS' CEMETERY.]

Subdivision 1. [ADVISORY COUNCIL; PURPOSE.] The veterans' cemetery advisory council is established for the purpose of advising the commissioner of veterans affairs on all matters relating to the development, operation, and maintenance of the cemetery established under this section, and to manage the fundraising for the veterans' cemetery trust account established in subdivision 7. The advisory council and its members are governed by section 15.059, except that the terms of members are governed by subdivision 2. The council shall meet at least quarterly. The commissioner of veterans affairs shall provide administrative support and meeting space for the advisory council.

Subd. 2. [COUNCIL MEMBERSHIP; TERMS.] The advisory council is composed of nine members appointed by the governor to six-year terms. One member each must be appointed from the membership of the following organizations: the Veterans of Foreign Wars, the American Legion, and the Disabled American Veterans. One member must be appointed from the membership of the auxiliary of any of these three veterans' organizations. One member must have experience in mortuary science or funeral home operations. One member must have experience in cemetery management and operation. The remaining members must be persons experienced in policy development, civic and community affairs, forms of public service, or legal work, and at least two of these persons must be veterans. No fewer than four nor more than five of the members must be residents of the metropolitan area as defined in section 473.121, subdivision 2, and not more than six of the members must be of the same gender. All members of the advisory council must be legal residents of the state of Minnesota while serving on the council. No person may serve consecutive terms on the advisory council. The governor shall designate the chair of the council.

Subd. 3. [OPERATION AND MAINTENANCE.] The commissioner of veterans affairs shall supervise and control the veterans' cemetery established under this section. The commissioner may contract for the maintenance and operation of the cemetery. All personnel, equipment, and support necessary for maintenance and operation of the cemetery, as well as the expenses and per diem of the advisory council, must be included in the department's budget.

Subd. 4. [ACQUISITION OF PROPERTY.] The department of veterans affairs shall receive by gift and establish ownership of the site of approximately 36 acres adjacent to Camp Ripley in Morrison county that has been prepared for the purpose of a state veterans' cemetery by the Minnesota state veterans' cemetery association. Before the acquisition of this land, the department must obtain the approval of the Morrison county board. The department may also receive any equipment and materials granted to the state or any of its political subdivisions for this purpose.

Subd. 5. [RULES.] The commissioner of veterans affairs shall adopt rules regarding the operation of the cemetery. If practicable, the commissioner shall require that upright granite markers be used to mark all gravesites.

Subd. 6. [PERMANENT MAINTENANCE ACCOUNT.] The veterans' cemetery maintenance account is an account in the special revenue fund of the state treasury. Receipts for burial fees, earnings from the veterans' cemetery trust account, designated appropriations, and any other cemetery receipts must be deposited into this account. This account must be used for the development, operation, maintenance, and improvement of the cemetery, and to pay the expenses and per diem of the advisory council. To the extent practicable, the commissioner of veterans affairs must apply for available federal grants for the development and operation of the cemetery.

Subd. 7. [PERMANENT TRUST ACCOUNT.] The veterans' cemetery trust account is an account in the special revenue fund of the state treasury. All designated appropriations and monetary donations to the cemetery must be placed in this account. The principal of this account must be invested by the state board of investment and may not be spent. The income from this account must be transferred as directed by the account manager to the veterans' cemetery maintenance account.

Subd. 8. [ELIGIBILITY FOR BURIAL.] The following persons are eligible for burial in the state veterans' cemetery:

(1) a veteran who has been discharged, under other than dishonorable conditions, from the armed forces of the United States;

(2) a person who has completed qualified service for retirement from, or died in the line of duty for, the Minnesota national guard or any Minnesota reserve component of the United States military forces; and

(3) the spouse or dependent child of a person in clause (1) or (2).

Subd. 9. [BURIAL FEES.] The commissioner of veterans affairs shall establish a fee schedule, which may be adjusted from time to time, for the interment of eligible family members. The fees shall cover as nearly as practicable the actual costs of interment, excluding the value of the plot. The department may accept the social security burial allowance, if any, of the eligible family members in an amount not to exceed the actual cost of the interment. The commissioner may waive the fee in the case of an indigent eligible person.

No plot or interment fees may be charged for the burial of eligible veterans, members of the national guard, or military reservists, except that funds available from the social security or veterans' burial allowances, if any, must be paid to the commissioner in an amount not to exceed the actual cost of the interment, excluding the value of the plot.

Prior to the interment of an eligible person, the commissioner shall request the cooperation of the eligible person's next of kin in applying to the appropriate federal agencies for payment to the cemetery of any allowable interment allowance.

Subd. 10. [ALLOCATION OF PLOTS.] A person, or survivor of a person, eligible for interment in the state veterans' cemetery may apply for a burial plot for the eligible person by submitting a request to the commissioner of veterans affairs on a form supplied by the department. The department shall allot plots on a first-come, first-served basis. To the extent that it is practical, plots must be allocated in a manner permitting the burial of eligible family members above, below, or adjacent to the eligible veteran, member of the national guard, or military reservist.

Sec. 2. [INITIAL APPOINTMENTS.]

Notwithstanding section 1, subdivision 2, the terms of members initially appointed to the veterans' cemetery advisory council are as follows: three persons each must be appointed for two-year, four-year, and six-year terms. Upon expiration of any member's term, a person must be appointed to that position for a six-year term. A person appointed to a two- or four-year term may be reappointed to one consecutive six-year term.

Sec. 3. [SCHEDULE; ACQUISITION OF PROPERTY.]

The acquisition of property by the department of veterans affairs required under section 1, subdivision 4, must occur by August 1, 1994, or as soon after that date as practicable.

Sec. 4. [APPROPRIATION.]

\$750,000 is appropriated from the general fund to the department of veterans affairs to be placed in the veterans' cemetery maintenance account of the special revenue fund of the state treasury for use in the development, operation, and maintenance of the state veterans' cemetery established in section 1, and to pay the expenses and per diem of its advisory council. This amount is available until expended.

\$. is appropriated from the general fund to the department of veterans affairs to be placed in the veterans' cemetery trust account of the special revenue fund of the state treasury where it must remain permanently as principal for use as specified in section 1, subdivision 7.

Sec. 5. [REPEALER.]

Minnesota Statutes 1992, section 197.235, is repealed.

Sec. 6. [EFFECTIVE DATE.]

Sections 1 to 5 are effective July 1, 1994."

Delete the title and insert:

"A bill for an act relating to veterans; establishing a veterans' cemetery; providing for funding; appropriating money; proposing coding for new law in

Minnesota Statutes, chapter 197; repealing Minnesota Statutes 1992, section 197.235."

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Mondale; for Mrs. Adkins, from the Committee on Metropolitan and Local Government, to which was re-referred

S.F. No. 2719: A bill for an act relating to cities; authorizing and establishing the Chisholm/Hibbing airport authority.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, delete section 1

Page 3, line 23, after "act" insert "shall"

Page 3, lines 24 and 26, after "whom" insert "shall be"

Page 3, line 33, after "serve" insert "until the remainder of their term and"

Page 6, line 36, delete everything after "(3)"

Page 7, line 2, delete "real or"

Page 7, line 9, after "facilities" insert "with approval of the city councils"

Page 10, line 21, delete "airports" and insert "airport"

Page 12, line 10, delete "may" and insert "shall, at the request of the authority,"

Page 13, line 13, after the comma, insert "the Chisholm/Hibbing airport commission is dissolved and"

Renumber the sections in sequence

And when so amended the bill do pass and be re-referred to the Committee on Taxes and Tax Laws. Amendments adopted. Report adopted.

Ms. Piper from the Committee on Family Services, to which was re-referred

S.F. No. 2572: A bill for an act relating to human services; clarifying the effect of a record of conviction of certain crimes on disqualification in connection with certain human services licenses; strengthening provisions concerning residential treatment programs; modifying certain child abuse reporting requirements; amending Minnesota Statutes 1992, sections 245A.04, subdivision 3a; 245A.12, subdivision 8; 245A.13, subdivisions 1, 3c, and by adding a subdivision; 256.0361, by adding a subdivision; 626.556, subdivisions 3 and 7; Minnesota Statutes 1993 Supplement, sections 13.46, subdivision 4; 245A.04, subdivisions 3 and 3b; 626.556, subdivision 10; and Laws 1993, chapter 171, section 6.

Reports the same back with the recommendation that the bill be amended as follows:

Pages 1 to 3, delete section 1

Page 13, delete section 9

Page 21, delete lines 2 and 3 and insert:

“Sections 1 to 7 and section 11 are effective the day following final enactment.”

Re-number the sections in sequence

Amend the title as follows:

Page 1, line 10, delete everything after the semicolon

Page 1, line 11, delete “subdivision;”

Page 1, lines 12 and 13, delete “13.46, subdivision 4;”

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Mr. Bertram from the Committee on Agriculture and Rural Development, to which was referred

S.F. No. 2430: A bill for an act relating to wild animals; compensation to livestock owners for damage done by certain protected mammals; amending Minnesota Statutes 1992, section 3.737, subdivisions 1 and 4.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 18, strike “agent” and insert “educator”

Page 1, line 23, strike “agent’s” and insert “educator’s”

Page 2, line 4, after “mammal” insert “under the Federal Endangered Species Act of 1973”

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Bertram from the Committee on Agriculture and Rural Development, to which was referred

S.F. No. 2247: A bill for an act relating to agriculture; changing the law on nuisance liability of agricultural operations; amending Minnesota Statutes 1992, section 561.19, subdivisions 1, 2, and by adding a subdivision.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 22, delete “15” and insert “25” and delete “in the amount of a”

Page 1, line 23, delete “particular crop grown or the number”

Page 2, line 1, delete “crop,”

Page 2, line 3, delete “technique” and insert “generally accepted agricultural practice”

Page 2, delete lines 19 to 24 and insert:

“(b) An agricultural operation is operating according to generally accepted agricultural practices if it is located in an agriculturally-zoned area

and complies with the provisions of all applicable federal and state statutes and rules or any issued permits for the operation.”

Page 3, delete section 3

Amend the title as follows:

Page 1, line 5, delete the first comma and insert “and” and delete “, and by adding a subdivision”

And when so amended the bill do pass and be re-referred to the Committee on Judiciary. Amendments adopted. Report adopted.

Mr. Bertram from the Committee on Agriculture and Rural Development, to which was referred

S.F. No. 2435: A bill for an act relating to natural resources; appropriating money for beaver damage control.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Finance. Report adopted.

Mr. Berg from the Committee on Gaming Regulation, to which was referred

S.F. No. 2685: A bill for an act relating to lawful gambling; regulating the conduct of lawful gambling; appropriating money; amending Minnesota Statutes 1992, sections 299L.02, subdivision 5, and by adding a subdivision; 349.12, subdivision 18; 349.13; 349.151, subdivision 4; and 349.211, subdivision 2a.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1992, section 299L.02, subdivision 5, is amended to read:

Subd. 5. [BACKGROUND CHECKS.] In any background check required to be conducted by the division of gambling enforcement under chapter 240, 349, ~~or~~ 349A, or section 3.9221, the director may, or shall when required by law, require that fingerprints be taken and the director may forward the fingerprints to the Federal Bureau of Investigation for the conducting of a national criminal history check. *The director may charge a fee for fingerprint recording and investigation under section 3.9221.*

Sec. 2. Minnesota Statutes 1992, section 299L.02, is amended by adding a subdivision to read:

Subd. 6. [REVOLVING ACCOUNT.] *The director shall deposit in a separate account in the state treasury all money received from charges for investigations and background checks under compacts negotiated under section 3.9221. Money in the account is appropriated to the director for the purposes of carrying out the director's powers and duties under those compacts.*

Sec. 3. Minnesota Statutes 1992, section 349.12, subdivision 18, is amended to read:

Subd. 18. [GAMBLING EQUIPMENT.] “Gambling equipment” means:

bingo cards or sheets, devices for selecting bingo numbers, pull-tabs, jar tickets, paddlewheels, and tipboards, and pull-tab dispensing devices.

Sec. 4. Minnesota Statutes 1993 Supplement, section 349.12, subdivision 25, is amended to read:

Subd. 25. (a) "Lawful purpose" means one or more of the following:

(1) any expenditure by or contribution to a 501(c)(3) organization, provided that the organization and expenditure or contribution are in conformity with standards prescribed by the board under section 349.154;

(2) a contribution to an individual or family suffering from poverty, homelessness, or physical or mental disability, which is used to relieve the effects of that poverty, homelessness, or disability;

(3) a contribution to an individual for treatment for delayed posttraumatic stress syndrome or a contribution to a recognized program for the treatment of compulsive gambling on behalf of an individual who is a compulsive gambler;

(4) a contribution to or expenditure on a public or private nonprofit educational institution registered with or accredited by this state or any other state;

(5) a contribution to a scholarship fund for defraying the cost of education to individuals where the funds are awarded through an open and fair selection process;

(6) activities by an organization or a government entity which recognize humanitarian or military service to the United States, the state of Minnesota, or a community, subject to rules of the board, *provided that the rules must impose no limit on the amount of reasonable and necessary expenditures made to support a military marching unit;*

(7) recreational, community, and athletic facilities and activities intended primarily for persons under age 21, provided that such facilities and activities do not discriminate on the basis of gender, as evidenced by (i) provision of equipment and supplies, (ii) scheduling of activities, including games and practice times, (iii) supply and assignment of coaches or other adult supervisors, (iv) provision and availability of support facilities, and (v) whether the opportunity to participate reflects each gender's demonstrated interest in the activity, provided that nothing in this clause prohibits a contribution to or expenditure on an educational institution or other entity that is excepted from the prohibition against discrimination based on sex contained in the Higher Education Act Amendments of 1976, United States Code, title 20, section 1681;

(8) payment of local taxes authorized under this chapter, taxes imposed by the United States on receipts from lawful gambling, and the tax imposed by section 349.212, subdivisions 1 and 4, and the tax imposed on unrelated business income by section 290.05, subdivision 3;

(9) payment of real estate taxes and assessments on licensed gambling premises wholly owned by the licensed organization paying the taxes, not to exceed:

(i) the amount which an organization may expend under board rule on rent for premises used for bingo; or

(ii) \$15,000 per year for premises used for other forms of lawful gambling;

(10) a contribution to the United States, this state or any of its political subdivisions, or any agency or instrumentality thereof other than a direct contribution to a law enforcement or prosecutorial agency;

(11) a contribution to or expenditure by a nonprofit organization, church, or body of communicants gathered in common membership for mutual support and edification in piety, worship, or religious observances; or

(12) payment of one-half of the reasonable costs of an audit required in section 349.19, subdivision 9.

(b) Notwithstanding paragraph (a), "lawful purpose" does not include:

(1) any expenditure made or incurred for the purpose of influencing the nomination or election of a candidate for public office or for the purpose of promoting or defeating a ballot question;

(2) any activity intended to influence an election or a governmental decision-making process;

(3) the erection, acquisition, improvement, expansion, repair, or maintenance of real property or capital assets owned or leased by an organization, except as provided in clause (6), unless the board has first specifically authorized the expenditures after finding that (i) the real property or capital assets will be used exclusively for one or more of the purposes in paragraph (a); (ii) with respect to expenditures for repair or maintenance only, that the property is or will be used extensively as a meeting place or event location by other nonprofit organizations or community or service groups and that no rental fee is charged for the use; (iii) with respect to expenditures, including a mortgage payment or other debt service payment, for erection or acquisition only, that the erection or acquisition is necessary to replace with a comparable building, a building owned by the organization and destroyed or made uninhabitable by fire or natural disaster, provided that the expenditure may be only for that part of the replacement cost not reimbursed by insurance; or (iv) with respect to expenditures, including a mortgage payment or other debt service payment, for erection or acquisition only, that the erection or acquisition is necessary to replace with a comparable building a building owned by the organization that was acquired from the organization by eminent domain or sold by the organization to a purchaser that the organization reasonably believed would otherwise have acquired the building by eminent domain, provided that the expenditure may be only for that part of the replacement cost that exceeds the compensation received by the organization for the building being replaced;

(4) an expenditure by an organization which is a contribution to a parent organization, foundation, or affiliate of the contributing organization, if the parent organization, foundation, or affiliate has provided to the contributing organization within one year of the contribution any money, grants, property, or other thing of value;

(5) a contribution by a licensed organization to another licensed organization unless the board has specifically authorized the contribution. The board must authorize such a contribution when requested to do so by the contributing organization unless it makes an affirmative finding that the contribution will not be used by the recipient organization for one or more of the purposes in paragraph (a);

(6) the erection, acquisition, improvement, or expansion of real property or capital assets which will be used for one or more of the purposes in paragraph (a), clause (7), unless the organization making the expenditures notifies the board at least 15 days before making the expenditure; or

(7) a contribution to a statutory or home rule charter city, county, or town by a licensed organization with the knowledge that the governmental unit intends to use the contribution for a pension or retirement fund.

Sec. 5. Minnesota Statutes 1992, section 349.13, is amended to read:

349.13 [LAWFUL GAMBLING.]

Lawful gambling is not a lottery or gambling within the meaning of sections 609.75 to 609.76 if it is conducted under this chapter. *A pull-tab dispensing device permitted by board rule is not a gambling device within the meaning of sections 609.75 to 609.76 and chapter 299L.*

Sec. 6. Minnesota Statutes 1992, section 349.151, subdivision 4, is amended to read:

Subd. 4. [POWERS AND DUTIES.] (a) The board has the following powers and duties:

(1) to regulate lawful gambling to ensure it is conducted in the public interest;

(2) to issue licenses to organizations, distributors, bingo halls, manufacturers, and gambling managers;

(3) to collect and deposit license, permit, and registration fees due under this chapter;

(4) to receive reports required by this chapter and inspect all premises, records, books, and other documents of organizations, distributors, manufacturers, and bingo halls to insure compliance with all applicable laws and rules;

(5) to make rules authorized by this chapter;

(6) to register gambling equipment and issue registration stamps;

(7) to provide by rule for the mandatory posting by organizations conducting lawful gambling of rules of play and the odds and/or house percentage on each form of lawful gambling;

(8) to report annually to the governor and legislature on its activities and on recommended changes in the laws governing gambling;

(9) to impose civil penalties of not more than \$500 per violation on organizations, distributors, manufacturers, bingo halls, and gambling managers for failure to comply with any provision of this chapter or any rule of the board;

(10) to issue premises permits to organizations licensed to conduct lawful gambling;

(11) to delegate to the director the authority to issue licenses and premises permits under criteria established by the board;

(12) to suspend or revoke licenses and premises permits of organizations,

distributors, manufacturers, bingo halls, or gambling managers as provided in this chapter;

(13) to register employees of organizations licensed to conduct lawful gambling;

(14) to require fingerprints from persons determined by board rule to be subject to fingerprinting; ~~and~~

(15) to take all necessary steps to ensure the integrity of and public confidence in lawful gambling; *and*

(16) *to permit by rule but not require the sale of pull-tabs from dispensing devices.*

(b) Any organization, distributor, bingo hall operator, or manufacturer assessed a civil penalty may request a hearing before the board. Hearings conducted on appeals of imposition of penalties are not subject to the provisions of the administrative procedure act.

(c) All fees and penalties received by the board must be deposited in the general fund.

Sec. 7. Minnesota Statutes 1992, section 349.16, is amended by adding a subdivision to read:

Subd. 9. [LICENSE RENEWALS; NOTICE.] The board may not deny or delay the renewal of a license under this section, a premises permit, or a gambling manager's license under section 349.167 because of the licensee's failure to submit a complete application by a specified date before the expiration of the license or permit, unless the board has first (1) sent the applicant by registered mail a written notice of the incomplete application, and (2) given the applicant at least five business days from the date of receipt of the notice to submit a complete application, or the information necessary to complete the application.

Sec. 8. [349.175] [PULL-TAB DISPENSING DEVICES; LOCATIONS.]

A pull-tab dispensing device must be located only at a site that is (1) a licensed premises for on-sales of intoxicating liquor or 3.2 percent malt beverages; or (2) a licensed bingo hall that allows gambling only by persons 18 years or older.

Sec. 9. Minnesota Statutes 1992, section 349.18, subdivision 1, is amended to read:

Subdivision 1. [LEASE OR OWNERSHIP REQUIRED.] An organization may conduct lawful gambling only on premises it owns or leases. *Pull-tabs may be sold and redeemed at any place behind the bar within the room that contains the leased premises, but receptacles for pull-tabs and cash drawers for lawful gambling receipts must be maintained only within the leased premises.* Leases must be for a period of at least one year and must be on a form prescribed by the board. Copies of all leases must be made available to employees of the board and the division of gambling enforcement on request. A lease may not provide for payments determined directly or indirectly by the receipts or profits from lawful gambling. The board may prescribe by rule limits on the amount of rent which an organization may pay to a lessor for premises leased for lawful gambling provided that no rule of the board may prescribe a limit of less than \$1,000 per month on rent paid for premises used

for lawful gambling other than bingo. Any rule adopted by the board limiting the amount of rent to be paid may only be effective for leases entered into, or renewed, after the effective date of the rule.

No person, distributor, manufacturer, lessor, or organization other than the licensed organization leasing the space may conduct any activity on the leased premises during times when lawful gambling is being conducted on the premises.

Employees of a lessor may participate in lawful gambling on the premises provided (1) if pull-tabs or tipboards are sold, the organization voluntarily posts, or is required to post, the major prizes as specified in section 349.172; and (2) any employee of the lessor participating in lawful gambling is not a gambling employee for the organization conducting lawful gambling on the premises.

Sec. 10. Minnesota Statutes 1992, section 349.19, subdivision 10, is amended to read:

Subd. 10. [PULL-TAB RECORDS.] (a) The board shall by rule require a licensed organization to require each winner of a pull-tab prize of \$50 or more to present identification in the form of a drivers license, Minnesota identification card, or other identification the board deems sufficient to allow the identification and tracing of the winner. The rule must require the organization to retain winning pull-tabs of \$50 or more, and the identification of the winner of the pull-tab, for 3-1/2 years.

(b) An organization must maintain separate cash banks for each deal of pull-tabs unless:

(1) two or more deals are commingled in a single receptacle; or

(2) the organization uses a cash register, of a type approved by the board, which records all sales of pull-tabs by separate deals.

The board shall (1) by rule adopt minimum technical standards for cash registers that may be used by organizations, and shall approve for use by organizations any cash register that meets the standards; and (2) before allowing an organization to use a cash register that commingles receipts from several different pull-tab games in play, adopt rules that define how cash registers may be used and that establish a procedure for organizations to reconcile all pull-tab games in play at the end of the month.

Sec. 11. Minnesota Statutes 1992, section 349.211, subdivision 2a, is amended to read:

Subd. 2a. [PULL-TAB PRIZES.] The maximum prize which may be awarded for any single pull-tab is ~~\$250~~ \$500. An organization may not sell any pull-tab for more than \$2.

Sec. 12. Minnesota Statutes 1992, section 349.212, is amended by adding a subdivision to read:

Subd. 4a. [BASE ADJUSTMENT FOR UNSOLD TICKETS.] The ideal gross subject to the tax in subdivision 4 will be adjusted annually to reflect the average number of unsold tickets in each deal.

The commissioner of revenue will, by June 1 of each year, determine the average percentage of sold tickets per deal for sales during the previous

calendar year. The result will be rounded to the next whole percent. Prior to July 1, the commissioner will communicate the result to all licensed distributors.

For taxes incurred on or after July 1, the amount subject to the tax in subdivision 4 on each deal will be the ideal gross multiplied by the percentage determined by the commissioner under this subdivision.

The commissioner of revenue shall report by March 1 each year to the gaming regulation committee of the senate and the governmental operations and gambling committee of the house of representatives on the average percentage of unsold tickets for sales during the previous calendar year.

Sec. 13. Minnesota Statutes 1992, section 541.21, is amended to read:

541.21. [COMMITMENTS FOR GAMBLING DEBT VOID.]

Every note, bill, bond, mortgage, or other security or conveyance in which the whole or any part of the consideration shall be for any money or goods won by gambling or playing at cards, dice, or any other game whatever, or by betting on the sides or hands of any person gambling, or for reimbursing or repaying any money knowingly lent or advanced at the time and place of such gambling or betting, or lent and advanced for any gambling or betting to any persons so gambling or betting, shall be void and of no effect as between the parties to the same, and as to all persons except such as hold or claim under them in good faith, without notice of the illegality of the consideration of such contract or conveyance. The provisions of this section shall not apply to: (1) pari-mutuel wagering conducted under a license issued pursuant to ~~chapters~~ *chapter 240 and 349* or; (2) purchase of tickets in the state lottery under chapter 349A, ~~or to~~; (3) gaming activities conducted pursuant to the Indian Gaming Regulatory Act, 25 U.S.C. 2701 et seq.; or (4) *lawful gambling activities permitted under chapter 349.*

Sec. 14. [ADVISORY COUNCIL ON GAMBLING.]

Subdivision 1. [CREATION; MEMBERSHIP.] (a) A state advisory council is established to study the conduct of all forms of gambling in the state of Minnesota, and to make recommendations to the 1995 legislature. The study shall be completed and findings reported to the legislature by January 1, 1995.

(b) The advisory council consists of 17 members who serve at the pleasure of the appointing authority as follows:

(1) four legislators, two members of the senate, including one member of the minority party, appointed by the subcommittee on committees of the committee on rules and administration and two members of the house of representatives, including one member of the minority party, appointed by the speaker;

(2) the commissioner of revenue or the commissioner's designee;

(3) the director of the state lottery or the director's designee;

(4) the director of the gambling control board or the director's designee;

(5) the director of the gambling enforcement division of the department of public safety or the director's designee;

(6) the executive director of the racing commissioner or the executive director's designee; and

(7) eight members of the public, one from each congressional district appointed by the governor. The governor shall appoint the chair of the advisory council.

Subd. 2. [SCOPE OF THE STUDY.] In preparing the study, the advisory council shall examine, at least, the following:

(1) the extent of all forms of gambling in this state;

(2) the purpose, intent, application, integration, and relationship of the provisions of Minnesota laws relating to all forms of gambling in the state;

(3) the relationship among the state government boards and agencies that regulate gambling, including consideration of abolishing the current boards that regulate gambling and replacing them with a single permanent advisory board;

(4) the nature and extent of gambling in the state that is not subject to state regulation;

(5) the financial and social impact of the growth of gambling in the last decade; and

(6) development of a socio-economic model to support decision-making on issues related to gambling.

Subd. 3. [CONTENTS OF REPORT.] The advisory council's report to the legislature must include recommendations regarding:

(1) development of a comprehensive public policy on gambling;

(2) establishment of an efficient state government structure for regulation of gambling; and

(3) implementation and funding of compulsive gambling programs.

Subd. 4. [STAFF.] The staff of the state lottery and legislative staff shall provide administrative and staff assistance when requested by the advisory council. Administrative costs of the advisory council will be paid by the state lottery.

Subd. 5. [COOPERATION BY OTHER AGENCIES.] State agencies shall, upon request of the advisory council, provide data or other information that the agencies collect or possess and that is necessary or useful in conducting the study and preparing the report required by this section.

Sec. 15. [APPROPRIATION.]

\$1,900,000 is appropriated from the general fund to the commissioner of human services to pay for compulsive gambling services for fiscal year 1995.

Sec. 16. [EFFECTIVE DATE.]

Sections 1 and 2 are effective June 1, 1994. Sections 3, 5, 6, and 11 are effective July 1, 1994. Section 4 is effective April 1, 1993. Section 12 is effective for taxes incurred on or after July 1, 1994. Section 13 is effective for commitments entered into after June 30, 1994."

Amend the title as follows:

Page 1, line 3, after the first semicolon, insert "adjusting the base of the tax on pull-tabs and tipboards; creating an advisory council on gambling;"

Page 1, line 6, after "4;" insert "349.16, by adding a subdivision; 349.18, subdivision 1; 349.19, subdivision 10;" and delete "and"

Page 1, line 7, before the period, insert "; 349.212, by adding a subdivision; and 541.21; Minnesota Statutes 1993 Supplement, section 349.12, subdivision 25; proposing coding for new law in Minnesota Statutes, chapter 349"

And when so amended the bill do pass and be re-referred to the Committee on Taxes and Tax Laws. Amendments adopted. Report adopted.

Mr. Lessard from the Committee on Environment and Natural Resources, to which was referred

S.F. No. 2468: A bill for an act relating to beaver control; allowing local road authorities to remove beaver dams near public roads; proposing coding for new law in Minnesota Statutes, chapter 97B.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [97B.667] [REMOVAL OF BEAVER DAMS AND LODGES BY ROAD AUTHORITIES.]

When a drainage watercourse is impaired by a beaver dam and the water damages or threatens to damage a public road, the road authority, as defined in section 160.02, subdivision 9, may remove the impairment and any associated beaver lodge within 300 feet of the road, if the commissioner approves."

Delete the title and insert:

"A bill for an act relating to beaver control; allowing local road authorities to remove beaver dams and lodges near public roads; proposing coding for new law in Minnesota Statutes, chapter 97B."

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Mr. Lessard from the Committee on Environment and Natural Resources, to which was referred

S.F. No. 2451: A bill for an act relating to parks and recreation; adding lands to certain state parks; converting certain recreation areas to state parks; deleting land from a recreation area; combining a trail and certain waysides into a recreation area; abolishing a state park; amending Minnesota Statutes 1992, section 85.054, by adding a subdivision; repealing Minnesota Statutes 1992, sections 85.012, subdivision 24; and 85.013, subdivisions 16, 18a, 24, 26, and 28.

Reports the same back with the recommendation that the bill be amended as follows:

Page 3, after line 4, insert:

"Notwithstanding section 85.012, subdivision 1, tax-forfeited land located within Tettegouche state park is not withdrawn from sale and is not transferred from the custody, control, and supervision of the county board."

Page 4, line 15, delete "*sections 85.012, subdivision 24;*" and insert "*section*"

Page 4, line 16, delete the first "*and*"

Amend the title as follows:

Page 1, line 6, after the second semicolon, insert "allowing sale of tax-forfeited land within Tettegouche State Park;"

Page 1, line 9, delete everything before "85.013" and insert "section"

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Mr. Lessard from the Committee on Environment and Natural Resources, to which was re-referred

S.F. No. 2150: A bill for an act relating to agriculture; establishing a feedlot and manure management advisory committee; providing for development of manure management research and monitoring priorities; amending eligibility requirements for beginning farmer loans; establishing livestock expansion loan program; providing for development of feedlot rules; changing definitions in the corporate farming law; appropriating money; amending Minnesota Statutes 1992, sections 41B.02, by adding a subdivision; and 116.07, subdivision 7; Minnesota Statutes 1993 Supplement, section 41B.03, subdivision 3; proposing coding for new law in Minnesota Statutes, chapters 17; and 41B.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 20, delete "*livestock*"

Page 3, line 23, delete "*except poultry,*"

Page 7, delete lines 5 to 9

Page 7, line 10, delete "*(f)*" and insert "*(e)*" and after "*rules*" insert "*under*"

Page 7, line 13, delete "*(g)*" and insert "*(f)*"

Page 7, line 22, delete "*(h)*" and insert "*(g)*"

Page 7, line 27, delete "*(i)*" and insert "*(h)*"

Page 8, delete sections 9 and 10

Amend the title as follows:

Page 1, line 9, delete "appropriating money;"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Lessard from the Committee on Environment and Natural Resources, to which was re-referred

S.F. No. 1945: A bill for an act relating to water; creating programs to provide financial assistance to address nonpoint source water pollution in the

departments of agriculture and trade and economic development and the pollution control agency; establishing the drinking water revolving fund administered by the public facilities authority and the department of health; changing the membership of the public facilities authority; increasing the authority's bonding authority; requiring rulemaking; providing for certain exemptions from rulemaking; appropriating money; amending Minnesota Statutes 1992, sections 13.99, by adding a subdivision; 103F.725, by adding a subdivision; 103F.761, subdivision 2; 116.182, subdivisions 2, 3, 4, and 5; 446A.02, subdivision 1, and by adding a subdivision; 446A.03, subdivision 3; 446A.07, subdivisions 4, 6, 8, 9, 10, and 11; 446A.071, subdivision 1; 446A.11, subdivision 1; 446A.12, subdivision 1; and 446A.15, subdivision 6; Minnesota Statutes 1993 Supplement, section 446A.03, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 17; and 446A; repealing Minnesota Statutes 1992, section 446A.08.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 17, delete "*shall be*" and insert "*are*"

Page 10, lines 34 to 36, delete the new language

Page 12, delete section 17

Page 12, line 31, delete "*(a)*"

Page 13, delete lines 1 to 6

Page 18, after line 27, insert:

"Sec. 23. [APPLICABILITY OF RULES.]

The rules adopted under Minnesota Statutes, section 103F.745, for the clean water partnership grants program shall be used for implementation of the loan program established in section 3 until January 1, 1996, or the effective date of rules adopted for the loan program, whichever is earlier."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 17, delete "10,"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Lessard from the Committee on Environment and Natural Resources, to which was referred

S.F. No. 1858: A bill for an act relating to natural resources; authorizing the commissioner of natural resources to sell lands in the Gordy Yaeger wildlife management area in Olmsted county; appropriating money.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 10, delete "*natural resources*" and insert "*administration*"

Page 1, line 14, delete "*quitclaim*" and insert "*quitclaim*"

Page 1, line 16, delete "*appropriated to*" and insert "*to be deposited in*"

Page 1, line 17, delete "commissioner" and insert "general fund and are appropriated to the commissioner of natural resources"

Page 1, line 23, after the period, insert "The conveyance must provide that the land reverts to the state if it is not used for public purposes."

Page 2, line 4, after the period, insert "The conveyance must provide that the land reverts to the state if it is not used for public purposes."

Amend the title as follows:

Page 1, line 3, delete "natural resources" and insert "administration"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Lessard from the Committee on Environment and Natural Resources, to which was referred

S.F. No. 2126: A bill for an act relating to appropriations; providing for a grant for regional land use planning in the northern counties.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 17, delete the colon

Page 1, delete lines 18 to 23

Page 1, line 24, delete everything before "provide"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Lessard from the Committee on Environment and Natural Resources, to which was referred

S.F. No. 2561: A bill for an act relating to state lands; authorizing the department of natural resources to sell certain state land in the counties of Itasca and St. Louis.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Mr. Lessard from the Committee on Environment and Natural Resources, to which was referred

S.F. No. 2017: A bill for an act relating to state lands; authorizing private sale of certain tax-forfeited land that borders public water in Meeker county.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Mr. Lessard from the Committee on Environment and Natural Resources, to which was referred

S.F. No. 2436: A bill for an act relating to state lands; authorizing private sale of certain state land in Crow Wing county to resolve an encroachment situation.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Mr. Mondale, for Mrs. Adkins, from the Committee on Metropolitan and Local Government, to which was referred.

S.F. No. 2672: A bill for an act relating to coroners; providing for exemption from educational requirements in certain circumstances; amending Minnesota Statutes 1992, section 390.005, subdivision 3.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 15, after "whether" insert "or not"

Page 1, line 16, strike "or not"

Page 1, line 18, after "serving" insert "or has served" and delete "on the effective date of this"

Page 1, line 19, delete "section" and insert "whether or not a resident of the county"

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Mr. Lessard from the Committee on Environment and Natural Resources, to which was referred

S.F. No. 1959: A bill for an act relating to state lands; authorizing public sale of certain tax-forfeited land that borders public water in Roseau county.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Mr. Lessard from the Committee on Environment and Natural Resources, to which was referred

S.F. No. 2491: A bill for an act relating to state lands; authorizing public sale of certain tax-forfeited land that borders public water in Stearns county.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Mr. Lessard from the Committee on Environment and Natural Resources, to which was referred.

S.F. No. 1757: A bill for an act relating to solid waste management; postponing the prohibition on disposing of unprocessed mixed municipal solid waste at substandard landfills under specific circumstances; amending Minnesota Statutes 1993 Supplement, section 115A.415.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Mr. Lessard from the Committee on Environment and Natural Resources, to which was referred

S.F. No. 2246: A bill for an act relating to natural resources; authorizing the exchange of certain state lands in Wabasha and Fillmore counties under certain conditions.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was referred

S.F. No. 2071: A bill for an act relating to the department of revenue; providing for the coordination of sales tax schedules for the state and the city of Saint Paul.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 7, delete "and distributing"

Page 1, line 10, delete "state"

Page 1, line 11, delete "reflects" and insert "is subject to"

Page 1, line 12, delete "rather than eight cents"

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Crime Prevention, to which was referred.

S.F. No. 2511: A bill for an act relating to crime prevention; criminal sexual conduct; requiring a sexual assault victim advocacy plan for each judicial district; modifying the definition of consent for purposes of the criminal sexual conduct prosecutions; requiring the collection of data; amending Minnesota Statutes 1992, section 609.341, subdivision 4.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [RESOURCE REPORT.]

The commissioner of corrections shall evaluate existing sexual assault victim advocacy services and estimate the need for additional advocacy services.

Sec. 2. [SEXUAL ASSAULT COORDINATING BOARD.]

Subdivision 1. [SEXUAL ASSAULT COORDINATING COUNCILS.] By October 1, 1994, the conference of chief judges shall establish a coordinating council in each judicial district to oversee efforts to coordinate the criminal justice system response to sexual assault cases. Membership shall include representation of at least the following groups:

(1) judges;

(2) county attorneys;

(3) public defenders;

- (4) law enforcement;
- (5) sexual assault advocacy programs;
- (6) court administration;
- (7) social service agencies;
- (8) medical personnel; and
- (9) the public.

Subd. 2. [SEXUAL ASSAULT COORDINATION PLAN.] Each sexual assault coordinating council shall prepare a written sexual assault coordination plan to implement the goal of ensuring the appropriate response of the criminal justice system to the handling of sexual assault cases. Each plan must address the following issues:

- (1) the roles and responsibilities of criminal justice agencies in responding to sexual assault allegations;
- (2) the needs of the victim for advocacy services in the process;
- (3) the current range of judicial sanctions imposed;
- (4) the adequacy of existing services for the victim and defendant; and
- (5) the coordination of the criminal justice system response to sexual assault cases.

Subd. 3. [REVIEW OF JUDICIAL DISTRICT SEXUAL ASSAULT COORDINATING PLAN.] (a) Each judicial district shall submit its sexual assault coordination plan to the conference of chief judges by October 1, 1995. The conference shall review the plans and make recommendations it deems appropriate. Specifically, the conference shall address the adequacy and use of criminal justice resources to respond to sexual assault cases.

(b) A copy of each judicial district's plan, along with the conference of chief judges' recommendations for changes in rules, criminal procedure, and statutes, must be filed with the chair of the senate crime prevention committee and the chair of the house of representatives judiciary committee by January 1, 1996.

Sec. 3. [APPROPRIATION.]

\$30,000 is appropriated to the trial courts to conduct training for the judicial district coordinating councils on the dynamics of sexual assault and on model programs for handling sexual assault cases."

Amend the title as follows:

Page 1, delete lines 3 to 8 and insert "requiring a sexual assault coordinating council in each judicial district; appropriating money."

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Metzen from the Committee on Governmental Operations and Reform, to which was referred

S.F. No. 1803: A bill for an act relating to public administration; authorizing spending to acquire and to better public land and buildings and other public

improvements of a capital nature with certain conditions; authorizing issuance of bonds; authorizing assessments for debt service; reducing certain earlier project authorizations and appropriations; appropriating money, with certain conditions; amending Minnesota Statutes 1992, sections 16A.632, subdivisions 1 and 2; 103F.175; and 136.261, subdivision 2; Minnesota Statutes 1993 Supplement, section 16B.335; repealing Minnesota Statutes 1992, sections 124.491; 124.492; 124.493; 124.494, as amended; 124.4945; 124.4946; and 124.495.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. [CAPITAL IMPROVEMENTS APPROPRIATIONS.]

Except as otherwise specifically provided for reduced appropriations and project authorizations, the sums in the column under “APPROPRIATIONS” are appropriated from the bond proceeds fund, or another named fund, to the state agencies or officials indicated, to be spent to acquire and to better public land and buildings and other public improvements of a capital nature, as specified in this act.

SUMMARY

ADMINISTRATION	\$ 56,459,000
CAPITOL AREA ARCHITECTURAL AND PLANNING BOARD	5,485,000
	APPROPRIATIONS
	\$

STATE GOVERNMENT

Sec. 2. ADMINISTRATION

Subdivision 1. To the commissioner of administration for purposes specified in this section 56,459,000

Subd. 2. Capital Asset Preservation and Replacement (CAPRA) 16,000,000

This appropriation is for unanticipated emergencies of a capital nature, projects to remove life safety hazards, elimination or containment of hazardous substances, and replacement and repair of roofs, windows, and other capital assets in accordance with Minnesota Statutes, section 16A.632. This appropriation is available for use at state facilities throughout the state.

The commissioner shall give all state agencies, other than higher education systems, higher education board, and Univer-

sity of Minnesota an opportunity to apply for money for urgently needed projects under this appropriation. The commissioner shall determine project priorities as appropriate based upon need.

Subd. 3. Statewide Building Access 15,000,000

For improvements of a capital nature to remove barriers and make state-owned buildings, programs, and services accessible to individuals with disabilities, including compliance with federal ADA guidelines. The commissioner shall determine project priorities as appropriate based upon need.

Subd. 4. Transportation Building Phase III 13,416,000

To continue life safety renovation at the transportation building on the ground, third, fourth, fifth, and sixth floors. This renovation is to include new heating, ventilation, and air conditioning systems, elevators, lighting, windows, and raised floors.

This appropriation is from the trunk highway fund.

Subd. 5. Agency Relocation 1,167,000

This appropriation is to relocate state agencies and institutions.

\$107,000 is from the general fund for relocation costs. \$1,060,000 is from the trunk highway fund for the partial relocation of the department of transportation.

Subd. 6. State History Center Taxes 126,000

To pay real estate taxes due and payable against history center property for the year 1986. This appropriation is from the general fund.

Subd. 7. Capitol Area Elevator Renovation 650,000

To predesign and improve, upgrade, or modify elevator equipment in buildings in the Capitol complex area as determined by the commissioner.

Subd. 8. Military Affairs Facility Predesign 1,100,000

\$1,000,000 is for the acquisition of land that might become available in the part of

the capitol complex area under consideration as the site of the new military affairs facility and parking ramp.

Subd. 9. Electric Utility Infrastructure 600,000

To improve and upgrade the utility infrastructure in the capitol complex area through installation of a third switchgear.

Subd. 10. Support Services Facilities
Predesign 100,000

For predesign of new facilities for central stores, travel management, print communications, micrographics, and records center.

Subd. 11. Public Safety Facility
Predesign 300,000

For predesign of a new public safety facility in the capitol complex area in St. Paul.

\$100,000 of this appropriation is to the University of Minnesota school of architecture to examine the proposed master plan for the capitol complex area, investigate potential building options on sites in the area, and develop innovative solutions for state space needs, depending on the availability of university faculty members and students.

Subd. 12. Lake Superior Center Authority 8,000,000

To the commissioner of administration for a grant to the Lake Superior center authority for costs to design, construct, furnish, and equip the center.

Use of this appropriation is contingent upon the authority obtaining matching funds of \$16,000,000 from federal and other nonstate sources.

Subd. 13. Constitutional Officers to State
Capitol Building

The commissioners of administration shall perform a study of space needs within the capitol building for the future co-location of constitutional officers including the governor, lieutenant governor, secretary of state, attorney general, state treasurer, and state auditor. This appropriation is from the general fund.

Sec. 3. CAPITOL AREA ARCHITECTURAL AND PLANNING BOARD

5,485,000

To the commissioner of administration to renovate and improve the Capitol including reroofing, repair of the roof balustrade, and Quadriga restoration. \$35,000 of this appropriation is to the Capitol area architectural and planning board for design review fees.

Sec. 4. Minnesota Statutes 1992, section 16B.24, subdivision 1, is amended to read:

Subdivision 1. [OPERATION AND MAINTENANCE OF BUILDINGS.] The commissioner is authorized to maintain and operate the state capitol building and grounds, subject to whatever standards and policies are set for its appearance and cleanliness by the capitol area architectural and planning board and the commissioner under section 15.50, subdivision 2, clause (h), and the state office building, the judicial center, the jobs and training buildings in Minneapolis and St. Paul, the state department of health building, and the surplus property building, and their grounds, and, when the commissioner considers it advisable and practicable, any other building or premises owned or rented by the state for the use of a state agency. The commissioner shall assign and reassign office space in the capitol and state buildings to make an equitable division of available space among agencies. *The commissioner shall regularly update the long-range strategic plan for locating agencies and shall follow the plan in assigning and reassigning space to agencies. The plan must include locational and urban design criteria, a cost-analysis method to be used in weighing state ownership against leasing of space in specific instances, and a transportation management plan. If the commissioner determines that a deviation from the plan is necessary or desirable in a specific instance, the commissioner shall provide the legislature with a timely written explanation of the reasons for the deviation.* The power granted in this subdivision does not apply to state hospitals or to educational, penal, correctional, or other institutions not enumerated in this subdivision the control of which is vested by law in some other agency.

Sec. 5. Minnesota Statutes 1992, section 16B.305, subdivision 2, is amended to read:

Subd. 2. [REVIEW OF REQUESTS.] The commissioner shall review agency requests for state buildings and help agencies prepare adequate plans for use in presenting their capital budget requests to the commissioner of finance, the governor, and the legislature. The commissioner shall ~~consider locational questions in siting state buildings and include answers to locational questions provide information on how a building project is consistent with the department's long-range strategic plan for locating state agencies in the commissioner's recommendations on a request.~~

Delete the title and insert:

“A bill for an act relating to public administration; authorizing spending to acquire and to better public land and buildings and other public improvements of a capital nature with certain conditions; appropriating money, with certain conditions; amending Minnesota Statutes 1992, sections 16B.24, subdivision 1; and 16B.305, subdivision 2.”

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Metzen from the Committee on Governmental Operations and Reform, to which was re-referred

S.F. No. 2192: A bill for an act relating to health; MinnesotaCare; establishing and regulating community integrated service networks; defining terms; creating a reinsurance and risk adjustment association; classifying data; requiring reports; mandating studies; modifying provisions relating to the regulated all-payer option; requiring administrative rulemaking; setting timelines and requiring plans for implementation; designating essential community providers; establishing an expedited fact finding and dispute resolution process; requiring proposed legislation; establishing task forces; providing for demonstration models; mandating universal coverage; requiring insurance reforms; providing grant programs; establishing the Minnesota health care administrative simplification act; implementing electronic data interchange standards; creating the Minnesota center for health care electronic data interchange; providing standards for the Minnesota health care identification card; appropriating money; providing penalties; amending Minnesota Statutes 1992, sections 60A.15, subdivision 1; 62A.303; 62D.04, by adding a subdivision; 62E.02, subdivisions 10, 18, 20, and 23; 62E.10, subdivisions 1, 2, and 3; 62E.141; 62E.16; 62J.03, by adding a subdivision; 62L.02, subdivisions 9, 13, 17, 24, and by adding subdivisions; 62L.03, subdivision 1; 62L.05, subdivisions 1, 5, and 8; 62L.08, subdivisions 2, 5, 6, and 7; 62L.12; 62L.21, subdivision 2; 62M.02, subdivisions 5 and 21; 62M.03, subdivisions 1, 2, and 3; 62M.05, subdivision 3; 62M.06, subdivision 3; 62M.09, subdivision 5; and 295.50, by adding subdivisions; Minnesota Statutes 1993 Supplement, sections 43A.317, by adding a subdivision; 60K.14, subdivision 7; 61B.20, subdivision 13; 62A.011, subdivision 3; 62A.65, subdivisions 2, 3, 4, 5, and by adding subdivisions; 62D.12, subdivision 17; 62J.03, subdivision 6; 62J.04, subdivisions 1 and 1a; 62J.09, subdivision 2; 62J.33, by adding subdivisions; 62J.35, subdivisions 2 and 3; 62J.38; 62J.41, subdivision 2; 62J.45, by adding subdivisions; 62L.02, subdivisions 8, 11, 15, 16, 19, and 26; 62L.03, subdivisions 3, 4, and 5; 62L.04, subdivision 1; 62L.08, subdivisions 4 and 8; 62N.01; 62N.02, subdivisions 1, 8, and by adding a subdivision; 62N.06, subdivision 1; 62N.065, subdivision 1; 62N.10, subdivisions 1 and 2; 62N.22; 62N.23; 62P.01; 62P.03; 62P.04; 62P.05; 144.1486; 151.21, subdivisions 7 and 8; 256.9352, subdivision 3; 256.9356, subdivision 3; 256.9657, subdivision 3; 295.50, subdivisions 3, 4, and 12b; 295.52, subdivision 5; 295.53, subdivisions 1, 2, and 5; 295.54; 295.58; and 295.582; proposing coding for new law in Minnesota Statutes, chapters 62A; 62J; 62N; 62P; and 144; proposing coding for new law as Minnesota Statutes, chapter 62Q; repealing Minnesota Statutes 1992, sections 62A.02, subdivision 5; 62E.51; 62E.52; 62E.53; 62E.531; 62E.54; 62E.55; and 256.362, subdivision 5; Minnesota Statutes 1993 Supplement, sections 62J.04, subdivision 8; 62N.07; 62N.075; 62N.08; 62N.085; and 62N.16.

Reports the same back with the recommendation that the bill be amended as follows:

Page 4, delete lines 17 to 22 and insert:

"Subd. 4. [GOVERNING BODY.] At least 51 percent of the members of the governing body of the community integrated service network must be consumers elected by the enrollees from among the enrollees."

Page 5, line 1, after the period, insert *"In applying sections 62N.27 to 62N.32, the commissioner is exempt from the rulemaking requirements of chapter 14. However, to the extent that there are analogous definitions or procedures in chapter 62D or in rules promulgated thereunder, the commissioner shall follow those existing provisions rather than adopting a contrary approach or interpretation. This rulemaking exemption shall expire on June 1, 1995."*

Page 5, after line 1, insert:

"Subd. 6a. [NONDISCRIMINATION.] If a community integrated service network offers a health care service as part of its plan, it may not deny provider network status to a qualified health care provider type that meets the credentialing requirements of the network solely because the provider is an allied independent health care provider as defined in section 62N.255."

Page 6, line 6, delete *"shall"* and insert *"may"*

Page 6, line 30, after the period, insert *"This expanded network option may be offered as a separate health plan."*

Page 7, line 7, after the first comma, insert *"licensed"*

Page 7, line 12, delete *"consulting"*

Page 30, line 32, after *"enrollee,"* insert *"health care provider, or applicant for network provider status,"*

Page 40, line 20, after the period, insert *"The commissioner shall convene an advisory committee made up of a broad array of health care professionals that will be affected by the fee schedule. Recommendations of this committee must be submitted to the commissioner by November 15, 1994, and must be incorporated in the implementation report due January 1, 1995."*

Page 57, line 19, delete *"and"*

Page 57, line 21, delete the period and insert a semicolon

Page 57, after line 21, insert:

"(9) cost-sharing requirements and benefit or service limitations for outpatient mental health and outpatient chemical dependency services, except for persons placed in chemical dependency services under Minnesota Rules, parts 9530.6600 to 9530.6660, must not place a greater financial burden on the insured or enrollee, or be more restrictive than those requirements and limitations for outpatient medical services; and

(10) cost-sharing requirements and benefit or service limitations for inpatient hospital mental health and inpatient hospital and residential chemical dependency services, except for persons placed in chemical dependency services under Minnesota Rules, parts 9530.6600 to 9530.6660, must not place a greater financial burden on the insured or enrollee, or be more restrictive than those requirements and limitations for inpatient hospital medical services."

Page 153, line 17, strike *"prescription"* and insert *"legend"*

And when so amended the bill do pass and be re-referred to the Committee on Taxes and Tax Laws. Amendments adopted. Report adopted.

Mr. Metzen from the Committee on Governmental Operations and Reform, to which was re-referred

S.F. No. 2523: A bill for an act relating to the environment; reestablishing the office of waste management as the office of environmental assistance; transferring environmental assistance programs from the pollution control agency to the office; transferring waste management and policy planning from the metropolitan council to the office; amending Minnesota Statutes 1992, sections 115A.03, by adding a subdivision; 115A.055; 115A.06, subdivision 2; 115A.072; 115A.12; 115A.14, subdivision 4; 115A.15, subdivision 5; 115A.411, subdivision 1; 115A.42; 115A.5501, subdivision 2; 115A.84, subdivision 3; 115A.86, subdivision 2; 115A.912, subdivision 1; 115A.96, subdivision 2; 116.96, subdivision 4; 116.97, subdivision 1; 116F.02, subdivision 2; 473.149, subdivisions 1, 3, 5, and by adding a subdivision; 473.8011; 473.803, subdivisions 2 and 4; and 473.823, subdivision 5; Minnesota Statutes 1993 Supplement, sections 115A.551, subdivision 4; 115A.96, subdivisions 3 and 4; 115A.981, subdivision 3; 473.149, subdivision 6; 473.803, subdivision 3; and 473.846; repealing Minnesota Statutes 1992, sections 115A.81, subdivision 3; 115A.914, subdivision 1; 115A.952; 116.96, subdivision 2; 116F.06, subdivisions 2, 3, 4, and 5; 116F.08; 473.181, subdivision 4; and 473.803, subdivision 1b; Minnesota Statutes 1993 Supplement, section 473.149, subdivision 4.

Reports the same back with the recommendation that the bill be amended as follows:

Page 3, line 26, after the semicolon, insert "*and*"

Page 3, delete lines 27 and 28

Page 3, line 29, delete "(5)" and insert "(4)"

Page 3, line 36, delete "; *and*" and insert a period

Page 4, delete lines 1 to 4

Page 4, line 15, after "5;" insert "*and*" and delete "; 473.181"

Page 4, line 16, delete everything before "*are*"

Page 4, delete lines 17 and 18

Pages 14 and 15, delete section 19

Page 24, delete lines 19 to 21

Page 24, line 22, delete "(11)" and insert "(10)"

Page 24, line 24, delete "116.97, subdivision 2; 116.98;"

Page 24, line 25, delete "116.99, subdivisions 7 and 8;"

Page 24, line 27, delete "(12)" and insert "(11)"

Page 24, line 31, delete "(13)" and insert "(12)"

Page 25, line 1, delete "(14)" and insert "(13)"

Page 25, line 8, delete "(15)" and insert "(14)"

Page 25, line 16, delete "(16)" and insert "(15)"

Page 25, line 19, delete "(17)" and insert "(16)"

Page 25, line 22, delete "(18)" and insert "(17)"

Page 25, line 26, delete "(19)" and insert "(18)"

Page 25, line 30, delete "(20)" and insert "(19)"

Page 25, line 32, delete "(21)" and insert "(20)"

Page 25, line 36, delete "21 to 31" and insert "20 to 30"

Renumber the sections in sequence

Amend the title as follows:

Page 1, lines 14 and 15, delete "116.97, subdivision 1;"

Page 1, line 25, delete everything after "116F.08" and insert a period

Page 1, delete lines 26 and 27

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Metzen from the Committee on Governmental Operations and Reform, to which was referred

S.F. No. 1906: A bill for an act relating to retirement; correctional employees retirement plan of the Minnesota state retirement system; transferring various employment positions in the departments of corrections and human services from coverage by the general state employees retirement plan or the teachers retirement association to the correctional employees retirement plan; amending Minnesota Statutes 1992, sections 352.91, by adding subdivisions; and 352.92, subdivision 2.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, delete lines 34 to 36

Page 3, delete line 7

Page 3, delete lines 13 and 14

Renumber the clauses in sequence

Page 3, line 30, delete "7.55" and insert "6.99"

Page 7, delete lines 5 to 9 and insert:

"(c) As a corresponding employer contribution transfer amount, an amount equal to employee contributions plus interest, as determined in paragraph (a), must be"

Page 7, line 11, after "fund" insert ", as applicable,"

Page 7, line 12, delete everything after the period

Page 7, delete line 13

Page 7, line 14, delete everything before "Additional"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Metzen from the Committee on Governmental Operations and Reform, to which was re-referred

S.F. No. 2583: A bill for an act relating to crime prevention; providing for oversight and planning of crime prevention programs; appropriating money.

Reports the same back with the recommendation that the bill be amended as follows:

Page 3, after line 5, insert:

"The task force is dissolved upon submission of its recommendations to the legislature."

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Metzen from the Committee on Governmental Operations and Reform, to which was referred

S.F. No. 2169: A bill for an act relating to state government; requiring certain funds to be transferred to the ambulance service personnel longevity award and incentive trust; amending Minnesota Statutes 1992, sections 43A.316, subdivision 9; 69.031, subdivision 5; and 353.65, subdivision 7; Minnesota Statutes 1993 Supplement, section 144C.03, subdivision 2.

Reports the same back with the recommendation that the bill be amended as follows:

Page 4, line 1, before "There" insert "(a)"

Page 4, line 3, before the period, insert "*and an ambulance service personnel longevity award and incentive suspense account*" and before "The" insert:

"(b)"

Page 4, delete line 5

Page 4, line 6, delete everything before the semicolon and insert "*the ambulance service personnel longevity award and incentive suspense account*"

Page 4, after line 10, insert:

"(c) The suspense account must be credited with transfers from the excess contributions holding account established in section 353.65, subdivision 7, any per-year-of-service allocation under section 144C.07, subdivision 2, paragraph (c), that was not made for an individual, and investment earnings on those accumulated proceeds. The suspense account must be managed by the commissioner of finance and the state board of investment. From the suspense account to the trust account there must be transferred to the ambulance service personnel longevity award and incentive trust account, as the suspense account balance permits, the following amounts:

- (1) an amount equal to any appropriation to the ambulance service personnel longevity award and incentive trust account for that fiscal year; and*
- (2) an amount equal to the percentage of the remaining balance in the*

account after the deduction of the amount under clause (1), as specified for the applicable fiscal year:

<i>fiscal year</i>	<i>percentage</i>
1995	20
1996	40
1997	50
1998	60
1999	70
2000	80
2001	90
2002 and thereafter	100.

Sec. 4. Minnesota Statutes 1993 Supplement, section 144C.07, subdivision 2, is amended to read:

Subd. 2. [POTENTIAL ALLOCATIONS.] (a) On September 1, annually, the commissioner of health or the commissioner's designee under section 144C.01, subdivision 2, shall determine the amount of the allocation of the prior year's accumulation to each qualified ambulance service person. The prior year's net investment gain or loss under paragraph (b) must be allocated and that year's appropriation, *plus any transfer from the suspense account under section 144C.03, subdivision 2, and after deduction of administrative expenses, also must be allocated.*

(b) The difference in the market value of the assets of the ambulance service personnel longevity award and incentive trust account as of the immediately previous June 30 and the June 30 occurring 12 months earlier must be reported on or before August 15 by the state board of investment. The market value gain or loss must be expressed as a percentage of the total potential award accumulations as of the immediately previous June 30, and that positive or negative percentage must be applied to increase or decrease the recorded potential award accumulation of each qualified ambulance service person.

(c) The appropriation for this purpose, after deduction of administrative expenses, must be divided by the total number of additional ambulance service personnel years of service recognized since the last allocation or 1,000 years of service, whichever is greater. *If the allocation is based on the 1,000 years of service, any allocation not made for a qualified ambulance service person must be credited to the suspense account under section 144C.03, subdivision 2.* A qualified ambulance service person must be credited with a year of service if the person is certified by the chief administrative officer of the ambulance service as having rendered active ambulance service during the 12 months ending as of the immediately previous June 30. If the person has rendered prior active ambulance service, the person must be additionally credited with one-fifth of a year of service for each year of active ambulance service rendered before June 30, 1993, but not to exceed in any year one additional year of service or to exceed in total five years of prior service. Prior active ambulance service means employment by or the provision of service to a licensed ambulance service before June 30, 1993, as determined by the person's current ambulance service based on records provided by the person that were contemporaneous to the service. The prior ambulance service must be reported on or before August 15 to the commissioner of health in an affidavit from the chief administrative officer of the ambulance service."

Page 4, line 13, after "7." insert "[EXCESS CONTRIBUTIONS HOLDING ACCOUNT.]"

Page 4, line 20, after "(b)" insert "From the amount of the" and after "earnings" insert ", the following amounts"

Page 4, line 21, delete "first" and after "transferred" insert "

(1)"

Page 4, line 22, before the period, insert ", \$500,000 for administrative expenses related to the public employees insurance program;

(2) to the commissioner of employee relations, for fiscal year 1995, \$50,000 to conduct the study specified in section 6, and for succeeding fiscal years, \$1,000,000 for the expenses of any stress detection, prevention, reduction, and accommodation program established as a result of the study specified in section 6; and

(3) to the extent that there is a balance remaining after the deduction of clauses (1) and (2), the remaining amount for deposit in the ambulance service personnel longevity award and incentive suspense account established by section 144C.03, subdivision 2" and delete "To the extent"

Page 4, delete lines 23 to 29 and insert:

"Sec. 6. [STRESS DETECTION, PREVENTION, REDUCTION, AND ACCOMMODATION PROGRAM FEASIBILITY STUDY.]

(a) The commissioner of employee relations shall conduct a feasibility study for the establishment of a program in state government to be known as the Minnesota police officers stress program. This program is intended to provide expertise and resources for the prevention of job-related stress in police work. It must also provide a treatment program for posttraumatic stress as experienced by police officers who are certified and licensed by the police officers standards and training board.

(b) Results of the study required under paragraph (a) must be reported to the chairs of the senate governmental operations and reform committee, the house of representatives governmental operations and gambling committee, the senate finance committee, and the house of representatives ways and means committee by January 5, 1995."

Page 4, line 31; delete "4" and insert "6"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 7, delete "section" and insert "sections"

Page 1, line 8, after "2" insert "; and 144C.07, subdivision 2"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

SECOND READING OF SENATE BILLS

S.F. Nos. 2464, 2572, 2468, 2451, 2561, 2017, 2436, 2672, 1959, 2491, 1757, 2246 and 2071 were read the second time.

MOTIONS AND RESOLUTIONS – CONTINUED

Mr. Moe, R.D. introduced—

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 its adjournment on March 30, 1994, or March 31, 1994, the House of Representatives may set its next day of meeting more than three days after the day of adjournment.

2. Upon its adjournment on March 30, 1994, or March 31, 1994, the Senate may set its next day of meeting more than three days after the day of adjournment.

3. Pursuant to the Minnesota Constitution, Article IV, Section 12, the Senate and House of Representatives each consent to the adjournment of the other for more than three days.

Mr. Moe, R.D. moved the adoption of the foregoing resolution. The motion prevailed. So the resolution was adopted.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time and referred to the committees indicated.

Ms. Hanson introduced—

S.F. No. 2840: A bill for an act relating to crime prevention; sentencing; requesting the sentencing guidelines commission to consider creating an aggravating factor.

Referred to the Committee on Crime Prevention.

Mr. Pogemiller introduced—

S.F. No. 2841: A bill for an act relating to taxation; exempting from the property tax certain property owned by the University of Minnesota and leased to nonexempt users; amending Minnesota Statutes 1992, section 272.01, subdivision 2.

Referred to the Committee on Taxes and Tax Laws.

Ms. Ranum introduced—

S.F. No. 2842: A bill for an act relating to data practices; classifying recreational or social data as private; amending Minnesota Statutes 1992, section 13.57.

Referred to the Committee on Judiciary.

Ms. Ranum introduced—

S.F. No. 2843: A bill for an act relating to data practices; giving complainants access to their statements; amending Minnesota Statutes 1992, section 13.39, subdivision 2; Minnesota Statutes 1993 Supplement, section 13.43, subdivision 2.

Referred to the Committee on Judiciary.

Mr. Metzen introduced—

S.F. No. 2844: A bill for an act relating to lawful gambling; increasing the percentage of gross profits for bingo expendable for allowable expenses; amending Minnesota Statutes 1992, section 349.15.

Referred to the Committee on Gaming Regulation.

Mr. Terwilliger introduced—

S.F. No. 2845: A bill for an act relating to waste reduction; amending various statutes to be consistent with recent law relating to distribution of reports and materials to legislators; amending Minnesota Statutes 1992, sections 144.672, subdivision 2; 144.70, subdivision 1; 458A.08; and 473.445, subdivision 3.

Referred to the Committee on Health Care.

Ms. Reichgott Junge introduced—

S.F. No. 2846: A bill for an act relating to civil actions; barring perpetrators of crimes from recovering for injuries sustained during criminal conduct; proposing coding for new law in Minnesota Statutes, chapter 611A.

Referred to the Committee on Judiciary.

Mr. Metzen introduced—

S.F. No. 2847: A bill for an act relating to taxes; property; providing for the classification of certain hunting property for property tax purposes; amending Minnesota Statutes 1993 Supplement, section 273.13, subdivision 23.

Referred to the Committee on Taxes and Tax Laws.

Mr. Johnson, D.E. introduced—

S.F. No. 2848: A bill for an act relating to education; providing for a pilot enhanced pairing agreement of independent school district Nos. 648, Danube, 654, Renville, 655, Sacred Heart, and 631, Belview.

Referred to the Committee on Education.

Mr. Novak introduced—

S.F. No. 2849: A resolution for an act memorializing the President and Congress to maintain funding for the low-income home energy assistance program and to continue its operation in Minnesota.

Referred to the Committee on Jobs, Energy and Community Development.

Mr. Moe, R.D. introduced—

S.F. No. 2850: A bill for an act relating to education; requiring public post-secondary institutions to adopt the semester system; proposing coding for new law in Minnesota Statutes, chapter 135A.

Referred to the Committee on Education.

Messrs. Pogemiller, Stumpf, Ms. Kiscaden and Mr. Moe, R.D. introduced—

S.F. No. 2851: A bill for an act relating to taxation; exempting sales of certain personal computers and computer software from the sales and use tax; amending Minnesota Statutes 1992, section 297A.25, by adding a subdivision.

Referred to the Committee on Taxes and Tax Laws.

Mr. Beckman introduced—

S.F. No. 2852: A bill for an act relating to education; modifying the interactive television revenue program; amending Minnesota Statutes 1993 Supplement, section 124.91, subdivision 5.

Referred to the Committee on Education.

Mr. Beckman introduced—

S.F. No. 2853: A bill for an act relating to taxation; sales and use; exempting unprocessed gravel; amending Minnesota Statutes 1992, section 297A.25, by adding a subdivision.

Referred to the Committee on Taxes and Tax Laws.

Mr. Beckman introduced—

S.F. No. 2854: A bill for an act relating to education; modifying state aid for districts that reorganize; amending Minnesota Statutes 1992, section 124A.22, subdivision 2a.

Referred to the Committee on Education.

Messrs. Johnson, D.E. and Johnson, D.J. introduced—

S.F. No. 2855: A bill for an act relating to education; transferring management of the F.I.R.E. Center to the higher education board.

Referred to the Committee on Education.

Ms. Runbeck, Messrs. Neuville; Johnson, D.E. and Mrs. Pariseau introduced—

S.F. No. 2856: A bill for an act proposing an amendment to the Minnesota Constitution; adding an article; limiting state expenditures and requiring a special vote to exceed those limits; imposing local government tax limitations and requiring voter approval to exceed those limits.

Referred to the Committee on Taxes and Tax Laws.

Mr. Sams introduced—

S.F. No. 2857: A bill for an act relating to bonding; providing funding for the establishment of the North American prairie wetlands learning center; authorizing the issuance of state bonds; appropriating money.

Referred to the Committee on Environment and Natural Resources.

Ms. Flynn introduced—

S.F. No. 2858: A bill for an act relating to counties; Hennepin; changing the personnel system to a human resources system; making other changes to the system; amending Minnesota Statutes 1992, sections 383B.26; 383B.27; 383B.28; 383B.29; 383B.31; 383B.32, subdivisions 2, 3, and 4; 383B.34, subdivision 2; 383B.37, subdivision 1; 383B.38, subdivision 1; 383B.39; and 383B.41; repealing Minnesota Statutes 1992, sections 383B.33, subdivision 1; 383B.38, subdivisions 2, 3, and 4; and 383B.40.

Referred to the Committee on Metropolitan and Local Government.

Mr. Langseth introduced—

S.F. No. 2859: A bill for an act relating to public safety; providing funding for state costs under the 1993 Presidential Disaster Declaration; increasing funding for emergency management staffing and state patrol radio communication consolidation; requiring quarterly report on mix of state road construction appropriation; appropriating money.

Referred to the Committee on Veterans and General Legislation.

Messrs. Johnson, D.E.; Langseth and Ms. Johnston introduced—

S.F. No. 2860: A bill for an act relating to capital improvements; appropriating money for the construction of priority highway projects for which the predesign and design phases have been completed; authorizing the issuance of state bonds.

Referred to the Committee on Transportation and Public Transit.

Mr. Samuelson introduced—

S.F. No. 2861: A bill for an act relating to elections; providing for a voluntary code of fair campaign practices; prohibiting false, misleading, or deceptive campaigning; expanding the jurisdiction of the conciliation court; imposing penalties; amending Minnesota Statutes 1992, section 211B.06, subdivision 1; Minnesota Statutes 1993 Supplement, section 491A.01, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 211B.

Referred to the Committee on Ethics and Campaign Reform.

Mr. Metzen introduced—

S.F. No. 2862: A bill for an act relating to education; allowing independent school district No. 199, Inver Grove Heights, to transfer money from its community service fund to its general fund.

Referred to the Committee on Education.

Mr. Beckman introduced—

S.F. No. 2863: A bill for an act relating to tax increment financing; allowing the city of Lake Crystal to extend the duration of a redevelopment tax increment financing district.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Stumpf, Lessard and Stevens introduced—

S.F. No. 2864: A resolution for an act memorializing Congress and the President to negotiate with Canadian officials over fishing disputes in border waters.

Referred to the Committee on Environment and Natural Resources.

Messrs. Sams and Moe, R.D. introduced—

S.F. No. 2865: A bill for an act relating to military affairs; appropriating money for capital improvements at the armory in Detroit Lakes.

Referred to the Committee on Veterans and General Legislation.

Messrs. Merriam; Johnson, D.J. and Johnson, D.E. introduced—

S.F. No. 2866: A bill for an act relating to state and local revenues; providing for state financial management reform; modifying proposed property tax notices; appropriating money; amending Minnesota Statutes 1992, sections 16A.11, by adding a subdivision; and 124.196; Minnesota Statutes 1993 Supplement, sections 16A.04, subdivision 1; 16A.11, subdivision 1; and 275.065, subdivision 3; proposing coding for new law in Minnesota Statutes, chapters 16A; and 275.

Referred to the Committee on Taxes and Tax Laws.

MEMBERS EXCUSED

Messrs. Beckman, Neuville and Stumpf were excused from the Session of today. Mrs. Adkins was excused from the Session of today at 10:30 a.m. Mr. Janezich was excused from the Session of today from 10:30 to 11:15 a.m. Mr. Larson was excused from the Session of today at 11:15 a.m. Mr. Novak was excused from the Session of today at 11:20 a.m. Mr. Kelly was excused from the Session of today from 10:00 to 10:30 a.m.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 4:00 p.m., Tuesday, March 29, 1994. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

SEVENTY-NINTH DAY

St. Paul, Minnesota, Tuesday, March 29, 1994

The Senate met at 4:00 p.m. and was called to order by the President.

CALL OF THE SENATE

Mr. Moe, R.D. imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

Prayer was offered by the Chaplain, Monsignor James D. Habiger.

The roll was called, and the following Senators answered to their names:

Anderson	Finn	Kroening	Murphy	Runbeck
Beckman	Flynn	Laidig	Neuville	Sams
Belanger	Frederickson	Langseth	Novak	Samuelson
Benson, D.D.	Hanson	Larson	Oliver	Solon
Benson, J.E.	Hottinger	Lesewski	Olson	Spear
Berg	Janezich	Lessard	Pappas	Stevens
Berglin	Johnson, D.E.	Luther	Pariseau	Stumpf
Bertram	Johnson, D.J.	Marty	Piper	Terwilliger
Betzold	Johnson, J.B.	McGowan	Pogemiller	Vickerman
Chandler	Johnston	Merriam	Price	Wiener
Chmielewski	Kelly	Metzen	Ranum	
Cohen	Kiscaden	Moe, R.D.	Reichgott Junge	
Day	Knutson	Mondale	Riveness	
Dille	Krentz	Morse	Robertson	

The President declared a quorum present.

The reading of the Journal was dispensed with and the Journal, as printed and corrected, was approved.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communications were received.

March 28, 1994

The Honorable Allan H. Spear
President of the Senate

Dear President Spear:

It is my honor to inform you that I have received, approved, signed and deposited in the Office of the Secretary of State, S.F. No. 1820.

Warmest regards,
Arne H. Carlson, Governor

March 28, 1994

The Honorable Irv Anderson
Speaker of the House of Representatives

The Honorable Allan H. Spear
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1994 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

S.F. No.	H.F. No.	Session Laws Chapter No.	Time and Date Approved 1994	Date Filed 1994
	1956	378	11:27 a.m. March 28	March 28
	1955	379	11:25 a.m. March 28	March 28
1820		380	11:20 a.m. March 28	March 28
	1885	382	11:22 a.m. March 28	March 28

Sincerely,
Joan Anderson Growe
Secretary of State

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the adoption by the House of the following Senate Concurrent Resolution, herewith returned:

Senate Concurrent Resolution No. 6: A Senate concurrent resolution relating to adjournment for more than three days.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 28, 1994

Mr. President:

I have the honor to announce the passage by the House of the following Senate Files, herewith returned: S.F. Nos. 2383 and 2274.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 28, 1994

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S.F. No. 2095: A bill for an act relating to employment; modifying

provisions relating to the public employee vacation donation program; amending Minnesota Statutes 1992, section 43A.181, subdivision 3.

Senate File No. 2095 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 28, 1994

Mr. Moe, R.D. moved that S.F. No. 2095 be laid on the table. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 2074:

H.F. No. 2074: A bill for an act relating to crime prevention; juvenile justice; providing for adult court jurisdiction over juveniles alleged to have committed first degree murder or first degree criminal sexual conduct after age 16; providing for presumptive certification to adult court for juveniles alleged to have committed other prison-level felonies; authorizing the court or the prosecutor to designate a juvenile a serious youthful offender; authorizing adult felony sentences for serious youthful offenders; extending juvenile court jurisdiction to age 23; limiting certification to adult court to felony offenses; extending a right to jury trial to serious youthful offenders; requiring that a juvenile have an in-person consultation with counsel before waiving right to counsel; requiring appointment of counsel or standby counsel for juveniles charged with gross misdemeanors or felonies or when out-of-home delinquency placement is proposed; providing for adult court jurisdiction over juveniles alleged to have committed nonfelony-level traffic offenses after age 16; authorizing the juvenile court to require parents to attend delinquency hearings; providing for the sharing of certain data collected or maintained on juveniles; requiring county attorneys to establish juvenile diversion programs; providing mandatory minimum sentences for drive-by shooting crimes; expanding the crime relating to the possession of dangerous weapons on school property; increasing penalties for certain firearms offenses involving youth; establishing a task force on juvenile justice programming evaluation and planning; requiring that the department of corrections provide programming for serious and repeat juvenile offenders; appropriating money; amending Minnesota Statutes 1992, sections 13.99, subdivision 79; 242.31, subdivision 1; 242.32; 260.015, subdivision 5; 260.111, by adding a subdivision; 260.115, subdivision 1; 260.121, subdivision 3; 260.125; 260.131, by adding a subdivision; 260.132; 260.155, subdivision 2, and by adding a subdivision; 260.161, subdivisions 1a, 2, and by adding a subdivision; 260.181, subdivision 4; 260.185, subdivision 3; 260.193, subdivisions 1, 3, 4, 6, and by adding a subdivision; 260.211, subdivision 1; 260.215, subdivision 1; 260.291; 268.31; 609.055, subdivision 2; 611.15; 611.19; 611.25, subdivision 1; 611A.02, by adding a subdivision; and 611A.77, subdivision 1; Minnesota Statutes 1993 Supplement, sections 13.46, subdivision 2; 144.651, subdivisions 2, 21, and 26; 253B.03, subdivisions 3 and 4; 260.155, subdivision 1; 260.161, subdivisions 1 and 3; 299A.35, subdivisions 1 and 2; 299C.65, subdivision 1; 401.065, subdivision 1, and by adding a subdivision; 609.11, subdivision 9; 609.66, subdivision 1d; 624.713, subdivision 1; 624.7132, subdivision 15; and 624.7181, subdivision 2; proposing coding for

new law in Minnesota Statutes, chapters 260; 299A; 388; and 609; repealing Minnesota Statutes 1992, section 260.125, subdivision 3.

The House respectfully requests that a Conference Committee of 5 members be appointed thereon.

Skoglund, Murphy, Pugh, Carruthers and Macklin have been appointed as such committee on the part of the House.

House File No. 2074 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 28, 1994

Ms. Ranum moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 2074, and that a Conference Committee of 5 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 985, 1416, 2623, 1829, 1881, 1913, 2178, 2187, 2567, 2675, 2680, 2692, 2058, 2591, 2772, 2200, 2237, 2321, 2311, 2360 and 2497.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 28, 1994

FIRST READING OF HOUSE BILLS

The following bills were read the first time and referred to the committees indicated.

H.F. No. 985: A bill for an act relating to retirement; public employees police and fire fund; modifying the disability benefit limitation for reemployed disabilitants; amending Minnesota Statutes 1992, section 353.656, subdivision 4.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 793.

H.F. No. 1416: A bill for an act relating to retirement; Austin fire department relief association; modifying health insurance benefit coverage for the spouses of certain retired firefighters; providing survivor benefit coverage for the spouses of certain retired firefighters; amending Laws 1992, chapter 455, section 2.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1280.

H.F. No. 2623: A bill for an act relating to state lands; authorizing sale of certain tax-forfeited land that borders public water in Itasca county.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2562.

H.F. No. 1829: A bill for an act relating to housing; requiring copies of evacuation plans for residents of manufactured home parks; amending Minnesota Statutes 1992, sections 290A.19; and 327C.02, subdivision 5, and by adding a subdivision; Minnesota Statutes 1993 Supplement, section 327.20, subdivision 1.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2778.

H.F. No. 1881: A bill for an act relating to the city of Red Wing; authorizing certain police officers to elect retirement coverage by the public employees police and fire fund.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1680.

H.F. No. 1913: A bill for an act relating to retirement; St. Paul police consolidation account; authorizing the payment of refunds to the estates of certain deceased police officers.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2394.

H.F. No. 2178: A bill for an act relating to state lands; authorizing private sale of certain tax-forfeited land that borders public water in Meeker county.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2017, now on the Consent Calendar.

H.F. No. 2187: A bill for an act relating to state lands; authorizing the sale of certain lands in Mille Lacs county to resolve a trespass situation.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2062.

H.F. No. 2567: A bill for an act relating to state government; permitting state employees to donate vacation leave for the benefit of a certain state employee.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2447.

H.F. No. 2675: A bill for an act relating to state lands; authorizing public sale of certain tax-forfeited land that borders public waters in Aitkin county.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2305.

H.F. No. 2680: A bill for an act relating to charitable organizations; changing definitions; modifying registration requirements; amending Minnesota Statutes 1993 Supplement, section 309.501, subdivisions 1 and 3.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2231.

H.F. No. 2692: A bill for an act relating to state lands; authorizing private sale of certain state land in Crow Wing county to resolve an encroachment situation.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2436, now on the Consent Calendar.

H.F. No. 2058: A bill for an act relating to human services; removing the expiration date for the ombudsman committee for mental health and retardation; amending Minnesota Statutes 1993 Supplement, section 245.97, subdivision 6.

Referred to the Committee on Health Care.

H.F. No. 2591: A bill for an act relating to utilities; eliminating duplicate reporting relating to energy demand forecasting information by public utilities; authorizing low-income rates in certain circumstances; establishing a pilot program; amending Minnesota Statutes 1992, sections 116C.57, subdivision 3; 216B.16, by adding a subdivision; 216B.241, subdivision 1a; and 216C.17, subdivision 2; Minnesota Statutes 1993 Supplement, sections 216B.2422, by adding a subdivision; and 216C.17, subdivision 3; repealing Minnesota Statutes 1993 Supplement, section 116C.54.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2539.

H.F. No. 2772: A bill for an act relating to state government; public employment; establishing a pilot project in certain agencies; permitting the waiver of rules governing the classified and unclassified service of the state by joint committees.

Referred to the Committee on Governmental Operations and Reform.

H.F. No. 2200: A bill for an act relating to game and fish; preference to certain aged or disabled hunters in issuance of game refuge deer permits; amending Minnesota Statutes 1992, section 97B.055, subdivision 3; Minnesota Statutes 1993 Supplement, section 97A.091, subdivision 2.

Referred to the Committee on Environment and Natural Resources.

H.F. No. 2237: A bill for an act relating to game and fish; requiring informational meetings in a certain area prior to the regular goose season; directing a study of waterfowl pollution of certain waters; proposing coding for new law in Minnesota Statutes, chapter 97B.

Referred to the Committee on Environment and Natural Resources.

H.F. No. 2321: A bill for an act relating to state lands; authorizing public sale of certain tax-forfeited land that borders public water in Clay and Wilkin counties.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2152.

H.F. No. 2311: A bill for an act relating to taxation; abolishing certain local government levy limitations; amending Minnesota Statutes 1992, sections 12.26, subdivision 2; 18.022, subdivision 2; 18.111, subdivision 1; 103G.625, subdivision 3; 138.053; 164.04, subdivision 3; 164.05, subdivision 1; 174.27; 193.145, subdivision 2; 237.35; 268A.06, subdivision 2; 375.167, subdivision 1; 375A.13, subdivision 2; 383A.03, subdivision 4; 383A.411, subdivision 5; 383B.245; 383C.42, subdivision 1; 398.16; 410.06; 412.251; 412.531, subdivision 1; 449.06; 449.08; 449.09; 450.19; 459.06, subdivision 1; 459.14, subdivision 2; 465.54; 469.053, subdivision 7; 469.188; 471.191, subdivision

2; 471.24; 471.57, subdivision 1; 471.61, subdivisions 1 and 2a; 473.711, subdivision 2; Minnesota Statutes 1993 Supplement, section 88.04, subdivision 3; Laws 1933, chapter 423, section 2; Laws 1943, chapters 196, section 6, as amended; 367, section 1, as amended; 510, section 1; Laws 1947, chapters 224, section 1; 340, section 4; Laws 1949, chapters 215, section 2; 252, section 1; 668, section 1; Laws 1953, chapters 154, section 3; 545, section 2; Laws 1957, chapter 213, section 1; Laws 1959, chapters 298, section 2; 520, section 1; 556, section 1, as amended; Laws 1961, chapters 80, section 1; 81, section 1; 82, section 1; 151, section 1; 209, section 4; 317, section 1; 352, section 1, as amended; 616, section 1, subdivision 1; 643, section 1; Laws 1961, extra session chapter 33, section 3; Laws 1963, chapters 29, section 1; 56, section 1; 103, section 1; Laws 1965, chapters 6, section 2, as amended; 442, section 1; 451, section 2; 512, section 1, subdivision 1; 527, section 1; 617, section 1; Laws 1967, chapters 501, section 1; 526, section 1, subdivision 3; 611, section 1; 660, section 2, subdivision 2; 758, section 1; Laws 1969, chapters 192, section 1, as amended; 534, section 2; 538, section 6, as amended; 602, section 1, subdivision 2; 652, section 1; 659, section 3; 730, section 1; Laws 1971, chapters 404, section 1; 424, section 1; 573, section 1; 876, section 3; Laws 1973, chapter 81, section 1; Laws 1977, chapter 61, section 8; Laws 1979, chapters 1, section 3; 253, section 3; 303, article 10, section 15, subdivision 2, as amended; Laws 1981, chapter 281, section 1; Laws 1983, chapter 326, section 17, subdivision 1; Laws 1984, chapters 380, section 1; 502, article 13, section 8; Laws 1985, chapters 181, section 1; 289, sections 1, 3, 5, subdivision 1, and 6, subdivision 1; Laws 1986, chapters 392, section 1; 399, article 1, section 1, as amended; Laws 1988, chapters 517, section 1; 640, section 3; repealing Minnesota Statutes 1992, sections 373.40, subdivision 6; 471.1921; and 471.63, subdivision 2; Laws 1915, chapter 316, section 1, as amended; Laws 1939, chapter 219, section 1; Laws 1941, chapter 451, section 1; Laws 1961, chapters 30, section 1; 119, section 1; 276, section 1; 439, section 1; Laws 1963, chapter 228, section 1; Laws 1967, chapter 542, section 1, subdivision 3; Laws 1971, chapters 168; 356, section 2; 515, section 1; 770; Laws 1973, chapter 445, section 1; Laws 1974, chapter 209; Laws 1977, chapter 246; Laws 1982, chapter 523, article XII, section 8; Laws 1984, chapter 502, article 13, section 10, as amended; Laws 1986, chapter 399, article 1, section 4; Laws 1989, First Special Session chapter 1, article 5, section 50, as amended; Laws 1990, chapter 604, article 3, sections 50 and 55; and Laws 1991, chapters 3, section 2, subdivision 3; and 291, article 4, section 21.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2391.

H.F. No. 2360: A bill for an act relating to transportation; authorizing commissioner of transportation to contract with state of Wisconsin to build and operate truck inspection station in Wisconsin.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2472.

H.F. No. 2497: A bill for an act relating to game and fish; requiring availability of 24-hour angling licenses until the end of the license year; amending Minnesota Statutes 1992, section 97A.485, subdivision 8.

Referred to the Committee on Environment and Natural Resources.

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted, with the exception of the reports on S.F. Nos. 2220, 2824, 2593 and 1801. The motion prevailed.

Mr. Metzen from the Committee on Governmental Operations and Reform, to which was referred

S.F. No. 2171: A bill for an act relating to fire and police state aid; including Indian tribal governments in definition of municipality; amending Minnesota Statutes 1992, section 69.011, subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 17, after the comma, insert "*and, for purposes of the fire state aid program only, an*"

Page 3, line 21, delete "*for*" and insert "*the day following final enactment and applies to fire state*" and delete "*thereafter*" and insert "*in subsequent years*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Solon from the Committee on Commerce and Consumer Protection, to which was referred

S.F. No. 2579: A bill for an act relating to commerce; restraint of trade; providing a civil remedy for injury to business reputation or dilution of quality of a mark; providing grounds for injunctive relief; proposing coding for new law in Minnesota Statutes, chapter 325D.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Mr. Solon from the Committee on Commerce and Consumer Protection, to which was referred

S.F. No. 2738: A bill for an act relating to insurance; Medicare supplement; regulating premium rates; amending Minnesota Statutes 1993 Supplement, section 62A.31, by adding a subdivision.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1992, section 62A.31, is amended by adding a subdivision to read:

Subd. 1u. [PREMIUM RATE REGULATION.] No Medicare supplement policy, contract, or certificate, including policies, contracts, or certificates that supplement Medicare issued by health maintenance organizations and those contracts governed by section 1833 or 1876 of the federal Social Security Act, United States Code, title 42, section 1395 et seq., may be issued or renewed to a Minnesota resident unless the premium rate charged complies with this subdivision. The premium rate must:

(1) not be used unless it has been approved by the commissioner of commerce or commissioner of health, whichever is applicable, as being in full compliance with this subdivision and other applicable state law;

(2) not be approved, unless the commissioner of commerce or commissioner of health, whichever is applicable, has determined that the rate is reasonable. In determining reasonableness, the commissioner shall consider the effect of any Medicare benefit and health care financing administrative funding changes, the growth rates applied under section 62J.04, subdivision 1, paragraph (b), to the calendar year or years that the proposed premium rate would be in effect, actuarially valid changes in risk associated with the enrollee population, and actuarially valid changes as a result of statutory changes in Laws 1992, chapter 549;

(3) comply with the minimum loss ratio provided under section 62A.36, except that the loss ratio must be adjusted upward by one percent per year until July 1, 2000, as provided in section 62A.021;

(4) be approved by the commissioner of commerce or commissioner of health, whichever is applicable, as actuarially justified, based upon an actuarial review, by the commissioner's own employed or retained actuary, of the actuarial justification provided by the health carrier; and

(5) not be approved except after compliance with the following procedure:

(i) a health carrier that wishes to increase its premium rate must submit its request to the appropriate commissioner on or before November 1;

(ii) the health carrier must notify its policyholders, contract holders, enrollees, and certificate holders of the proposed increase by mail no later than November 30. The notice must provide a toll-free telephone number that may be used to call the health carrier for more information. The notice must specify the dollar amount per month or the percentage of the proposed increase and itemize the portion of the proposed increase attributable to each of the following:

(A) changes in Medicare deductibles and copays;

(B) changes in Medicare payments to the health carrier;

(C) changes in the medical care component of the consumer price index, based upon the most recent 12 month change available as of October 1, as determined by the commissioners;

(D) expense or claims experience under the plan; and

(E) other factors specified by the health carrier;

(iii) the notice must also inform the recipient of the dates, times, and locations of no fewer than five public hearings arranged jointly by the commissioners of health and commerce and must further inform the recipient that the recipient may appear at the hearing to comment on the proposed increase or may submit written comments to the appropriate commissioner. The hearings must be held in January and must be located at convenient locations throughout the state, as determined by the commissioners in their discretion. A representative of the health carrier must be present at the hearings. The rate must not be approved until after the hearings;

(iv) clause (iii) does not apply to a proposed rate increase that is attributable only to the change in item (C) in clause (ii), as determined by the commissioner. Upon receipt of a request for a rate increase, the commissioner shall determine, no later than November 15, whether the proposed increase complies with this clause. If the commissioner is in doubt, the determination shall be that it does not comply; and

(v) no rate increase shall go into effect prior to April 1, except a request that complies with clause (iv).

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment and applies to any rate increase that becomes effective on or after January 1, 1995."

And when so amended the bill do pass and be re-referred to the Committee on Finance: Amendments adopted. Report adopted.

Mr. Solon from the Committee on Commerce and Consumer Protection, to which was referred

S.F. No. 1781: A bill for an act relating to commerce; unclaimed property; requiring funds from checks held by a county to be given to the county; amending Minnesota Statutes 1992, section 345.48.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Finance. Report adopted.

Mr. Solon from the Committee on Commerce and Consumer Protection, to which was referred

S.F. No. 2582: A bill for an act relating to insurance; extending to contract for deed vendors the protections contained in the mortgage clause of the standard fire insurance policy; amending Minnesota Statutes 1992, section 65A.01, subdivision 3.

Reports the same back with the recommendation that the bill be amended as follows:

Page 7, line 24, delete "August 1, 1994" and insert "January 1, 1995"

Page 7, line 25, after "issued" insert "or renewed"

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Mr. Solon from the Committee on Commerce and Consumer Protection, to which was re-referred

S.F. No. 2661: A bill for an act relating to health; prohibiting certain organizational mergers or acquisitions; providing penalties; proposing coding for new law in Minnesota Statutes, chapter 62J.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Metzen from the Committee on Governmental Operations and Reform, to which was re-referred

S.F. No. 1862: A bill for an act relating to economic development; increasing the membership of the job skills partnership board; amending Minnesota Statutes 1993 Supplement, section 116L.03, subdivisions 1 and 2.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 18, after the period, insert "*At least one of the governor's appointees must be a post-secondary student at the time of appointment.*"

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was referred

S.F. No. 2391: A bill for an act relating to taxation; abolishing certain local government levy limitations; amending Minnesota Statutes 1992, sections 12.26, subdivision 2; 18.022, subdivision 2; 18.111, subdivision 1; 103B.691, subdivision 2; 103G.625, subdivision 3; 138.053; 164.04, subdivision 3; 164.05, subdivision 1; 174.27; 193.145, subdivision 2; 237.35; 268A.06, subdivision 2; 375.167, subdivision 1; 375A.13, subdivision 2; 383A.03, subdivision 4; 383A.411, subdivision 5; 383B.245; 383C.42, subdivision 1; 398.16; 410.06; 412.251; 412.531, subdivision 1; 449.06; 449.08; 449.09; 450.19; 459.06, subdivision 1; 459.14, subdivision 2; 465.54; 469.053, subdivision 7, and by adding a subdivision; 469.188; 471.191, subdivision 2; 471.24; 471.57, subdivision 1; 471.61, subdivisions 1 and 2a; 473.711, subdivision 2; Minnesota Statutes 1993 Supplement, section 88.04, subdivision 3; Laws 1933, chapter 423, section 2; Laws 1943, chapters 196, section 6, as amended; 367, section 1, as amended; 510, section 1; Laws 1947, chapters 224, section 1; 340, section 4; Laws 1949, chapters 215, section 2; 252, section 1; 668, section 1; Laws 1953, chapters 154, section 3; 545, section 2; Laws 1957, chapters 213, section 1; 629, section 1; Laws 1959, chapters 298, section 2; 520, section 1; 556, section 1, as amended; Laws 1961, chapters 80, section 1; 81, section 1; 82, section 1; 151, section 1; 209, section 4; 317, section 1; 352, section 1, as amended; 616, section 1, subdivision 1; 643, section 1; Laws 1961, extra session chapter 33, section 3; Laws 1963, chapters 29, section 1; 56, section 1; 103, section 1; Laws 1965, chapters 6, section 2, as amended; 442, section 1; 451, section 2; 512, section 1, subdivision 1; 527, section 1; 617, section 1; Laws 1967, chapters 501, section 1; 526, section 1, subdivision 3; 542, section 1, subdivision 3; 611, section 1; 660, section 2, subdivision 2; 758, section 1; Laws 1969, chapters 192, section 1, as amended; 534, section 2; 538, section 6, as amended; 602, section 1, subdivision 2; 652, section 1; 659, section 3; 730, section 1; Laws 1971, chapters 404, section 1; 424, section 1; 573, section 1, as amended; 876, section 3; Laws 1973, chapter 81, section 1; Laws 1977, chapter 61, section 8; Laws 1979, chapters 1, section 3; 253, section 3; 303, article 10, section 15, subdivision 2, as amended; Laws 1981, chapter 281, section 1; Laws 1983, chapter 326, section 17, subdivision 1; Laws 1984, chapters 380, section 1; 502, article 13, section 8; Laws 1985, chapters 181, section 1; 289, sections 1, 3, 5, subdivision 1, and 6, subdivision 1; Laws 1986, chapters 392, section 1; 399, article 1, section 1, as amended; Laws 1988, chapters 517, section 1; 640, section 3; Laws 1990, chapter 604, article 3, section 60; repealing Minnesota Statutes 1992, sections 373.40, subdivision 6; 471.1921; and 471.63, subdivision 2; Laws 1915, chapter 316, section 1, as amended; Laws 1939, chapter 219, section 1; Laws 1941, chapter 451, section 1; Laws 1961, chapters 30,

section 1; 119, section 1; 276, section 1; 439, section 1; Laws 1963, chapter 228, section 1; Laws 1971, chapters 168; 356, section 2; 515, section 1; 770; Laws 1973, chapter 445, section 1; Laws 1974, chapter 209; Laws 1977, chapter 246; Laws 1982, chapter 523, article XII, section 8; Laws 1984, chapter 502, article 13, section 10, as amended; Laws 1986, chapter 399, article 1, section 4; Laws 1989, First Special Session chapter 1, article 5, section 50, as amended; Laws 1990, chapter 604, article 3, sections 50 and 55; and Laws 1991, chapters 3, section 2, subdivision 3; and 291, article 4, section 21.

Reports the same back with the recommendation that the bill be amended as follows:

Page 25, lines 9 to 15, reinstate the stricken language

Page 32, delete section 21

Page 33, line 20, reinstate the stricken "not to exceed"

Page 33, line 21, before "on" insert ".00605 percent of market value"

Page 33, line 36, strike "of not more than" and delete the new language

Page 34, line 1, delete the new language

Page 34, line 11, strike "of not more than"

Page 34, line 12, delete the new language

Page 35, line 34, strike "of not more than"

Page 35, line 35, delete the new language

Page 37, line 3, strike "not greater than" and delete the new language

Page 37, line 4, delete "market value" and strike "per year"

Page 37, line 9, before "Laws 1982" insert "Laws 1967, chapter 542, section 1, subdivision 3;"

Page 37, line 15, delete "38" and insert "37"

Renumber the sections of article 6 in sequence

Page 37, delete section 1

Page 38, delete section 3

Page 40, line 9, reinstate the stricken "not exceeding" and before "on" insert ".04031 percent of market value per year"

Pages 40 and 41, delete section 9

Page 47, line 11, delete "0.04836" and insert "0.04835"

Page 47, line 21, strike "two mills on the"

Page 47, line 22, strike "assessed valuation of" and insert "0.04835 percent of market value on"

Pages 51 and 52, delete section 38

Page 52, line 12, delete "39" and insert "35"

Page 52, line 13, delete everything after "thereafter" and insert a period

Page 52, delete lines 14 to 16

Renumber the sections of article 7 in sequence

Amend the title as follows:

Page 1, lines 5 and 6, delete "103B.691, subdivision 2;"

Page 1, lines 14 and 15, delete ", and by adding a subdivision"

Page 1, line 24, delete "chapters" and insert "chapter"

Page 1, line 25, delete "629, section 1;"

Page 1, lines 36 and 37, delete "542, section 1, subdivision 3;"

Page 2, lines 8 and 9, delete "Laws 1990, chapter 604, article 3, section 60;"

Page 2, line 15, after the second semicolon, insert "Laws 1967, chapter 542, section 1, subdivision 3;"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Metzen from the Committee on Governmental Operations and Reform, to which was re-referred

S.F. No. 2496: A bill for an act relating to licensing; directing an expansion of the operations of the bureau of business licenses and of the master application procedure.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Metzen from the Committee on Governmental Operations and Reform, to which was re-referred

S.F. No. 2220: A bill for an act relating to water; providing for duties of the legislative water commission; providing for a sustainable agriculture advisory committee; requiring plans relating to sustainable agriculture and integrated pest management; changing disclosures and fees related to dewatering wells; establishing groundwater policy and education; changing water well permit requirements; requiring reports to the legislature; appropriating money; amending Minnesota Statutes 1992, sections 3.887, subdivisions 5, 6, and 8; 17.114, subdivisions 1, 3, 4, and by adding a subdivision; 18B.045, subdivision 1; 103A.43; 103B.151, subdivision 1; 103G.271, subdivision 5; 103H.175, by adding a subdivision; 103H.201, subdivisions 1 and 4; 103I.101, subdivision 5; 103I.205, subdivision 1; 103I.208; 103I.235, subdivision 1; 103I.331, subdivision 6; and 103I.401, subdivision 1; Minnesota Statutes 1993 Supplement, sections 18E.06; and 115B.20, subdivision 6; proposing coding for new law in Minnesota Statutes, chapters 103A; and 103F; repealing Minnesota Statutes 1992, section 103F.460.

Reports the same back with the recommendation that the bill do pass. Mr. Merriam questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Mr. Metzen from the Committee on Governmental Operations and Reform, to which was re-referred:

S.F. No. 2104: A bill for an act relating to children; establishing an abused child program under the commissioner of corrections; creating an advisory committee; specifying powers and duties of the commissioner and the advisory committee; proposing coding for new law in Minnesota Statutes, chapter 241.

Reports the same back with the recommendation that the bill be amended as follows:

Page 3, line 33, delete everything after the period

Page 3, line 34, delete "expire."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Metzen from the Committee on Governmental Operations and Reform, to which was referred:

S.F. No. 2332: A bill for an act relating to retirement; public employees retirement association; permitting purchase of service credit by certain soil and water conservation district employees.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 10, before "who" insert "*or a member of the general state employees retirement plan of the Minnesota state retirement system*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Novak from the Committee on Jobs, Energy and Community Development, to which was referred:

S.F. No. 1872: A bill for an act relating to elevators; regulating persons who construct and repair elevators; requiring inspections; creating an advisory committee; setting minimum code standards; amending Minnesota Statutes 1992, sections 183.355, subdivision 3; 183.357; and 183.358; proposing coding for new law in Minnesota Statutes, chapter 183.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [183.3521] [ELEVATOR MECHANICS; REGISTRATION.]

The wiring, installation, alteration, modernization, removal, and repair of the mechanical and electrical apparatus of an elevator that is used to move persons must be performed by a person registered by the commissioner as an elevator mechanic or by a person acting under the direct on-site supervision of a registered elevator mechanic. A registered mechanic may supervise not more than two persons performing work otherwise required to be performed by a registered mechanic.

To be registered by the commissioner, a person must have successfully completed the national elevator industry education program or a program found by the commissioner to be equivalent and must possess an elevator constructor or master elevator constructor license issued by the state board of electricity.

Sec. 2. Minnesota Statutes 1992, section 183.355, subdivision 3, is amended to read:

Subd. 3. [MINIMUM REQUIREMENTS.] No person, firm, or corporation may construct, install, *remove*, or repair an elevator that does not meet the minimum requirements of ~~this chapter, adopted sections 183.351 to 183.358~~, rules, or national codes adopted by rule.

Sec. 3. Minnesota Statutes 1992, section 183.357, subdivision 1, is amended to read:

Subdivision 1. [PERMITS.] No person, firm, or corporation may construct, *perform alterations, remove*, or install an elevator without ~~first filing an application for obtaining a permit with the department of labor and industry or a municipality authorized by subdivision 3 to inspect elevators. Projects under actual construction before July 1, 1989, are not required to obtain a permit from the department.~~ Upon successfully completing inspection and the payment of the appropriate fee, the owner must be granted an operating permit for the elevator.

Sec. 4. Minnesota Statutes 1992, section 183.357, subdivision 2, is amended to read:

Subd. 2. [CONTRACTOR LICENSES.] The commissioner ~~may~~ *shall* by rule establish criteria for the qualifications of elevator contractors and issue licenses based upon proof of the applicant's qualifications.

Sec. 5. Minnesota Statutes 1992, section 183.358, is amended to read:

183.358 [RULES.]

The commissioner ~~may~~ *shall* adopt rules for the following purposes:

(1) to set a fee under section ~~16A.128~~ 16A.1285 for processing a construction or installation permit or elevator contractor license application;

(2) to set a fee under section ~~16A.128~~ 16A.1285 to cover the cost of elevator inspections;

(3) to establish minimum qualifications for elevator inspectors that must include possession of a current journeyman elevator electrician's license issued by the state board of electricity and proof of successful completion of the national elevator ~~construction mechanic examination~~ industry education program or equivalent experience;

(4) to establish criteria for the qualifications of elevator contractors;

(5) to establish elevator standards under sections 16B.61, subdivisions 1 and 2, and 16B.64; and

(6) to establish procedures for appeals of decisions of the commissioner under chapter 14 and procedures allowing the commissioner, before issuing a decision, to seek advice from the elevator trade, building owners or managers,

and others knowledgeable in the installation, construction, and repair of elevators.

Sec. 6. [EFFECTIVE DATE.]

Section 1 is effective July 1, 1995. Section 5 is effective the day following its final enactment."

Delete the title and insert:

"A bill for an act relating to elevators; regulating persons who may do elevator work; amending Minnesota Statutes 1992, sections 183.355, subdivision 3; 183.357, subdivisions 1 and 2; and 183.358; proposing coding for new law in Minnesota Statutes, chapter 183."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Lessard from the Committee on Environment and Natural Resources, to which was referred

S.F. No. 1909: A bill for an act relating to pollution; requiring that cities and counties adopt ordinances complying with pollution control agency rules regarding individual sewage treatment systems; requiring the agency to license sewage treatment professionals; requiring rulemaking; proposing coding for new law in Minnesota Statutes, chapter 115.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [115.55] [INDIVIDUAL SEWAGE TREATMENT SYSTEMS.]

Subdivision 1. [DEFINITIONS.] (a) The definitions in this subdivision apply to this section and section 2.

(b) "City" means a statutory or home rule charter city.

(c) "Commissioner" means the commissioner of the pollution control agency.

(d) "Dwelling" means a building or place used or intended to be used by human occupants as a single-family or two-family unit.

(e) "Individual sewage treatment system" or "system" means a sewage treatment system, or part thereof, serving a dwelling, other establishment, or group thereof, that uses subsurface soil treatment and disposal.

(f) "Individual sewage treatment system professional" means an inspector, installer, site evaluator or designer, or pumper.

(g) "Individual sewage treatment system rules" means rules adopted by the agency that establish minimum standards and criteria for the design, location, installation, use, and maintenance of individual sewage treatment systems.

(h) "Inspector" means a person who inspects individual sewage treatment systems for compliance with rules of the agency or with local government ordinances under subdivision 2.

(i) "Installer" means a person who constructs or repairs individual sewage treatment systems.

(j) "Pumper" means a person who maintains components of individual sewage treatment systems including, but not limited to, septic, aerobic, and holding tanks.

(k) "Seasonal dwelling" means a dwelling that is occupied or used for less than 180 days per year and less than 120 consecutive days.

(l) "Site evaluator or designer" means a person who:

(1) investigates soils and site characteristics to determine suitability, limitations, and sizing requirements; and

(2) designs individual sewage treatment systems.

Subd. 2. [INSPECTION.] (a) After December 31, 1995, a county, city, or town may not issue a building permit or variance for new construction or for the addition of a bedroom or bathroom on property served by an individual sewage treatment system unless the system is in compliance with the individual sewage treatment system rules, as evidenced by a certificate of compliance issued by a licensed inspector or site evaluator or designer.

(b) If the system is not in compliance with the rules, the inspector or site evaluator or designer must issue a notice of noncompliance to the property owner and must provide a copy of the notice to the city, town, or county to which application for the building permit or variance was made. If the inspector or site evaluator or designer finds that the system presents an imminent threat to public health or safety, the inspector or site evaluator or designer must include a statement to this effect in the notice and the property owner must upgrade, replace, or discontinue use of the system within ten months of receipt of the notice.

Subd. 3. [DISCLOSURE OF INDIVIDUAL SEWAGE TREATMENT SYSTEM TO BUYER.] After August 31, 1994, before signing an agreement to sell or transfer real property, the seller must disclose in writing to the buyer information about the status and location of individual sewage treatment systems on the property or serving the property. The disclosure must be made by delivering to the buyer either a statement by the seller that there is no individual sewage treatment system on or serving the property or a disclosure statement describing the system and indicating the legal description of the property, the county in which the property is located, and a map drawn from available information showing the location of the system on the property to the extent practicable. In the disclosure statement the seller must indicate whether the individual sewage treatment system is in use and, to the seller's knowledge, in compliance with applicable sewage treatment laws and rules. Unless the buyer and seller agree to the contrary in writing before the closing of the sale, a seller who fails to disclose the existence or known status of an individual sewage treatment system at the time of sale, and who knew of the existence or known status of the system, is liable to the buyer for costs relating to bringing the system into compliance with the individual sewage treatment system rules and for reasonable attorney fees for collection of costs from the seller. An action under this subdivision must be commenced within two years after the date on which the buyer closed the purchase of the real property where the system is located.

Subd. 4. [LOCAL ORDINANCE MAY BE MORE RESTRICTIVE.] (a) A county, city, or town may adopt and enforce ordinances or rules affecting individual sewage treatment systems that are more restrictive than the agency's individual sewage treatment system rules.

(b) If standards are adopted that are more restrictive than the agency's rules, the county, city, or town must submit the more restrictive standards to the commissioner along with an explanation of the more restrictive provisions.

Sec. 2. [115.56] [MANDATORY LICENSING PROGRAM.]

Subdivision 1. [RULES.] (a) Pursuant to section 115.03, subdivision 1, by January 1, 1996, the agency shall adopt rules containing standards of licensure applicable to all individual sewage treatment system professionals.

The rules must include but are not limited to:

(1) training requirements that include both classroom and fieldwork components;

(2) examination content requirements and testing procedures;

(3) continuing education requirements;

(4) equivalent experience provisions;

(5) bonding and insurance requirements;

(6) schedules for submitting fees; and

(7) license revocation and suspension and other enforcement requirements.

(b) The agency shall consult with the advisory committee on individual sewage treatment systems created under Minnesota Rules, part 7080.0100, before proposing any rules.

Subd. 2. [COMMISSIONER TO ISSUE LICENSES.] The commissioner shall license all individual sewage treatment system professionals.

Subd. 3. [LICENSE REQUIRED.] (a) Except as provided in paragraph (b), after March 31, 1996, a person may not design, install, maintain, pump, or inspect an individual sewage treatment system without a license issued by the commissioner.

(b) A license is not required for a person who complies with the individual sewage treatment system rules if the person is:

(1) a qualified employee of state or local government who has passed the examination described in paragraph (d) or a similar examination;

(2) an individual who constructs an individual sewage treatment system on land that is owned or leased by the individual and functions solely as the individual's dwelling or seasonal dwelling; or

(3) an individual who performs labor or services for a person licensed under this section in connection with the design, installation, maintenance, pumping, or inspection of an individual sewage treatment system at the direction and under the personal supervision of a person licensed under this section.

An individual sewage treatment system constructed under clause (2) must

be inspected during and after construction and a compliance report must be provided to the city or county after each inspection.

(c) The commissioner, in conjunction with the University of Minnesota extension service or another higher education institution, shall ensure adequate training exists for individual sewage treatment system professionals.

(d) The commissioner shall conduct examinations to test the knowledge of applicants for licensing and shall issue documentation of licensing.

(e) Licenses may be issued only upon successful completion of the required examination and submission of proof of sufficient experience, proof of general liability insurance, and a performance bond in the amount of at least \$10,000.

(f) Notwithstanding paragraph (e), the examination and proof of experience are not required for an individual sewage treatment system professional who, on the effective date of the rules adopted under subdivision 1, holds a certification attained by examination and experience under a voluntary certification program administered by the agency.

(g) Counties, cities, and towns may not require additional local licenses for individual sewage treatment system professionals.

Subd. 4. [ENFORCEMENT.] (a) The commissioner may deny, suspend, or revoke a license, or use any lesser remedy against an individual sewage treatment system professional, for any of the following reasons:

(1) failure to meet the requirements for a license;

(2) incompetence, negligence, or inappropriate conduct in the performance of the duties of an individual sewage treatment system professional; or

(3) submission of false or misleading information or credentials in order to obtain or renew a license.

(b) Upon receiving a signed written complaint that alleges the existence of a ground for enforcement action against a person under paragraph (a), the commissioner shall initiate an investigation. Revocation, suspension, or other enforcement action may not be taken before written notice is given to the person and an opportunity is provided for a contested case hearing complying with the provisions of chapter 14.

Subd. 5. [LICENSE FEE.] The fee for a license issued under subdivision 2 is \$100 per year. Revenue from the fees must be credited to the environmental fund.

Sec. 3. [APPROPRIATION; REIMBURSEMENT.]

(a) \$120,000 is appropriated from the general fund to the commissioner of the pollution control agency for the purposes of sections 1 and 2 to be available for the biennium ending June 30, 1995.

(b) Amounts spent by the commissioner of the pollution control agency from the appropriation in paragraph (a) must be reimbursed to the general fund no later than June 30, 1997. The amount necessary to make the reimbursement is appropriated from the environmental fund to the commissioner of finance for transfer to the general fund.

Sec. 4. [EFFECTIVE DATE.]

Sections 1 and 2 are effective the day following final enactment."

Delete the title and insert:

“A bill for an act relating to pollution; prohibiting issuance of certain building permits unless pollution control agency rules regarding individual sewage treatment systems are complied with; requiring disclosure by sellers of property of the existence and status of individual sewage treatment systems; requiring the agency to license sewage treatment professionals; requiring rulemaking; setting a fee; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 115.”

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Lessard from the Committee on Environment and Natural Resources, to which was referred

S.F. No. 2054: A bill for an act relating to natural resources; personnel working on certain projects; terms and conditions of certain 1993 appropriations; amending Minnesota Statutes 1992, section 116P.09, subdivision 4; Laws 1993, chapter 172, section 14, subdivisions 4, 11, and 12.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, after line 7, insert:

“Section 1. Minnesota Statutes 1992, section 116P.05, subdivision 2, is amended to read:

Subd. 2. [DUTIES.] (a) The commission shall recommend a budget plan for expenditures from the environment and natural resources trust fund and shall adopt a strategic plan as provided in section 116P.08.

(b) The commission shall recommend expenditures to the legislature from the Minnesota future resources fund under section 116P.13.

(c) It is a condition of acceptance of the appropriations made from the Minnesota future resources fund, Minnesota environment and natural resources trust fund, and oil overcharge money under section 4.071, subdivision 2, that the agency or entity receiving the appropriation must submit a work program and semiannual progress reports in the form determined by the legislative commission on Minnesota resources. None of the money provided may be spent unless the commission has approved the pertinent work program.

(d) *The peer review panel created under section 116P.08 must also review, comment, and report to the commission on research proposals applying for an appropriation from the Minnesota resources fund and from oil overcharge money under section 4.071, subdivision 2.*

(e) The commission may adopt operating procedures to fulfill its duties under sections 116P.01 to 116P.13.

Sec. 2. Minnesota Statutes 1992, section 116P.08, subdivision 6, is amended to read:

Subd. 6. [PEER REVIEW.] (a) Research proposals must include a stated purpose, timeline, potential outcomes, and an explanation of the need for the

research. All research proposals must be reviewed by a peer review panel before receiving an appropriation ~~from the trust fund.~~

(b) In conducting research proposal reviews, the peer review panel shall:

(1) comment on the methodology proposed and whether it can be expected to yield appropriate and useful information and data;

(2) comment on the need for the research and about similar existing information available, if any; *and*

(3) comment on whether the research proposed meets the categories of subdivision 1; *and*

(4) report to the commission and advisory committee on clauses (1) to (3) *and* (2).

(c) The peer review panel also must review completed research proposals that have received an appropriation ~~from the trust fund~~ and comment and report upon whether the project reached the intended goals.

Sec. 3. Minnesota Statutes 1992, section 116P.08, subdivision 7, is amended to read:

Subd. 7. [PEER REVIEW PANEL MEMBERSHIP.] (a) The peer review panel must consist of at least five ~~but not more than 11~~ members who are knowledgeable in general research methods, ~~including but not limited to in the areas of air quality research, water research, forest research, fish and wildlife management research, environmental health research, and soil conservation research~~ *environment and natural resources*. Not more than two members of the panel may be employees of state agencies *in this state*.

(b) ~~Members of the peer review panel shall be selected by the commission and serve four-year staggered terms according to section 15.059. The commission may select additional temporary members for any research proposal deemed to be too technical for adequate peer review by the panel in paragraph (a). Members of the peer review panel. The commission shall elect select a chair every two years who shall be responsible for convening meetings of the panel as often as is necessary to fulfill its duties as prescribed in this section. Compensation of panel members is governed by section 15.059, subdivision 3.~~

Page 1, after line 20, insert:

“Sec. 5. Minnesota Statutes 1993 Supplement, section 116P.11, is amended to read:

116P.11 [AVAILABILITY OF FUNDS FOR DISBURSEMENT.]

(a) The amount biennially available from the trust fund for the budget plan developed by the commission consists of the ~~interest~~ earnings generated from the trust fund. ~~Interest~~ Earnings generated from the trust fund shall equal the amount of interest on debt securities and dividends on equity securities. Gains and losses arising from the sale of securities shall be apportioned as follows:

(1) if the sale of securities results in a net gain during a fiscal year, the gain shall be apportioned in equal installments over the next ten fiscal years to offset net losses in those years. If any portion of an installment is not needed to recover subsequent losses identified in paragraph (b), it shall be added to the principal of the fund; *and*

(2) if the sale of securities results in a net loss during a fiscal year, the net loss shall be recovered from the gains in paragraph (a) apportioned to that fiscal year. If such gains are insufficient, any remaining net loss shall be recovered from interest and dividend income in equal installments over the following ten fiscal years.

(b) For funding projects ~~through~~ until fiscal year 1997, the following additional amounts are available from the trust fund for the budget plans developed by the commission:

(1) for the 1991-1993 biennium, up to 25 percent of the revenue deposited in the trust fund in fiscal years 1990 and 1991;

(2) for the 1993-1995 biennium, up to 20 percent of the revenue deposited in the trust fund in fiscal year 1992 and up to 15 percent of the revenue deposited in the fund in fiscal year 1993;

(3) for the 1993-1995 biennium, up to 25 percent of the revenue deposited in the trust fund in fiscal years 1994 and 1995, to be expended only for capital investments in parks and trails; and

(4) for the 1995-1997 biennium, up to ten percent of the revenue deposited in the fund in fiscal year 1996.

(c) Any appropriated funds not encumbered in the biennium in which they are appropriated cancel and must be credited to the principal of the trust fund."

Page 2, line 53, delete "This"

Page 2, delete lines 54 and 55

Page 4, line 28, delete "authorization" and insert "appropriation"

Page 4, delete line 29

Page 4, line 30, delete "enactment and is".

Pages 5 to 8, delete section 4 and insert:

"Sec. 8. [APPROPRIATION.]

\$300,000 is appropriated from the future resources fund to the commissioner of natural resources for the restoration of the Niemackl watershed by improvement of water quality, flood reduction, fish and wildlife habitat, and recreation through citizen participation with federal, state, and local governments, and nongovernment agencies. \$150,000 is contingent on a match of \$300,000 of nonstate funds by October 1, 1994.

Sec. 9. [EFFECTIVE DATE.]

This act is effective the day following final enactment."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, after the semicolon, insert "peer review panel; availability of money in environmental trust fund; appropriating money;"

Page 1, line 5, delete "section" and insert "sections 116P.05, subdivision 2;

116P.08, subdivisions 6 and 7;" and after "4;" insert "Minnesota Statutes 1993 Supplement, section 116P.11;"

Page 1, line 6, delete ", 11, and 12" and insert "and 11"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Chmielewski from the Committee on Transportation and Public Transit, to which was referred

S.F. No. 2153: A bill for an act relating to transportation; establishing a high speed bus service pilot project; appropriating money; authorizing bonds to be sold; amending Minnesota Statutes 1992, section 473.39, by adding a subdivision.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Finance. Report adopted.

Mr. Chmielewski from the Committee on Transportation and Public Transit, to which was referred

S.F. No. 1679: A bill for an act relating to highways; designating trunk highway marked No. 212 as the Minnesota Veterans Memorial Highway; amending Minnesota Statutes 1992, section 161.14, by adding a subdivision.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Chmielewski from the Committee on Transportation and Public Transit, to which was referred

S.F. No. 348: A bill for an act relating to highways; prohibiting improvement, expansion, or reconstruction of highway 280 until the environmental review process is complete; requiring the metropolitan council to complete the environmental impact statement for reconstruction of highway 280; providing for allocation of costs; prohibiting variances from state noise standards.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [TRUNK HIGHWAY NO. 280; NOISE BARRIERS.]

Subdivision 1. [DEFINITION.] For purposes of this section "trunk highway No. 280 project" means a department of transportation highway improvement project on marked trunk highway No. 280 that would improve, expand, or reconstruct the highway.

Subd. 2. [REQUIREMENT.] If the commissioner of transportation takes any action between the effective date of this act and June 30, 1997, that would have the effect of delaying the start of the trunk highway No. 280 project beyond June 30, 1997, the commissioner shall, within 12 months after taking that action, erect noise barriers on the highway between interstate highways marked 94 and 35-W as provided in the noise barrier component of the project.

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 highways; requiring accelerated construction of noise barriers on marked trunk highway No. 280 if the reconstruction of that highway is delayed beyond fiscal year 1997."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Chmielewski from the Committee on Transportation and Public Transit, to which was referred

S.F. No. 2824: A bill for an act relating to ethanol; increasing the cap on ethanol development payments to ethanol producers; extending expiration of payments for ethanol development; increasing minimum oxygen content of gasoline; eliminating tax credit for agricultural alcohol gasoline; amending Minnesota Statutes 1992, sections 41A.09, subdivision 5; and 296.02, subdivision 7; Minnesota Statutes 1993 Supplement, section 41A.09, subdivision 3; and 239.791, subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 27, strike "1993" and insert "1994"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Mr. Merriam questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Mr. Chmielewski from the Committee on Transportation and Public Transit, to which was referred

S.F. No. 2618: A bill for an act relating to motor vehicle registration; exempting unmarked police vehicles from registration requirements; amending Minnesota Statutes 1992, section 168.012, subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 6, delete "general" and after "police" insert, "and fire" and after "work" insert "and arson investigations"

Page 2, line 10, strike "arson investigations,"

Amend the title as follows:

Page 1, line 2, after "police" insert "and fire"

And when so amended the bill do pass and be re-referred to the Committee on Taxes and Tax Laws. Amendments adopted. Report adopted.

Mr. Chmielewski from the Committee on Transportation and Public Transit, to which was referred

S.F. No. 2471: A bill for an act relating to highways; changing highway description; amending Minnesota Statutes 1992, section 161.115, subdivision 224.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Mr. Chmielewski from the Committee on Transportation and Public Transit, to which was referred

S.F. No. 2556: A bill for an act relating to transportation; increasing money set aside from the county state-aid highway and municipal state-aid street funds to the disaster accounts and research accounts; changing composition of disaster account boards; providing that remaining money from research accounts lapse to the appropriate funds after two years; amending Minnesota Statutes 1992, sections 162.06, subdivisions 3 and 4; and 162.12, subdivisions 3 and 4.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Chmielewski from the Committee on Transportation and Public Transit, to which was referred

S.F. No. 2503: A bill for an act relating to highways; conforming powers held by counties over county highways to those powers held by counties over county state-aid highways; amending Minnesota Statutes 1992, section 163.11, subdivision 3.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Mr. Chmielewski from the Committee on Transportation and Public Transit, to which was referred

S.F. No. 2097: A bill for an act relating to transportation; modifying distribution of money in transit assistance fund; establishing annual gasoline excise tax rate adjustment; modifying amounts of motor vehicle excise tax money transferred to transit assistance fund; appropriating money; amending Minnesota Statutes 1992, sections 296.02, by adding a subdivision; and 297B.09, subdivision 1; Minnesota Statutes 1993 Supplement, section 174.32, subdivision 2.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. [TRANSPORTATION APPROPRIATIONS.]

The sums in the column headed “APPROPRIATIONS” are appropriated from the trunk highway fund, or another named fund, to the commissioner of transportation, or another named agency, to construct, improve, and maintain public highways, for the acquisition and betterment of public land and buildings and other public improvements of a capital nature, and for other purposes as specified in this act. Except as otherwise provided, the appropriations in this act are available until expended.

SUMMARY

Transit Assistance Fund	\$,000
Trunk Highway Fund,000
Transportation Fund,000

APPROPRIATIONS

\$

Sec. 2. TRANSPORTATION

Subdivision 1. Transportation Operations

(a) Greater Minnesota Transit,000

This appropriation is from the transit assistance fund.

(b) Transit Administration,000

This appropriation is from the transit assistance fund.

(c) Electric Vehicle Technology Study 200,000

This appropriation is to study electric vehicle technology and to pay for the costs, not to exceed ten percent of this appropriation, of the office of transit of the department of transportation to oversee the project. The commissioner shall disburse money from this appropriation on a two-for-one matching basis, seeking federal funding as well as local matching money.

The commissioner of transportation shall study, evaluate, and test road powered electric vehicle (RPEV) technology under the Saints Road Project in St. Cloud, Minnesota, in coordination with the St. Cloud Area Metropolitan Transit Commission. The commissioner shall make findings and recommendations specifically discussing: RPEV enhancement to and cost comparisons for electric trolley bus applications, particularly regarding light rail transit; RPEV application as an intermodal system at the Minneapolis-St. Paul airport to replace the diesel truck passenger carrier operating between the terminal and car rental agencies; snow and ice removal testing and evaluation; and safety testing of the RPEV technology under consideration at the Saints Road Project.

(d) High Speed Rail Corridor Study

730,000

The commissioner of transportation shall initiate a phase-II feasibility study of high-speed rail service in Minnesota, Wisconsin, and Illinois along the southern corridor identified in the tri-state study of high-speed rail service. The commissioner shall seek federal matching funds and contributions from nonpublic sources to finance the study. The commissioner may enter into agreements with the states of Wisconsin and Illinois to cooperate in financing and performing the study.

This appropriation is contingent upon the state of Wisconsin paying \$500,000 and receipt of federal matching money for the study.

The study outline must be agreed upon by the participating states and federal government and must include:

- (1) collection of original and comprehensive origin-destination data;
- (2) a comprehensive assessment of alternative technologies;
- (3) engineering and environmental analysis, including route evaluations within the corridor, crossings, infrastructure needs, intermodal connections, and potential station locations;
- (4) comprehensive financial and economic analysis;
- (5) analysis of potential public-private partnerships; and
- (6) an implementation plan and program for design and construction of a high-speed rail system.

(e) Local Roads

County State Aids

This appropriation is from the county state-aid highway fund.

Municipal State Aids

This appropriation is from the municipal state-aid street fund.

(f) State Road Construction

... ,000,000

This appropriation is added to the appropriation in Laws 1993, chapter 266, section 2, subdivision 7, paragraph (a). The commissioner shall spend \$50 million of this appropriation in construction year 1994.

(g) Highway Program Delivery

.....,000

This appropriation is added to the appropriation in Laws 1993, chapter 266, section 2, subdivision 8.

\$.....,000 is for design engineering.

\$.....,000 is for construction engineering.

\$..... is for field operations.

The commissioner of transportation shall spend \$1,000,000 of money previously appropriated toward the completion of an environmental impact statement for the Wakota bridge on Interstate Highway marked No. 494, in Dakota and Washington counties.

(h) State Road Operation

.....,000

This appropriation is added to the appropriation in Laws 1993, chapter 266, section 2, subdivision 8.

Subd. 2. Bloomington Ferry Bridge

7,631,000

This appropriation is from the state transportation fund as provided in Minnesota Statutes, section 174.50, to match federal funds to complete construction of the Bloomington ferry bridge and approaches.

This appropriation is added to the appropriation in Laws 1993, chapter 373, section 14, subdivision 2.

Subd. 3. Local Bridge Replacement and Rehabilitation

15,000,000

This appropriation is from the state transportation fund as provided in Minnesota Statutes, section 174.50, to match federal funds and to replace or rehabilitate local deficient bridges.

Political subdivisions may use grants made under this section to construct or reconstruct bridges, including:

- (1) matching federal-aid grants to construct or reconstruct key bridges;
- (2) paying the costs to abandon an existing bridge that is deficient and in need of replacement, but where no replacement will be made;
- (3) paying the costs to construct a road or street to facilitate the abandonment of an existing bridge determined by the commissioner to be deficient, if the commissioner determines that construction of the road or street is more cost-efficient than the replacement of the existing bridge; and
- (4) paying the costs of preliminary engineering and environmental studies authorized under Minnesota Statutes, section 174.50, subdivision 6a.

Subd. 4. Federal Aid Demonstration Projects

3,924,000

This appropriation is from the state transportation fund as provided in Minnesota Statutes, section 174.50, to fund the non-federal matching requirement for demonstration and interstate substitution projects of Forest Highway 11 in St. Louis and Lake counties, and County State-Aid Highway 41 in Nicollet county and one-half of the nonfederal matching requirement for the interstate substitution project in Duluth.

Use of this appropriation is contingent upon the balance of the nonfederal matching money being provided by the local units of government.

Subd. 5. Highway Rest Area

150,000

To the commissioner of transportation to remodel the old Burlington Northern train depot at Floodwood into a safety information center and rest area and to phase out the wayside rest at trunk highways 2 and 73.

After completion of the project, the commissioner of transportation shall convey the newly remodeled rest area for no or nominal consideration to the city of Floodwood, which thereafter shall operate and maintain it.

Subd. 6. Trunk Highway Facility Projects	12,866,000
To the commissioner of transportation for the purposes specified in this subdivision. The appropriations in this subdivision are from the trunk highway fund.	
(a) Installation of automatic fire sprinkler systems at maintenance headquarters in Virginia, Owatonna, and Windom	365,000
(b) Repair, replace, or construct chemical and salt storage buildings at 36 department of transportation locations statewide	1,030,000
(c) Construct, furnish, and equip a truck enforcement site and weigh scale in the Albert Lea area to replace the Lakeville site	886,000
(d) Construct, furnish, and equip a truck station and maintenance facility in Hutchinson on a new site to replace the current facility. This project shall be exempt from Minnesota Statutes, section 16B.33, requirements relating to the selection of a consultant by the state designer selection board, provided that it proceeds as a joint agency project	897,000
(e) Construct, furnish, and equip a new truck station on Maryland Avenue in St. Paul to replace the current facility	5,440,000
(f) Construct an addition to the Detroit Lakes welding shop	355,000
(g) Remodel facilities and construct additions to truck stations in Ely, Montgomery, and Forest Lake	302,000
(h) Purchase, remodel, and expand the Minnesota National Guard truck maintenance facility in Tracy to fit the needs of a department of transportation truck station	359,000
(i) Build an unheated equipment storage building at the Golden Valley headquarters site	435,000
(j) Construct, furnish, and equip a truck station in Wadena on a new site to replace the current facility	527,000
(k) Remodel facility and construct an addition to the Preston truck station	174,000
(l) Construct, furnish, and equip class II safety rest areas in Darwin Winter park,	

Preston/Fountain vicinity, Pioneer monument, Camp Release historic monument, and Lake Shetek	200,000
(m) Land acquisition for new replacement truck station sites at Illgen City, Rushford, Gaylord, Madelia, Sherburne, and Litchfield	250,000
(n) Design fees to complete construction drawings for projects at Windom, Maplewood, Hastings, central services building, Arden Hills training center, and Albert Lea weigh scale	371,000
(o) Construct pole type storage buildings at department of transportation locations throughout the state	611,000
(p) Remove asbestos from various department of transportation buildings statewide	150,000
(q) Remodel facility and construct an addition to the Carlton truck station	259,000
(r) Remodel facility and construct an addition to the Sauk Centre truck station	255,000

The commissioner may use the balance of funds appropriated by Laws 1985, First Special Session chapter 15, section 9, subdivision 6, paragraph (c), for land acquisition for a weigh station on Interstate Highway 94 at Moorhead to supplement funds appropriated by Laws 1989, chapter 269, section 2, subdivision 11, paragraph (d), for construction of the Moorhead weigh station.

Sec. 3. REGIONAL TRANSIT BOARD

19,000,000

This appropriation is from the transit assistance fund and is added to the appropriation in Laws 1993, chapter 266, section 3.

\$...000,000 is for regular route transit.

\$...000,000 is for metro mobility.

Sec. 4. [BOND SALE AUTHORIZATION.]

Subdivision 1. [TRANSPORTATION FUND.] To provide the money appropriated in section 2 from the state transportation fund, the commissioner of finance, on request of the governor, shall sell and issue bonds of the state in an amount up to \$37,320,000 in the manner, upon the terms, and with the effect prescribed by Minnesota Statutes, sections 16A.631 to 16A.675; and by the Minnesota Constitution, article XI, sections 4 to 7. The proceeds of the bonds, except accrued interest and any premium received on the sale of the

bonds, must be credited to a bond proceeds account in the state transportation fund.

Subd. 2. [TRUNK HIGHWAY FUND.] To provide a portion of the money appropriated in section 2 from the trunk highway fund, 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 Minnesota Statutes, sections 16A.631 to 16A.675, and by the Minnesota Constitution, article XI, sections 4 to 7.

Sec. 5. [PROJECT CANCELLATIONS.]

The commissioner of finance, after consultation with the commissioner of transportation, shall cancel appropriations for capital improvement projects that have been completed and shall recommend to the legislature for action at the 1995 session the cancellation of any excess bond authorizations for projects that have been completed or abandoned.

Sec. 6. Minnesota Statutes 1993 Supplement, section 174.32, subdivision 2, is amended to read:

Subd. 2. [TRANSIT ASSISTANCE FUND; DISTRIBUTION.] The transit assistance fund receives money distributed under section 297B.09. ~~Eighty percent of~~ *As appropriated from time to time by law, the receipts of the fund must be placed into a metropolitan account for distribution to recipients located in the metropolitan area and 20 percent into a separate account for distribution to recipients located outside of the metropolitan area. Money not so appropriated cancels to the general fund.* Except as otherwise provided in this subdivision, the regional transit board created by section 473.373 is responsible for distributing assistance from the metropolitan account, and the commissioner is responsible for distributing assistance from the other account.

Sec. 7. Minnesota Statutes 1992, section 296.02, is amended by adding a subdivision to read:

Subd. 1c. [ANNUAL GASOLINE TAX RATE ADJUSTMENT.] *Beginning in 1994 and annually thereafter, before June 1, 1994, and before April 1 of each following year, the commissioner of revenue shall adjust the rate of the gasoline excise tax. The new rate per gallon must be calculated as follows:*

(a) The new rate shall be calculated by multiplying the rate in effect at the time of the calculation, after any adjustment under paragraph (c), by an amount obtained by multiplying the amount under paragraph (b). The new rate must be rounded to the nearest 0.1 cent and is effective on June 1, 1994, and April 1 of each following year, and applies to gasoline and special fuel in distributor storage on the effective date.

(b) For purposes of calculating the rate:

(1) to be effective June 1, 1994, divide the annual average United States Consumer Price Index for all urban consumers, United States city average, as determined by the United States Department of Labor for the year 1993 by that annual average for the year 1988; or

(2) to be effective April 1, 1995, and each following year, divide the annual average United States Consumer Price Index for all urban consumers, United States city average, as determined by the United States Department of Labor for the previous year by that annual average for the year before the previous year.

(c) If in any year the percentage of motor vehicle excise tax proceeds specified to be transferred to the transit assistance fund under Minnesota Statutes, section 297B.09, subdivision 1, is reduced or the transfer of motor vehicle excise tax proceeds to the transit assistance fund is eliminated, the increase in the gasoline excise tax rate effective June 1, 1994, must be adjusted by a corresponding percentage reduction or eliminated.

(d) Beginning in 1995, and annually thereafter, the new rate proposed by this subdivision must not exceed the rate in effect the previous year by more than one cent. If the increase calculated in any year is greater than one cent, the amount in excess of one cent shall be added to the rate calculated in the following year.

Sec. 8. Minnesota Statutes 1992, section 297B.09, subdivision 1, is amended to read:

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, and transferred from the general fund on July 15 and February 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.

(b) ~~Twenty-five~~ *Twenty-three* percent of the money collected and received under this chapter ~~after June 30, 1990, and before July 1, 1991,~~ 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) The distributions under this subdivision 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 those 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. 9. Laws 1993, chapter 373, section 25, subdivision 5, is amended to read:

Subd. 5. [DULUTH PORT DREDGING AND DEVELOPMENT.] With the mutual consent by July 1, 1993, of the commissioner of trade and economic development, the seaway port authority of Duluth, the U.S. Army Corps of Engineers, and any private parties who have pledged private investment to match the \$6,100,000 appropriated in Laws 1989, chapter 300, article 1, section 19, item (a), to dredge the upper harbor area of Duluth harbor, the commissioner of finance shall reduce the appropriation to \$2,000,000. The appropriation is available to the extent it is matched, dollar for dollar, by federal money. No private match is required. If the appropriation is reduced to \$2,000,000, then \$1,550,000 is reappropriated as provided in sections 12 and 13. The bond sale authorization in Laws 1989, chapter 300, article 1, section 23, subdivision 1, is reduced by \$2,550,000.

Upon the seaway port authority of Duluth and the U.S. Army Corps of Engineers advising the commissioner of trade and economic development that no further state of Minnesota funds will be required for the upper harbor cross-channel dredging project, and the consent of the seaway port authority of Duluth that upper river deepening will terminate at the Erie Pier site, the commissioner is authorized to disburse the balance of the funds remaining, up to \$1,200,000, as a grant to the seaway port authority of Duluth for development of a down-river bulk cargo handling alternative to succeed and replace the upper river deepening project for bulk cargo whereby the seaway port authority of Duluth will demolish an existing abandoned grain elevator facility owned by the seaway port authority of Duluth and prepare the site for the handling, storage, care, and shipment of bulk cargo or other waterborne freight.

Sec. 10. [EFFECTIVE DATE.]

This act is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to transportation; establishing annual gasoline excise tax rate adjustment; increasing the transfer of motor vehicle excise tax receipts to the transit assistance fund; providing for distribution of money from the transit assistance fund; requiring study of electric vehicle transportation technology; requiring high-speed rail study; requiring action on environmental impact statement for Wakota Bridge; authorizing the sale of state bonds; appropriating money; amending Minnesota Statutes 1992, sections 296.02, by adding a subdivision; and 297B.09, subdivision 1; Minnesota Statutes 1993 Supplement, section 174.32, subdivision 2; Laws 1993, chapter 373, section 25, subdivision 5."

And when so amended the bill do pass and be re-referred to the Committee on Taxes and Tax Laws. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 2210 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
		2210		1791	

and that the above Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 2435 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
		2435		2607	

and that the above Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 2646 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
2646		2283			

and that the above Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 2080 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
2080	1975				

and that the above Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 1936 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1936	1915				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1936 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1936 and insert the language after the enacting clause of S.F. No. 1915, the first engrossment; further, delete the title of H.F. No. 1936 and insert the title of S.F. No. 1915, the first engrossment.

And when so amended H.F. No. 1936 will be identical to S.F. No. 1915, and further recommends that H.F. No. 1936 be given its second reading and substituted for S.F. No. 1915, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Lessard from the Committee on Environment and Natural Resources, to which was referred

S.F. No. 2062: A bill for an act relating to state lands; authorizing the sale of certain lands in Mille Lacs county to resolve a trespass situation.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 10, after "sell" insert "*by private sale*"

Page 1, line 20, delete "*to Bill O'Connor*"

Page 2, line 1, after "sell" insert "by private sale"

Page 2, line 11, delete "Bill"

Page 2, line 12, delete "O'Connor to"

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Mr. Lessard from the Committee on Environment and Natural Resources, to which was referred

S.F. No. 2520: A bill for an act relating to the environment; providing for evaluation of motor vehicle salvage facilities by the pollution control agency; providing for a report to the legislature; reallocating money; proposing coding for new law in Minnesota Statutes, chapter 116.

Reports the same back with the recommendation that the bill be amended as follows:

Page 3, delete lines 2 to 5 and insert:

"Of the amount appropriated from the environmental fund in Laws 1993, chapter 172, section 2, subdivision 4, \$494,000 may be used for the purposes of sections 1 and 2."

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Lessard from the Committee on Environment and Natural Resources, to which was referred

S.F. No. 2305: A bill for an act relating to state lands; authorizing the sale of certain tax-forfeited lands that border public water in Aitkin county.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, lines 17 and 21, before the semicolon, insert "to be combined and sold as one lot"

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was referred

S.F. No. 2004: A bill for an act relating to the city of Two Harbors; permitting the use of the lodging tax for additional purposes.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [TWO HARBORS LODGING TAX.]

Notwithstanding Minnesota Statutes, section 477A.016, or other law, in addition to a tax authorized in Minnesota Statutes, section 469.190, the city of Two Harbors may impose, by ordinance, a tax of up to one percent on the

gross receipts subject to the lodging tax under Minnesota Statutes, section 469.190. The proceeds of the tax shall be dedicated and used to provide preservation, display, and interpretation of the tug boat Edna G. The total tax imposed by the city under this section and under Minnesota Statutes, section 469.190, shall not exceed three percent.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day after final enactment."

Delete the title and insert:

"A bill for an act relating to the city of Two Harbors; permitting an additional lodging tax."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Ms. Reichgott Junge from the Committee on Judiciary, to which was referred

S.F. No. 2431: A bill for an act relating to the county attorney; modifying administrative subpoena requirements; amending Minnesota Statutes 1993 Supplement, section 388.23, subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 12, delete the new language

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Ms. Reichgott Junge from the Committee on Judiciary, to which was re-referred

S.F. No. 2267: A bill for an act relating to real estate; authorizing title insurance companies governed by chapter 68A, or their appointed agents to execute certificates of release of mortgages; proposing coding for new law in Minnesota Statutes, chapter 507.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Ms. Reichgott Junge from the Committee on Judiciary, to which was re-referred

S.F. No. 2422: A bill for an act relating to burial grounds; modifying provisions for enforcement of certain civil actions; amending Minnesota Statutes 1993 Supplement, section 307.082.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Ms. Reichgott Junge from the Committee on Judiciary, to which was referred

S.F. No. 2642: A bill for an act relating to witnesses; establishing a privilege

for certain communications made to licensed social workers; amending Minnesota Statutes 1993 Supplement, section 595.02, subdivision 1.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Ms. Reichgott Junge from the Committee on Judiciary, to which was re-referred

S.F. No. 1825: A bill for an act relating to manufactured homes; restricting the venue for repossession actions to the county in which the manufactured home is located; making technical changes; amending Minnesota Statutes 1992, sections 327.63, subdivision 1; 327.64, subdivision 2; and 327.65.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Ms. Reichgott Junge from the Committee on Judiciary, to which was referred

S.F. No. 2031: A bill for an act relating to civil actions; authorizing enforcement of commitments for debts related to lawful gambling activities; amending Minnesota Statutes 1992, section 541.21.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Ms. Reichgott Junge from the Committee on Judiciary, to which was referred

S.F. No. 2641: A bill for an act relating to health; MinnesotaCare; establishing the Minnesota health care administrative simplification act; implementing electronic data interchange standards; creating the Minnesota center for health care electronic data interchange; providing standards for the Minnesota health care identification card; proposing coding for new law in Minnesota Statutes, chapter 62J.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, after line 10, insert:

“Section 1. Minnesota Statutes 1993 Supplement, section 62J.45, is amended by adding a subdivision to read:

Subd. 4a. [EVALUATION OF PATIENT SATISFACTION SURVEY INSTRUMENTS.] The commissioner, in consultation with the data institute, shall develop a mechanism for collecting comparative data on patient satisfaction through adoption of a standard patient satisfaction survey. This survey shall include patients in community integrated service networks, integrated service networks, health maintenance organizations, preferred provider organizations, indemnity insurance plans, public programs, and other health plan companies. The commissioner shall determine a mechanism for the inclusion of the uninsured. Health plan companies and group purchasers shall provide enrollment information, including the names, addresses, and telephone numbers of enrollees and former enrollees and other data necessary for the completion of this study to the commissioner. This enrollment information provided by health plan companies and group

purchasers shall be classified as private data on individuals as defined in section 13.02, subdivision 12. The commissioner may make a grant to the data institute to assist in funding the administration of the patient satisfaction survey. The data institute shall provide raw unaggregated data to the data analysis unit for analysis and development of reports. The raw unaggregated data shall be classified as private data on individuals as defined in section 13.02, subdivision 12. Findings from this survey shall be included in the health plan company report cards, and in other reports developed by the data analysis unit, to be disseminated by the information clearinghouse. The survey may include information on the following subjects:

- (1) patients' overall satisfaction with their health care plan;*
- (2) patients' perception of access to emergency, urgent, routine, and preventive care, including locations, hours, waiting times, and access to care when needed;*
- (3) premiums and costs;*
- (4) technical competence of providers;*
- (5) communication, courtesy, respect, reassurance, and support;*
- (6) choice and continuity of providers;*
- (7) continuity of care;*
- (8) outcomes of care;*
- (9) services offered by the plan, including range of services, coverage for preventive and routine services, and coverage for illness and hospitalization;*
- (10) availability of information; and*
- (11) paperwork.*

Sec. 2. Minnesota Statutes 1993 Supplement, section 62J.45, is amended by adding a subdivision to read:

Subd. 4b. [QUALITY REPORT CARDS.] Each health plan company shall report annually by April 1 to the commissioner specific quality indicators, in the form specified by the commissioner in consultation with the data institute. The quality indicators must be reported using standard definitions and measurement processes as specified by the commissioner. Wherever possible, the commissioner's specifications must be consistent with those outlined in the health plan employer data and information set (HEDIS 2.0). The commissioner, in consultation with the data institute, may modify the quality indicators to be reported to incorporate improvements in quality measurement tools. When HEDIS 2.0 indicators or health care financing administration approved quality indicators for medical assistance and Medicare are used, the commissioner is exempt from rulemaking. For additions or modifications to the HEDIS indicators or if other quality indicators are added, the commissioner shall proceed through rulemaking pursuant to chapter 14. The data analysis unit shall develop quality report cards, and these report cards shall be disseminated through the information clearinghouse. Data shall be collected by county and high-risk and special needs populations as well as by health plan but shall not be reported. The commissioner, in consultation with the data institute and counties, shall report to the legislature by December 15,

1994, on recommendations on how this collected data can be reported in a manner that addresses the privacy interests of individuals.”

Page 2, line 15, after “hospitals;” insert “claims clearinghouses; third-party administrators; billing service bureaus; value added networks;”

Page 6, line 14, before “On” insert “(a)”

Page 6, after line 18, insert:

“(b) The instructions and definitions for the use of the uniform claim form shall be in accordance with instructions specified by the commissioner of health.”

Page 6, line 32, delete “July” and insert “January”

Page 7, lines 11 and 27, delete “July 1, 1995” and insert “January 1, 1996”

Page 7, delete lines 15 to 18 and insert:

“(b) The unique identification number (UPIN) assigned by the health care financing administration shall be used as the unique identification number for individual health care providers. Providers who do not currently have a unique identification number shall request one from the health care financing administration.”

Page 7, delete lines 23 to 25

Page 8, line 18, before “Following” insert “Except as provided in paragraph (d),”

Page 8, line 28, after the period, insert “This provision does not require that patients provide their social security numbers and does not require group purchasers or providers to demand that patients provide their social security numbers. Group purchasers and health care providers shall establish procedures to notify patients that they can elect not to have the social security number used as the unique patient identification number.”

Page 9, line 1, delete “encrypted” and insert “unencrypted”

Page 9, line 3, after the period, insert “The encryption algorithm and hardware used must not use clipper chip technology.”

Page 10, line 13, after “standards” insert “or new versions of existing standards”

Page 14, line 24, delete “or” and insert “and/or” in both places

Page 14, line 25, delete “or” and insert “and/or”

Page 15, line 12, after the period, insert “The description shall include the health plan company name and the plan or product name.”

Page 15, line 13, delete “and”

Page 15, line 17, before the period, insert “; and

(8) Provider/clinic name, which is the name of the primary care clinic the cardholder is assigned to by the health plan company. The standard label for this field is “PCP.” This information is mandatory only if the health plan company assigns a specific primary care provider to the cardholder”

Page 15, line 30, after “eligibility” insert “and benefit”

Page 15, line 32, delete "and" and insert "or"

Page 15, after line 33, insert:

"(c) The following human readable data elements are mandatory on the back side of the card for health maintenance organizations and integrated service networks:

(1) Emergency care authorization telephone number or instruction on how to receive authorization for emergency care. There is no standard label required for this information; and

(2) Telephone number to call to appeal to the commissioner of health. There is no standard label required for this information."

Page 15, line 34, delete "(c)" and insert "(d)"

Page 15, line 35, delete "paragraph" and insert "paragraphs" and delete "or (b)" and insert "to (c)"

Page 16, line 9, delete "60J.50 to 60J.61" and insert "62J.50 to 62J.54, subdivision 3, and 62J.56 to 62J.59"

Page 16, line 16, after the period, insert *"The commissioner shall not promulgate any rules requiring patients to provide their social security numbers unless and until federal laws are modified to allow or require such action nor shall the commissioner promulgate rules which allow medical records, claims, or other treatment or clinical data to be included on the health care identification card, except as specifically provided in this chapter."*

Page 16, after line 16, insert:

"Sec. 15. [317A.022] [ELECTION BY CERTAIN CHAPTER 318 ASSOCIATIONS.]

Subdivision 1. [GENERAL.] An association described in section 318.02, subdivision 5, may elect to cease to be an association subject to and governed by chapter 318 and to become subject to and governed by this chapter in the same manner and to the extent provided in this chapter as though it were a nonprofit corporation by complying with this section.

Subd. 2. [AMENDED TITLE AND OTHER CONFORMING AMENDMENTS.] The declaration of trust, as defined in section 318.02, subdivision 1, of the association must be amended to identify it as the "articles of an association electing to be treated as a nonprofit corporation." All references in this chapter to "articles" or "articles of incorporation" include the declaration of trust of an electing association. If the declaration of trust includes a provision prohibited by this chapter for inclusion in articles of incorporation, omits a provision required by this chapter to be included in articles of incorporation, or is inconsistent with this chapter, the electing association shall amend its declaration of trust to conform to the requirements of this chapter. The appropriate provisions of the association's declaration of trust or bylaws or chapter 318 control the manner of adoption of the amendments required by this subdivision.

Subd. 3. [METHOD OF ELECTION.] An election by an association under subdivision 2 must be made by resolution approved by the affirmative vote of the trustees of the association and by the affirmative vote of the members or

other persons with voting rights in the association. The affirmative vote of both the trustees of the association and of the members or other persons with voting rights, if any, in the association must be of the same proportion that is required for an amendment of the declaration of trust of the association before the election, in each case upon proper notice that a purpose of the meeting is to consider an election by the association to cease to be an association subject to and governed by chapter 318 and to become and be a nonprofit corporation subject to and governed by this chapter. The resolution and the articles of the amendment of the declaration of trust must be filed with the secretary of state and are effective upon filing, or a later date as may be set forth in the filed resolution. Upon the effective date, without any other action or filing by or on behalf of the association, the association automatically is subject to this chapter in the same manner and to the same extent as though it had been formed as a nonprofit corporation pursuant to this chapter. Upon the effective date of the election, the association is not considered to be a new entity, but is considered to be a continuation of the same entity.

Subd. 4. [EFFECTS OF ELECTION.] Upon the effective date of an association's election under subdivision 3, and consistent with the continuation of the association under this chapter:

(1) the organization has the rights, privileges, immunities, powers, and is subject to the duties and liabilities, of a corporation formed under this chapter;

(2) all real or personal property, debts, including debts arising from a subscription for membership and interests belonging to the association, continue to be the real and personal property, and debts of the organization without further action;

(3) an interest in real estate possessed by the association does not revert to the grantor, or otherwise, nor is it in any way impaired by reason of the election, and the personal property of the association does not revert by reason of the election;

(4) except where the will or other instrument provides otherwise, a devise, bequest, gift, or grant contained in a will or other instrument, in a trust or otherwise, made before or after the election has become effective, to or for the association, inures to the organization;

(5) the debts, liabilities, and obligations of the association continue to be the debts, liabilities, and obligations of the organization, just as if the debts, liabilities, and obligations had been incurred or contracted by the organization after the election;

(6) existing claims or a pending action or proceeding by or against the association may be prosecuted to judgment as though the election had not been affected;

(7) the liabilities of the trustees, members, officers, directors, or similar groups or persons, however denominated, of the association, are not affected by the election;

(8) the rights of creditors or liens upon the property of the association are not impaired by the election;

(9) an electing association may merge with one or more nonprofit corporations in accordance with the applicable provisions of this chapter, and

either the association or a nonprofit corporation may be the surviving entity in the merger; and

(10) the provisions of the bylaws of the association that are consistent with this chapter remain or become effective and provisions of the bylaws that are inconsistent with this chapter are not effective.

Sec. 16. Minnesota Statutes 1992, section 318.02, is amended by adding a subdivision to read:

Subd. 5. [ELECTION TO BE GOVERNED BY CHAPTER 317A.] An association may cease to be subject to or governed by this chapter by filing an election in the manner described in section 317A.022, to be subject to and governed by chapter 317A in the same manner and to the same extent provided in chapter 317A as though it were a nonprofit corporation if:

(1) it is not formed for a purpose involving pecuniary gain to its members, other than to members that are nonprofit organizations or subdivisions, units, or agencies of the United States or a state or local government; and

(2) it does not pay dividends or other pecuniary remuneration, directly or indirectly, to its members, other than to members that are nonprofit organizations or subdivisions, units, or agencies of the United States or a state or local government."

Page 16, line 17, delete "The" and insert:

"The"

Page 16, after line 33, insert:

"Sec. 19. [TRANSFER.]

Money appropriated before fiscal year 1995 to the commissioner of health for the administrative functions in connection with the data institute may be used by the data institute for the administration of the patient satisfaction survey to the extent that there are matching financial contributions from the private sector."

Page 16, line 35, delete "14" and insert "19"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 7, after the semicolon, insert "requiring evaluation of patient satisfaction; providing for quality report cards; allowing certain associations to elect to become nonprofit corporations; amending Minnesota Statutes 1992, section 318.02, by adding a subdivision; Minnesota Statutes 1993 Supplement, section 62J.45, by adding subdivisions;"

Page 1, line 9, delete "chapter 62J" and insert "chapters 62J; and 317A"

And when so amended the bill do pass and be re-referred to the Committee on Health Care. Amendments adopted. Report adopted.

Ms. Reichgott Junge from the Committee on Judiciary, to which was referred

S.F. No. 1793: A bill for an act relating to real property; provided for

registration by title in cases of termination of a land contract; amending Minnesota Statutes 1992, section 508.58.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1992, section 508.58, is amended to read:

508.58 [REGISTRATION AFTER FORECLOSURE; NEW CERTIFICATE; TERMINATION OF TIME-SHARE INTEREST.]

Subdivision 1. [COURT ORDER.] Any person who has, by an action or other proceeding to enforce or foreclose a mortgage, lien, or other charge upon registered land, become the owner in fee of the land, or any part thereof, may have the title registered. Except as provided in subdivision 2, the owner shall apply by duly verified petition to the court for a new certificate of title to such land, and the court shall thereupon, after due notice to all parties in interest and upon such hearing as the court may direct, make an order for the issuance of a new certificate of title to the person entitled thereto, and the registrar shall thereupon enter a new certificate of title to the land, or of the part thereof to which the petitioner is entitled, and issue an owner's duplicate as in the case of a voluntary conveyance.

Subd. 2. [EXAMINER OF TITLES DIRECTIVE.] (a) Any person who has become the owner in fee of registered land, or any part of the land, pursuant to a mortgage foreclosure by action under chapter 581 is entitled to a new certificate of title for the land described in the sheriff's certificate of sale or so much of the land as may be described in the certificate of title, after the redemption period expires. The registrar shall enter the new certificate of title and issue a new owner's duplicate certificate only pursuant to the court order provided in subdivision 1 or upon the written directive of the examiner of titles as to the legal sufficiency of the mortgage foreclosure proceeding. The directive of the examiner of titles also must specify the instruments the registrar shall omit from the new certificate of title by virtue of the foreclosure.

(b) *At the request of a registered owner or other person in interest, the examiner of titles; by a written directive, may direct the registrar of titles to show by memorial on a certificate of title that a contract for the conveyance of a time-share interest, as defined in section 515B.1-103, paragraph (32), has been terminated in accordance with chapter 559. The directive must specify the instruments the registrar must omit from the next certificate of title because of the cancellation.*”

Delete the title and insert:

“A bill for an act relating to real property; provided for registration by title in cases of termination of a time-share interest; amending Minnesota Statutes 1992, section 508.58.”

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Mr. Metzen from the Committee on Governmental Operations and Reform, to which was re-referred

S.F. No. 2232: A bill for an act relating to counties; providing for the filling by appointment of certain offices in metropolitan area counties previously elective; providing for conforming changes; amending Minnesota Statutes 1992, sections 382.01; and 382.02.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1992, section 375A.10, subdivision 2, is amended to read:

Subd. 2. [CERTAIN OFFICES.] In addition to the other options provided by sections 375A.01 to 375A.13, ~~any~~ a county may institute one or more of the following options; except that a county ~~which~~ that has adopted the auditor-administrator plan may not provide for the appointment of the auditor or the consolidation of the offices of auditor and treasurer while the auditor-administrator plan is in force:

(a) ~~Provide~~ (1) provide for the appointment of one or more of the following offices if they have not been abolished by the adoption of other options: ~~County~~ county auditor, county treasurer, ~~sheriff~~ coroner, or county recorder;

(b) ~~Provide~~ (2) provide for the office of county civil counsel;

(c) ~~Consolidation~~ (3) consolidation of the offices of county auditor and treasurer; and

(4) provide for the appointment of the office of sheriff.

Sec. 2. Minnesota Statutes 1992, section 375A.12, subdivision 2, is amended to read:

Subd. 2. [FORM OF GOVERNMENT OPTIONS.] (a) The options provided in sections 375A.01 to 375A.10 ~~shall~~, except the option provided by section 375A.10, subdivision 2, clause (1), may be adopted in any county only after an affirmative vote of the voters in the county on the question of the adoption of the option. Except as provided in section 375A.01, only one such plan may be submitted at any one election.

(b) The option provided by section 375A.10, subdivision 2, clause (4), may be exercised at any time after the affirmative vote of the voters in the county on the question of the adoption of the option as provided in this section.

(c) The option provided by section 375A.10, subdivision 2, clause (1), may be exercised by the county board without an affirmative vote of the voters in the county at any time there is a vacancy in any of the offices named in section 375A.10, subdivision 2, clause (1), provided that the vacancy occurs prior to March 1 in a year in which the term of office would expire. The county board shall publish its intention to make an office enumerated in section 375A.10, subdivision 2, clause (1), appointive once each week for three consecutive weeks in the official newspaper of the county before making an appointment and may proceed with the appointment without a referendum unless a petition signed by at least ten percent of the registered voters of the county voting in the last general election, requesting a referendum on the question of making the office appointive, is presented to the county board within 90 days after the date of the last published notice of the intent to make the office appointive. If a petition is presented to the county board, a referendum must be held as

provided in this section. This paragraph supersedes a contrary provision of another general or special law or county charter provision.

Sec. 3. [EFFECTIVE DATE.]

Sections 1 and 2 are effective January 1, 1995."

Delete the title and insert:

"A bill for an act relating to counties; providing for the filling by appointment of certain offices in counties previously elective; providing for conforming changes; amending Minnesota Statutes 1992, sections 375A.10, subdivision 2; and 375A.12, subdivision 2."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Metzen from the Committee on Governmental Operations and Reform, to which was referred

S.F. No. 2462: A bill for an act relating to state departments and agencies; department of employee relations; providing for implementation of management training programs, authorizing the use of facsimile machines; abolishing the career executive service; amending Minnesota Statutes 1992, sections 13.67; 43A.21, subdivision 3; and 43A.32, subdivision 2; repealing Minnesota Statutes 1992, section 43A.21, subdivision 5.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, after line 14, insert:

"Sec. 2. [16B.482] [REIMBURSEMENT FOR MATERIALS AND SERVICES.]

The commissioner of administration may provide materials and services under chapter 16B to state legislative and judicial branch agencies, political subdivisions, the University of Minnesota, and federal government agencies. Legislative and judicial branch agencies, political subdivisions, the University of Minnesota, and federal government agencies purchasing materials and services from the commissioner of administration shall reimburse the general services, intertechnologies, and cooperative purchasing revolving funds for cost."

Page 3, line 10, strike "certified"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 8, after the semicolon, insert "proposing coding for new law in Minnesota Statutes, chapter 16B;"

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Mr. Metzen from the Committee on Governmental Operations and Reform, to which was referred

S.F. No. 2432: A bill for an act relating to retirement; authorizing purchase of prior service credit from the teachers retirement association by a certain member.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 7, delete "*any law to*"

Page 1, line 8, delete "*the contrary*" and insert "*Minnesota Statutes, sections 192.262 and 354.53*"

Page 1, line 10, after "*credit*" insert "*in the teachers retirement association*"

Page 1, delete lines 11 to 21 and insert "*the portion of this period recognized as active military service, other than a voluntary extension of active military service. The eligible person must provide any documentation related to this prior service credit purchase as required by the executive director of the teachers retirement association.*"

Subd. 2. [MANNER AND TERMS OF PURCHASE.] To receive service credit under subdivision 1, a person must pay to the executive director of the teachers retirement association an amount equal to the present value on the date of payment of the amount of additional retirement annuity obtained by the purchase of additional service credit. Calculation of this amount must be made by the executive director using the applicable postretirement interest rate specified in Minnesota Statutes, section 355.215, subdivision 4d, and the mortality table adopted for the fund. Payment must be made in a lump sum within 180 days of the effective date of this section."

Page 2, line 2, delete "*the employee payment*" and insert "*payment under subdivision 2*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Metzen from the Committee on Governmental Operations and Reform, to which was referred

S.F. No. 2519: A bill for an act relating to retirement; South St. Paul police relief association; clarifying probationary employment for purposes of relief association service credit for certain members.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 12, after "*hired*" insert "*as a police officer by the city of South St. Paul*"

Page 1, line 14, delete "*in excess of six months*"

Page 1, line 15, after "*employee*" insert "*that exceeded six months*"

Page 1, line 16, delete "*that period*" and insert "*the probationary employment period in excess of six months*"

Page 1, line 20, delete the first "*that*" and insert "*the eligible*"

Page 1, line 23, after "*(a)*" insert "*that was not paid under paragraph (b)*"

Page 2, line 1, after "and" insert "*the resulting amortization requirement must be included in*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Metzen from the Committee on Governmental Operations and Reform, to which was referred

S.F. No. 1908: A bill for an act relating to public employment; correcting unintended omissions from previous early retirement legislation; ratifying certain prior payments.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 24, delete "*May 15*" and insert "*April 30*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Metzen from the Committee on Governmental Operations and Reform, to which was referred

S.F. No. 2593: A bill for an act relating to state government; permitting employees of Minnesota Project Innovation, Inc. to participate in certain state employee benefit programs; amending Minnesota Statutes 1992, section 116O.04, subdivision 2.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, delete lines 17 to 22 and insert:

"(b) The board of Minnesota Project Innovation, Inc. may extend the benefits and coverage referenced in paragraph (a) to all of its employees."

And when so amended the bill do pass. Mr. Merriam questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Mr. Metzen from the Committee on Governmental Operations and Reform, to which was referred

S.F. No. 2213: A bill for an act relating to retirement; providing for coverage of employees of lessee of Itasca Medical Center facilities by the public employees retirement association.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [DEFINITION.]

Subdivision 1. [CONVERSION.] "Conversion" means the lease of Itasca medical center facilities to a nonprofit or public corporation under Minnesota Statutes, section 447.47, with the resulting employment transfer of Itasca medical center employees to that nonprofit or public corporation.

Subd. 2. [LESSEE.] "*Lessee*" means the nonprofit or public corporation which leases the Itasca medical center facilities under the conversion.

Sec. 2. [EMPLOYEES OF ITASCA MEDICAL CENTER LESSEE.]

Under an Itasca medical center conversion, employees who were members of the public employees retirement association due to employment at the Itasca medical center as of the day before the conversion, retain PERA membership under the conversion.

Sec. 3. [EFFECTIVE DATE.]

Sections 1 and 2 are effective the day following final enactment."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Metzen from the Committee on Governmental Operations and Reform, to which was referred

S.F. No. 1801: A bill for an act relating to retirement; increasing employee contribution rates and benefit computation formulas for the teachers retirement fund; revising the salary growth assumption for certain public pension funds; amending Minnesota Statutes 1992, sections 354.42, subdivision 2; 354.44, subdivision 6; and 356.215, subdivision 4d; Minnesota Statutes 1993 Supplement, section 356.215, subdivision 4g.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 13, delete the new language

Page 1, delete lines 20 to 27

Page 2, delete lines 1 to 15

Page 3, line 8, delete "1.2" and insert "1.13" and delete "2.2" and insert "2.13"

Page 3, line 10, delete "1.7" and insert "1.63" and delete "2.7" and insert "2.63"

Page 4, line 2, delete "2.7" and insert "2.63"

Page 4, line 3, delete "1.7" and insert "1.63"

Pages 4 to 8, delete sections 3 and 4

Page 8, line 8, delete "*Sections 1 to 4 are*" and insert "*Section 1 is*"

Page 8, line 9, after the period, insert "*Section 2 is effective May 15, 1994.*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, delete "revising the salary"

Page 1, delete line 5

Page 1, line 7, after the first semicolon, insert "and" and delete "; and 356.215," and insert a period

Page 1, delete lines 8 and 9

And when so amended the bill do pass. Mr. Merriam questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Mr. Metzen from the Committee on Governmental Operations and Reform, to which was referred

S.F. No. 2250: A bill for an act relating to retirement; enabling certain retired members of the public employees retirement association to rescind a selection of a joint and survivor annuity and to receive a normal retirement annuity.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 8, after "a" insert "person:

(1) *who is a*"

Page 1, line 9, after "utility" insert ";

(2)"

Page 1, line 11, delete ", and" and insert ";

(3)"

Page 1, line 12, before the period, insert ";

(4) *whose marriage with the joint annuitant has been dissolved;*

(5) *whose marriage dissolution decree provided for a waiver of the optional annuity election; and*

(6) *who has submitted, with the joint annuitant, a waiver of the joint and survivor optional annuity form"*

Page 1, line 14, delete "section" and insert "sections" and after "7" insert "and 353.30, subdivisions 3, 3a, and 3c"

Page 1, line 16, delete "normal" and insert "revised"

Page 1, line 20, delete "A change" and insert "The revised retirement annuity may not exceed the actuarial present value of the joint and survivor optional annuity form payable immediately prior to the retirement annuity revision. A revision"

Page 1, after line 23, insert:

"Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Bertram from the Committee on Agriculture and Rural Development, to which was referred

S.F. No. 2458: A bill for an act relating to agriculture; authorizing the commissioner of agriculture to lease certain grain testing equipment to country elevators; requiring training of equipment operators; requiring inspection of equipment for accuracy; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 17B.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, delete lines 9 to 26

Page 2, delete lines 1 to 14

Page 2, line 15, delete "Subd. 5." and insert "Section 1. [17B.042]"

Page 2, line 17, delete everything after "elevator"

Page 2, after line 19, insert:

"Sec. 2. [PROTEIN TESTING VARIATION STUDY.]

The department of agriculture shall analyze the variation in protein testing samples and report the results of such study to the agriculture committees of the house of representatives and senate by January 1, 1995."

Page 2, line 21, delete "\$2,000,000" and insert "\$1,000,000"

Page 2, line 22, delete "of the pilot equipment" and insert "of this act"

Page 2, delete lines 23 and 24

Page 2, line 25, delete "program"

Page 2, line 27, delete "Sections 1 and 2 are" and insert "This act is"

Renumber the sections in sequence.

Amend the title as follows:

Page 1, line 2, delete "authorizing the commissioner"

Page 1, delete line 3

Page 1, line 4, delete "equipment to country elevators;" and after "of" insert "country elevator"

Page 1, line 5, delete "inspection of equipment" and insert "a study of variation in grain protein test samples"

Page 1, line 6, delete "for accuracy"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Chmielewski from the Committee on Transportation and Public Transit, to which was referred

S.F. No. 2744: A bill for an act relating to transportation; establishing and providing for appointments to an advisory council to study and report on statewide paratransit; appropriating money.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 24, delete "13" and insert "15"

Page 2, line 21, delete "and"

Page 2, line 23, delete the period and insert "; and

(iv) two mass transit service providers, one from the metropolitan area, one from outside the metropolitan area."

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Metzen from the Committee on Governmental Operations and Reform, to which was referred

S.F. No. 2251: A bill for an act relating to retirement; first class city teachers; defining salary; authorizing purchase of service credit for parental or maternity leave; resumption of teaching by basic program retirees; amending Minnesota Statutes 1992, sections 354A.011, subdivision 24; 354A.095; and 354A.31, subdivision 3.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 19, delete "OR" and insert "AND"

Page 3, line 12, reinstate the stricken language and delete " salary"

Page 4, line 1, delete ", but is not limited to"

Page 4, line 2, delete "and" and insert "or"

Page 4, line 3, delete "anyone else who works" and insert "income resulting from working"

Page 4, after line 9, insert:

"Sec. 4. [MINNEAPOLIS TEACHERS RETIREMENT FUND BYLAW AMENDMENT.]

Consistent with Minnesota Statutes, section 354A.12, subdivision 4, the board of the Minneapolis teachers retirement fund association may amend the bylaws or articles of incorporation to provide parental or maternity leave, providing that the leave is granted by the employing authority, and specifying that:

(a) the service credit obtained may not exceed one year for the period of the leave;

(b) to obtain the service credit, the individual must pay to the fund an amount equal to the total required contributions for the period of the leave prescribed in section 354A.12. Payment must be based on the member's average monthly salary rate upon returning to teaching service; and

(c) payment must be made by the end of the fiscal year following the fiscal year in which the leave terminates. Payment must be accompanied by a certified or otherwise adequate copy of the resolution or action of the employing authority granting or approving the leave.

Sec. 5. [ST. PAUL TEACHERS RETIREMENT FUND ASSOCIATION AND MINNEAPOLIS TEACHERS RETIREMENT FUND ASSOCIATION BYLAW AMENDMENTS.]

Consistent with Minnesota Statutes, section 354A.12, subdivision 4, the board of the Minneapolis teachers retirement fund association and the board of the St. Paul teachers retirement fund association may amend the bylaws or articles of incorporation to provide that:

(1) a person receiving a basic program retirement annuity under the governing sections in the articles of incorporation or bylaws and who resumes teaching service for the school district in which the teachers retirement fund association exists is entitled to continue to receive retirement annuity payments, except that annuity payments must be reduced during the calendar year immediately following the calendar year in which the person's income from the teaching service is in an amount greater than the annual 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;

(2) the amount of the reduction must be one-third the amount in excess of the applicable reemployment income maximum and must be deducted from the annuity payable for the calendar year immediately following the calendar year in which the excess amount was earned;

(3) if the person has not yet reached the minimum age for the receipt of social security benefits, the maximum earnings for the person must be equal to the annual maximum earnings allowable for the minimum age for the receipt of social security benefits;

(4) if the person is retired for only a fractional part of the calendar year during the initial year of retirement, the maximum reemployment income must be prorated for that calendar year;

(5) after a person has reached the age of 70, no reemployment income maximum is applicable regardless of the amount of any compensation received for teaching service for the school district in which the teachers retirement fund association exists; and

(6) for the purposes of the bylaw amendment, income from teaching service includes: (i) all income for services performed as a consultant, independent contractor, or income resulting from working with the school district in any capacity; and (ii) the greater of either the income received or an amount based on the rate paid with respect to an administrative position, consultant, or independent contractor in the school district in which the teachers retirement fund association exists and at the same level as the position occupied by the person who resumes teaching service.

Sec. 6. [EFFECTIVE DATE.]

Sections 1 to 5 are effective the day following final enactment."

Amend the title as follows:

Page 1, line 5, after the semicolon, insert "authorizing the board of the Minneapolis teachers retirement fund association to amend the bylaws or articles of incorporation to provide for parental or maternity leave;"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Metzen from the Committee on Governmental Operations and Reform, to which was re-referred

S.F. No. 2210: A bill for an act relating to health; Ramsey Health Care, Inc.; authorizing the public corporation to incorporate as a nonprofit corporation; terminating its status as a public corporation; providing for the care of the indigent of Ramsey county and other counties; providing for certain of its powers and duties; repealing Minnesota Statutes 1992, sections 246A.01; 246A.02; 246A.03; 246A.04; 246A.05; 246A.06; 246A.07; 246A.08; 246A.09; 246A.10; 246A.11; 246A.12; 246A.13; 246A.14; 246A.15; 246A.16; 246A.17; 246A.18; 246A.19; 246A.20; 246A.21; 246A.22; 246A.23; 246A.24; 246A.25; 246A.26; and 246A.27.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 3, before the period, insert “; *except as provided under paragraph (b)*” and before “A” insert:

“(b)”

Page 2, line 6, delete “*may elect*” and insert “*shall continue to be included in the definition of public employee under the public employees retirement act, Minnesota Statutes, chapter 353, but may terminate membership in the public employees retirement association before July 1, 1995.*”

Page 2, delete line 7

Page 2, line 8, delete “(b)” and insert “(c)” and delete “*elects to remain*” and insert “*remains*”

Page 2, line 14, delete “(c)” and insert “(d)”

Page 4, delete section 5 and insert:

“Sec. 5. [EFFECTIVE DATE.]

Sections 1 and 2 are effective upon approval by the Ramsey county board of commissioners and amendment of the lease as required under section 2, subdivision 4, paragraph (b). Section 3 is effective upon incorporation of the nonprofit corporation under section 2, subdivision 1.”

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Solon from the Committee on Commerce and Consumer Protection, to which was referred

H.F. No. 2035: A bill for an act relating to commerce; residential building contractors and remodelers; clarifying legislative intent to require maintenance of bonds until license renewal; requiring recovery fund fee proration in certain circumstances; amending Minnesota Statutes 1993 Supplement, section 326.975, subdivision 1.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

SECOND READING OF SENATE BILLS

S.F. Nos. 2171, 2579, 2582, 2661, 1862, 2391, 2496, 2104, 2332, 1872, 1679, 348, 2471, 2556, 2503, 2062, 2305, 2004, 2431, 2267, 2422, 2642, 1825, 2031, 1793, 2232, 2462, 2432, 2519, 1908, 2213, 2250, 2251 and 2210 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 2210, 2435, 2646, 2080, 1936 and 2035 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Belanger moved that his name be stricken as a co-author to S.F. No. 2226. The motion prevailed.

Mr. Lessard moved that the name of Mrs. Pariseau be added as a co-author to S.F. No. 2429. The motion prevailed.

Mr. Chandler moved that the names of Msés. Anderson, Kiscaden and Mr. Samuelson be added as co-authors to S.F. No. 2754. The motion prevailed.

Mr. Price moved that S.F. No. 760 be taken from the table. The motion prevailed.

S.F. No. 760: A bill for an act relating to natural resources; granting power to the commissioner of natural resources to give nominal gifts, acknowledge contributions, and sell advertising; appropriating money; amending Minnesota Statutes 1992, section 84.027, by adding a subdivision.

Mr. Price moved that S.F. No. 760 be re-referred to the Conference Committee as formerly constituted for further consideration. The motion prevailed.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 1706 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 1706: A bill for an act relating to public utilities; providing legislative authorization of the construction of a facility for the temporary dry cask storage of spent nuclear fuel at Prairie Island nuclear generating plant; providing conditions for any future expansion of storage capacity; approving the continued operation of pool storage at Monticello and Prairie Island nuclear generating plants; requiring development of wind power; regulating nuclear power plants; requiring increased conservation investments; providing low-income discounted electric rates; appropriating money; amending Minnesota Statutes 1992, sections 216B.16, by adding a subdivision; 216B.241, subdivision 1a; and 216B.243, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 216B.

Mr. Novak moved to amend S.F. No. 1706 as follows:

Page 2, line 4, delete "*Except as provided in section 5*"

Page 2, line 7, delete "*up to*"

Page 2, line 9, delete everything after the period

Page 2, delete lines 10 to 36

Page 3, delete line 1

Page 3, delete line 22

Page 3, line 23, delete "*section 1 is not effective until*"

Page 3, line 24, after "*plant*" insert "*shall*"

Mr. Frederickson requested division of the amendment as follows:

First portion:

Page 2, line 4, delete "*Except as provided in section 5*"

Page 2, line 7, delete "*up to*"

Page 2, line 9, delete everything after the period

Page 2, delete lines 10 to 36

Page 3, delete line 1

Second portion:

Page 3, delete line 22

Page 3, line 23, delete "*section 1 is not effective until*"

Page 3, line 24, after "*plant*" insert "*shall*"

Ms. Johnson, J.B. moved to amend the first portion of the Novak amendment to S.F. No. 1706 as follows:

Page 1, delete lines 3 to 5 and insert:

"Page 2, line 7, delete "*Prairie Island*" and insert "*a site that complies with this section.*"

Page 2, delete lines 8 and 9

Page 2, line 10, delete "*Prairie Island site if*"

Page 2, line 11, delete "*commences and pursues*" and insert "*following the effective date of this section must commence and pursue*"

Page 2, line 17, delete "*and*"

Page 2, line 18, after "*practicable*" insert "*; and*

(4) is located within the territory of a local government unit that can levy a property tax on the Prairie Island nuclear generating plant property.

The public utility shall report every six months on its progress to obtain approval and licensure of an alternative site to the public utilities commission and the Mdewakanton Sioux Tribal Council at Prairie Island"

Page 2, delete lines 19 to 36"

The question was taken on the adoption of the Johnson, J.B. amendment to the first portion of the Novak amendment.

The roll was called, and there were yeas 25 and nays 40, as follows:

Those who voted in the affirmative were:

Anderson	Cohen	Krentz	Pappas	Reichgott Junge
Beckman	Finn	Luther	Piper	Riveness
Berglin	Flynn	Marty	Pogemiller	Spear
Betzold	Frederickson	Mondale	Price	Stumpf
Chandler	Johnson, J.B.	Morse	Ranum	Wiener

Those who voted in the negative were:

Belanger	Hottinger	Kroening	Metzen	Robertson
Benson, D.D.	Janezich	Laidig	Moe, R.D.	Runbeck
Benson, J.E.	Johnson, D.E.	Langseth	Murphy	Sarns
Berg	Johnson, D.J.	Larson	Neuvillé	Samuelson
Bertram	Johnston	Lesewski	Novak	Solon
Day	Kelly	Lessard	Oliver	Stevens
Dille	Kiscaden	McGowan	Olson	Terwilliger
Hanson	Knutson	Merriam	Pariseau	Vickerman

The motion did not prevail. So the amendment to the amendment was not adopted.

Mr. Finn moved to amend the first portion of the Novak amendment to S.F. No. 1706 as follows:

Page 1, after line 6, insert:

“Page 3, after line 12, insert:

“Sec. 4. [TRANSFER OF LAND TO MDEWAKANTON SIOUX TRIBE AT PRAIRIE ISLAND.]

By December 31, 1996, the state, in consultation with the Mdewakanton Sioux Tribal Council at Prairie Island, shall offer to transfer without consideration 1,200 contiguous acres of land in Goodhue county to the United States in trust for the Mdewakanton Sioux Tribe at Prairie Island. The land to be offered may be acquired by purchase or may consist of lands already owned by the state. The state shall also provide relocation assistance to members of the Mdewakanton Sioux Tribe residing at Prairie Island for relocation to the land transferred.”

Page 1, after line 10, insert:

“Renumber the sections of article 1 in sequence and correct the internal references

Amend the title accordingly”

The motion prevailed. So the amendment to the amendment was adopted.

CALL OF THE SENATE

Mr. Benson, D.D. imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

The question recurred on the first portion of the Novak amendment, as amended.

The roll was called, and there were yeas 36 and nays 29, as follows:

Those who voted in the affirmative were:

Belanger	Johnson, D.E.	Langseth	Novak	Solon
Benson, J.E.	Johnson, D.J.	Larson	Oliver	Stevens
Berg	Johnston	Lesewski	Olson	Stumpf
Bertram	Kelly	Lessard	Pariseau	Terwilliger
Day	Kiscaden	McGowan	Robertson	
Dille	Knutson	Metzen	Runbeck	
Hanson	Kroening	Moe, R.D.	Sams	
Janezich	Laidig	Murphy	Samuelson	

Those who voted in the negative were:

Anderson	Chmielewski	Johnson, J.B.	Morse	Ranum
Beckman	Cohen	Krentz	Neuville	Reichgott Junge
Benson, D.D.	Finn	Luther	Pappas	Riveness
Berglin	Flynn	Marty	Piper	Spear
Betzold	Frederickson	Merriam	Pogemiller	Wiener
Chandler	Hottinger	Mondale	Price	

The motion prevailed. So the first portion of the Novak amendment, as amended, was adopted.

Mr. Novak withdrew the second portion of the amendment.

Mr. Riveness moved to amend S.F. No. 1706 as follows:

Page 3, line 23, delete "state" and insert "governor, on behalf of the state,"

The motion prevailed. So the amendment was adopted.

Mr. Benson, D.D. moved that S.F. No. 1706 be laid on the table.

The question was taken on the adoption of the motion.

Mr. Moe, R.D. moved that those not voting be excused from voting. The motion prevailed.

The roll was called, and there were yeas 32 and nays 33, as follows:

Those who voted in the affirmative were:

Anderson	Finn	Larson	Neuville	Ranum
Beckman	Flynn	Lesewski	Oliver	Reichgott Junge
Benson, D.D.	Frederickson	Luther	Olson	Runbeck
Berglin	Johnson, J.B.	Marty	Pariseau	Spear
Betzold	Johnston	McGowan	Piper	
Chandler	Kiscaden	Mondale	Pogemiller	
Cohen	Krentz	Morse	Price	

Those who voted in the negative were:

Belanger	Hanson	Kroening	Murphy	Stevens
Benson, J.E.	Hottinger	Laidig	Novak	Stumpf
Berg	Janezich	Langseth	Riveness	Terwilliger
Bertram	Johnson, D.E.	Lessard	Robertson	Vickerman
Chmielewski	Johnson, D.J.	Merriam	Sams	Wiener
Day	Kelly	Metzen	Samuelson	
Dille	Knutson	Moe, R.D.	Solon	

The motion did not prevail.

Mr. Chandler moved to amend S.F. No. 1706 as follows:

Page 6, after line 36, insert:

"Sec. 2. [NUCLEAR TRANSITION; RATES.]

The public utilities commission may not grant an increase in electricity rates for the public utility operating the Prairie Island nuclear electric generating plant until the utility has a resource plan approved by the public utilities commission that provides for the replacement of the power produced at Prairie Island by renewables and conservation by the year 2002."

Renumber the sections of article 4 in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 29 and nays 35, as follows:

Those who voted in the affirmative were:

Anderson	Finn	Krentz	Pappas	Riveness
Beckman	Flynn	Luther	Piper	Samuelson
Berglin	Frederickson	Marty	Pogemiller	Spear
Betzold	Hottinger	Mondale	Price	Stumpf
Chandler	Johnson, J.B.	Morse	Ranum	Wiener
Cohen	Kelly	Neuville	Reichgott Junge	

Those who voted in the negative were:

Belanger	Hanson	Kroening	Metzen	Robertson
Benson, D.D.	Janezich	Laidig	Moe, R.D.	Runbeck
Benson, J.E.	Johnson, D.E.	Langseth	Murphy	Sams
Berg	Johnson, D.J.	Lesewski	Novak	Solon
Bertram	Johnston	Lessard	Oliver	Stevens
Day	Kiscaden	McGowan	Olson	Terwilliger
Dille	Knutson	Merriam	Pariseau	Vickerman

The motion did not prevail. So the amendment was not adopted.

Mr. Vickerman moved to amend S.F. No. 1706 as follows:

Page 4, line 20, after "NUCLEAR" insert "AND COAL"

Page 4, line 22, after "new" insert "coal or a new"

The motion did not prevail. So the amendment was not adopted.

Ms. Piper moved to amend S.F. No. 1706 as follows:

Page 2, line 3, delete "17" and insert "15"

Page 2, line 7, delete "17" and insert "15"

Page 3, line 3, delete "(b)" and insert "(d)"

Page 3, lines 5 and 22, delete "17" and insert "15"

Page 3, after line 5, insert:

"(b) The 15 casks authorized by section 1 may each be used only once for storage. If spent fuel is removed from a cask for the purpose of shipping it from the plant site, no additional spent fuel may be stored in that cask.

(c) The Prairie Island nuclear generating plant shall, no later than December 31, 2000; cease generating electricity."

Page 3, line 6, delete "(b)" and insert "(d)"

Page 3, delete section 6

Renumber the sections of article 1 in sequence and correct the internal references

Page 4, line 13, delete "While"

Page 4, delete line 14

Page 4, line 15, delete everything before "warrant" and insert "These costs"

Page 4, delete section 3

Renumber the sections of article 2 in sequence and correct the internal references

Page 6, delete sections 2 and 3

Renumber the sections of article 3 in sequence and correct the internal references

Page 7, after line 2, insert:

"ARTICLE 5

TRANSITION FROM NUCLEAR ENERGY

Section 1. Minnesota Statutes 1992, section 216B.241, is amended by adding a subdivision to read:

Subd. 1c. [ENERGY-SAVING GOALS.] The commissioner shall establish energy-savings goals for energy conservation improvement expenditures and shall evaluate an energy conservation improvement program on how well it meets the goals set.

Sec. 2. [NUCLEAR POWER TRANSITION; ENERGY REPLACEMENT PURCHASES.]

The public utilities commission shall order the building of a portfolio of purchased replacement power through contracts with a number of wholesale suppliers as part of the energy supply mix of any public utility operating a nuclear power plant in this state. The portfolio may include option contracts and may be built in small increments so that prices can remain relatively stable. The commission must assess the need for replacement power through purchase and its order must provide for a flexible schedule of purchases including the timing and amount of energy to be purchased. The commission must issue its initial order by July 1, 1994.

Sec. 3. [216B.2423] [NUCLEAR UTILITY; TRANSITION ENERGY BIDDING PROCESS.]

Subdivision 1. [ENERGY ACQUISITION REQUIREMENT.] A utility that operates a nuclear electric generating plant in this state shall immediately initiate a bidding process for the acquisition of 7,700 gigawatt hours of output per year of electric energy. The bidding process shall be subject to section 216B.2422, subdivision 5, and any other law or rule not in conflict with this section. The acquisition shall be made in the amounts and at the times specified in this section.

Subd. 2. [RESOURCE POINT SYSTEM.] The acquisition of electrical

energy production resources under this section shall be based on the following point system per gigawatt hour of output:

(1) demand side management in excess of that committed to in a utility's most recent integrated resource plan – ten points;

(2) wind, solar, and other zero emission renewable resources certified by the commission – six points;

(3) biomass and landfill gas – four points; and

(4) high-efficiency cogeneration (at least 50 percent of the residual heat is used as thermal energy) and purchases of hydroelectric energy that does not require major new improvements or construction of new transmission lines – three points.

All other resources shall receive zero points. Coal and nuclear resources cannot be used to satisfy the output acquisition requirement of this section.

The average point score for all energy required to be acquired under this section must be at least five per gigawatt hour.

Subd. 3. [ACQUISITION SCHEDULE.] The 7,700 gigawatt hours of annual output shall be acquired by December 31, 2005. An average of 700 gigawatt hours of annual output shall be phased in for each year from 1996 through 2005. The commission shall closely monitor the acquisition to ensure that steady and consistent acquisitions are made in compliance with this section.

Subd. 4. [RATEPAYER PROTECTION.] The commission may allow a lower point total to win a resource bidding process if an otherwise winning bid would, by itself, cause an annual rate increase bigger than the highest rate increase requested by the utility in the five preceding calendar years.

Sec. 4. [TRANSITION TO RENEWABLES; EFFECT ON RATEPAYERS; STUDY.]

The attorney general shall study the effect on ratepayers of a transition to renewable electric generating sources. The study shall include an analysis of strategies to cushion any short-term rate impact on electric utility ratepayers. The attorney general shall report the results of the study and any recommendations to the legislature by February 1, 1995."

Amend the title accordingly

Mr. Morse requested division of the amendment as follows:

First portion:

Page 2, line 3, delete "17" and insert "15"

Page 2, line 7, delete "17" and insert "15"

Page 3, line 3, delete "(b)" and insert "(d)"

Page 3, lines 5 and 22, delete "17" and insert "15"

Page 3, after line 5, insert:

"(b) The 15 casks authorized by section 1 may each be used only once for storage. If spent fuel is removed from a cask for the purpose of shipping it from the plant site, no additional spent fuel may be stored in that cask.

(c) The Prairie Island nuclear generating plant shall, no later than December 31, 2000, cease generating electricity."

Page 3, line 6, delete "(b)" and insert "(d)"

Page 3, delete section 6

Reorder the sections of article 1 in sequence and correct the internal references

Page 4, line 13, delete "While"

Page 4, delete line 14

Page 4, line 15, delete everything before "warrant" and insert "These costs"

Page 4, delete section 3

Reorder the sections of article 2 in sequence and correct the internal references

Page 6, delete sections 2 and 3

Reorder the sections of article 3 in sequence and correct the internal references

Amend the title accordingly

Second portion:

Page 7, after line 2, insert:

"ARTICLE 5

TRANSITION FROM NUCLEAR ENERGY

Section 1. Minnesota Statutes 1992, section 216B.241, is amended by adding a subdivision to read:

Subd. 1c. [ENERGY-SAVING GOALS.] The commissioner shall establish energy-savings goals for energy conservation improvement expenditures and shall evaluate an energy conservation improvement program on how well it meets the goals set.

Sec. 2. [NUCLEAR POWER TRANSITION; ENERGY REPLACEMENT PURCHASES.]

The public utilities commission shall order the building of a portfolio of purchased replacement power through contracts with a number of wholesale suppliers as part of the energy supply mix of any public utility operating a nuclear power plant in this state. The portfolio may include option contracts and may be built in small increments so that prices can remain relatively stable. The commission must assess the need for replacement power through purchase and its order must provide for a flexible schedule of purchases including the timing and amount of energy to be purchased. The commission must issue its initial order by July 1, 1994.

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per year of electric energy. The bidding process shall be subject to section 216B.2422, subdivision 5, and any other law or rule not in conflict with this section. The acquisition shall be made in the amounts and at the times specified in this section.

Subd. 2. [RESOURCE POINT SYSTEM.] The acquisition of electrical energy production resources under this section shall be based on the following point system per gigawatt hour of output:

(1) demand side management in excess of that committed to in a utility's most recent integrated resource plan – ten points;

(2) wind, solar, and other zero emission renewable resources certified by the commission – six points;

(3) biomass and landfill gas – four points; and

(4) high-efficiency cogeneration (at least 50 percent of the residual heat is used as thermal energy) and purchases of hydroelectric energy that does not require major new improvements or construction of new transmission lines – three points.

All other resources shall receive zero points. Coal and nuclear resources cannot be used to satisfy the output acquisition requirement of this section.

The average point score for all energy required to be acquired under this section must be at least five per gigawatt hour.

Subd. 3. [ACQUISITION SCHEDULE.] The 7,700 gigawatt hours of annual output shall be acquired by December 31, 2005. An average of 700 gigawatt hours of annual output shall be phased in for each year from 1996 through 2005. The commission shall closely monitor the acquisition to ensure that steady and consistent acquisitions are made in compliance with this section.

Subd. 4. [RATEPAYER PROTECTION.] The commission may allow a lower point total to win a resource bidding process if an otherwise winning bid would, by itself, cause an annual rate increase bigger than the highest rate increase requested by the utility in the five preceding calendar years.

Sec. 4. [TRANSITION TO RENEWABLES; EFFECT ON RATEPAYERS; STUDY.]

The attorney general shall study the effect on ratepayers of a transition to renewable electric generating sources. The study shall include an analysis of strategies to cushion any short-term rate impact on electric utility ratepayers. The attorney general shall report the results of the study and any recommendations to the legislature by February 1, 1995."

Amend the title accordingly

The question was taken on the adoption of the first portion of the Piper amendment.

The roll was called, and there were yeas 26 and nays 40, as follows:

Those who voted in the affirmative were:

Anderson	Finn	Larson	Piper	Spear
Beckman	Flynn	Luther	Pogemiller	Wiener
Berglin	Frederickson	Marty	Price	
Betzold	Hottinger	Mondale	Ranum	
Chandler	Johnson, J.B.	Morse	Reichgott Junge	
Cohen	Krentz	Pappas	Riveness	

Those who voted in the negative were:

Belanger	Hanson	Kroening	Moe, R.D.	Runbeck
Benson, D.D.	Janezich	Laidig	Murphy	Sams
Benson, J.E.	Johnson, D.E.	Langseth	Neuville	Samuelson
Berg	Johnson, D.J.	Lesewski	Novak	Solon
Bertram	Johnston	Lessard	Oliver	Stevens
Chmielewski	Kelly	McGowan	Olson	Stumpf
Day	Kiscaden	Merriam	Pariseau	Terwilliger
Dille	Knutson	Metzen	Robertson	Vickerman

The motion did not prevail. So the first portion of the amendment was not adopted.

The question was taken on the adoption of the second portion of the Piper amendment.

The roll was called, and there were yeas 31 and nays 35, as follows:

Those who voted in the affirmative were:

Anderson	Cohen	Krentz	Pogemiller	Stumpf
Beckman	Finn	Luther	Price	Vickerman
Benson, D.D.	Flynn	Marty	Ranum	Wiener
Berglin	Frederickson	Mondale	Reichgott Junge	
Betzold	Hottinger	Morse	Riveness	
Chandler	Johnson, J.B.	Pappas	Robertson	
Chmielewski	Kiscaden	Piper	Spear	

Those who voted in the negative were:

Belanger	Janezich	Laidig	Metzen	Pariseau
Benson, J.E.	Johnson, D.E.	Langseth	Moe, R.D.	Runbeck
Berg	Johnson, D.J.	Larson	Murphy	Sams
Bertram	Johnston	Lesewski	Neuville	Samuelson
Day	Kelly	Lessard	Novak	Solon
Dille	Knutson	McGowan	Oliver	Stevens
Hanson	Kroening	Merriam	Olson	Terwilliger

The motion did not prevail. So the second portion of the amendment was not adopted.

Mr. Finn moved to amend S.F. No. 1706 as follows:

Page 2, line 6, delete "*and approves the EIS and*"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 28 and nays 37, as follows:

Those who voted in the affirmative were:

Anderson	Cohen	Krentz	Piper	Spear
Beckman	Finn	Luther	Pogemiller	Stumpf
Benson, D.D.	Flynn	Marty	Price	Vickerman
Berglin	Frederickson	Mondale	Ranum	Wiener
Betzold	Hottinger	Morse	Reichgott Junge	
Chandler	Johnson, J.B.	Pappas	Riveness	

Those who voted in the negative were:

Belanger	Janezich	Laidig	Moe, R.D.	Runbeck
Benson, J.E.	Johnson, D.E.	Langseth	Murphy	Sams
Berg	Johnson, D.J.	Larson	Neuville	Samuelson
Bertram	Johnston	Lesewski	Novak	Stevens
Chmielewski	Kelly	Lessard	Oliver	Terwilliger
Day	Kiscaden	McGowan	Olson	
Dille	Knutson	Merriam	Pariseau	
Hanson	Kroening	Metzen	Robertson	

The motion did not prevail. So the amendment was not adopted.

Mr. Stumpf moved to amend S.F. No. 1706 as follows:

Page 6, line 7, delete "*construct and operate*" and insert "*have operational*"

Page 6, line 8, after "*of*" insert "*effective capacity*"

Page 6, line 9, after "*kilowatts*" insert "*of effective capacity*"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 33 and nays 33, as follows:

Those who voted in the affirmative were:

Anderson	Finn	Larson	Pappas	Runbeck
Beckman	Flynn	Lesewski	Piper	Spear
Benson, D.D.	Frederickson	Luther	Pogemiller	Stumpf
Berglin	Hottinger	Marty	Price	Vickerman
Betzold	Johnson, J.B.	Mondale	Ranum	Wiener
Chandler	Johnston	Morse	Reichgott Junge	
Cohen	Krentz	Neuville	Riveness	

Those who voted in the negative were:

Belanger	Hanson	Kroening	Moe, R.D.	Sams
Benson, J.E.	Janezich	Laidig	Murphy	Samuelson
Berg	Johnson, D.E.	Langseth	Novak	Solon
Bertram	Johnson, D.J.	Lessard	Oliver	Stevens
Chmielewski	Kelly	McGowan	Olson	Terwilliger
Day	Kiscaden	Merriam	Pariseau	
Dille	Knutson	Metzen	Robertson	

The motion did not prevail. So the amendment was not adopted.

Ms. Johnson, J.B. moved to amend S.F. No. 1706 as follows:

Page 6, after line 23, insert:

"Section 1. Minnesota Statutes 1992, section 216B.16, subdivision 8, is amended to read:

Subd. 8. [ADVERTISING EXPENSES.] The commission shall disapprove the portion of any rate which makes an allowance directly or indirectly for expenses incurred by a public utility to provide a public advertisement which:

(a) is designed to influence or has the effect of influencing public attitudes towards legislation or proposed legislation, or toward a rule, proposed rule, authorization or proposed authorization of the public utilities commission or other agency of government responsible for regulating a public utility;

(b) is designed to justify or otherwise support or defend a rate, proposed rate, practice or proposed practice of a public utility;

(c) is designed primarily to promote consumption of the services of the utility; or

(d) is designed primarily to promote good will for the public utility or improve the utility's public image; or

(e) is designed to promote the use of nuclear power or to promote a nuclear waste storage facility.

The commission may approve a rate which makes an allowance for expenses incurred by a public utility to disseminate information which:

(a) is designed to encourage conservation of energy supplies;

(b) is designed to promote safety; or

(c) is designed to inform and educate customers as to financial services made available to them by the public utility.

The commission shall not withhold approval of a rate because it makes an allowance for expenses incurred by the utility to disseminate information about corporate affairs to its owners."

Renumber the sections of article 4 in sequence and correct the internal references

Amend the title as follows:

Page 1, line 12, after the semicolon, insert "regulating certain advertising expenses related to nuclear power;"

Page 1, line 14, after "216B.16," insert "subdivision 8, and"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 37 and nays 29, as follows:

Those who voted in the affirmative were:

Anderson	Frederickson	Lessard	Pappas	Samuelson
Beckman	Hottinger	Luther	Piper	Solon
Berglin	Johnson, J.B.	Marty	Pogemiller	Spear
Betzold	Johnston	Metzen	Price	Stumpf
Chandler	Kelly	Mondale	Ranum	Wiener
Cohen	Knutson	Morse	Reichgott Junge	
Finn	Krentz	Neuville	Riveness	
Flynn	Larson	Oliver	Runbeck	

Those who voted in the negative were:

Belanger	Day	Kiscaden	Merriam	Robertson
Benson, D.D.	Dille	Kroening	Moe, R.D.	Sams
Benson, J.E.	Hanson	Laidig	Murphy	Stevens
Berg	Janezich	Langseth	Novak	Terwilliger
Bertram	Johnson, D.E.	Lesewski	Olson	Vickerman
Chmielewski	Johnson, D.J.	McGowan	Pariseau	

The motion prevailed. So the amendment was adopted.

Ms. Johnson, J.B. then moved that S.F. No. 1706 be laid on the table.

The question was taken on the adoption of the motion.

The roll was called, and there were yeas 36 and nays 30, as follows:

Those who voted in the affirmative were:

Anderson	Flynn	Larson	Oliver	Runbeck
Beckman	Frederickson	Lesewski	Pappas	Spear
Benson, D.D.	Hottinger	Luther	Pariseau	Stumpf
Berglin	Johnson, J.B.	Marty	Piper	Wiener
Betzold	Johnston	McGowan	Pogemiller	
Chandler	Kiscaden	Mondale	Price	
Cohen	Knutson	Morse	Ranum	
Finn	Krentz	Neuville	Reichgott Junge	

Those who voted in the negative were:

Belanger	Dille	Kroening	Moe, R.D.	Sams
Benson, J.E.	Hanson	Laidig	Murphy	Samuelson
Berg	Janezich	Langseth	Novak	Solon
Bertram	Johnson, D.E.	Lessard	Olson	Stevens
Chmielewski	Johnson, D.J.	Merriam	Riveness	Terwilliger
Day	Kelly	Metzen	Robertson	Vickerman

The motion prevailed.

MOTIONS AND RESOLUTIONS - CONTINUED

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate revert to the Orders of Business of Reports of Committees, Second Reading of Senate Bills and Second Reading of House Bills. The motion prevailed.

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted, with the exception of the reports on S.F. Nos. 2357, 2316 and 2395. The motion prevailed.

Ms. Berglin from the Committee on Health Care, to which was referred

S.F. No. 2710: A bill for an act relating to health; modifying provisions relating to lead abatement; amending Minnesota Statutes 1992, section 144.874, subdivision 12, and by adding a subdivision; Minnesota Statutes 1993 Supplement, sections 144.871, subdivision 7c; 144.872, subdivision 2; 144.874, subdivisions 1, 3, and 11a; and 144.878, subdivisions 2 and 5; repealing Minnesota Statutes 1993 Supplement, section 144.877.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1993 Supplement, section 16B.61, subdivision 3, is amended to read:

Subd. 3. [SPECIAL REQUIREMENTS.] (a) [SPACE FOR COMMUTER VANS.] The code must require that any parking ramp or other parking facility constructed in accordance with the code include an appropriate number of spaces suitable for the parking of motor vehicles having a capacity of seven to 16 persons and which are principally used to provide prearranged commuter transportation of employees to or from their place of employment or to or from a transit stop authorized by a local transit authority.

(b) [SMOKE DETECTION DEVICES.] The code must require that all dwellings, lodging houses, apartment houses, and hotels as defined in section 299F.362 comply with the provisions of section 299F.362.

(c) [DOORS IN NURSING HOMES AND HOSPITALS.] The state building code may not require that each door entering a sleeping or patient's room from a corridor in a nursing home or hospital with an approved complete standard automatic fire extinguishing system be constructed or maintained as self-closing or automatically closing.

(d) [CHILD CARE FACILITIES IN CHURCHES; GROUND LEVEL EXIT.] A licensed day care center serving fewer than 30 preschool age persons and which is located in a below ground space in a church building is exempt from the state building code requirement for a ground level exit when the center has more than two stairways to the ground level and its exit.

(e) [CHILD CARE FACILITIES IN CHURCHES; VERTICAL ACCESS.] Until August 1, 1996, an organization providing child care in an existing church building which is exempt from taxation under section 272.02, subdivision 1, clause (5), shall have five years from the date of initial licensure under chapter 245A to provide interior vertical access, such as an elevator, to persons with disabilities as required by the state building code. To obtain the extension, the organization providing child care must secure a \$2,500 performance bond with the commissioner of human services to ensure that interior vertical access is achieved by the agreed upon date.

(f) [FAMILY AND GROUP FAMILY DAY CARE.] The commissioner of administration shall establish a task force to determine occupancy standards specific and appropriate to family and group family day care homes and to examine hindrances to establishing day care facilities in rural Minnesota. The task force must include representatives from rural and urban building code inspectors, rural and urban fire code inspectors, rural and urban county day care licensing units, rural and urban family and group family day care providers and consumers, child care advocacy groups, and the departments of administration, human services, and public safety.

By January 1, 1989, the commissioner of administration shall report the task force findings and recommendations to the appropriate legislative committees together with proposals for legislative action on the recommendations.

Until the legislature enacts legislation specifying appropriate standards, the definition of Group R-3 occupancies in the state building code applies to family and group family day care homes licensed by the department of human services under Minnesota Rules, chapter 9502.

(g) [MINED UNDERGROUND SPACE.] Nothing in the state building codes shall prevent cities from adopting rules governing the excavation, construction, reconstruction, alteration, and repair of mined underground space pursuant to sections 469.135 to 469.141, or of associated facilities in the space once the space has been created, provided the intent of the building code to establish reasonable safeguards for health, safety, welfare, comfort, and security is maintained.

(h) [ENCLOSED STAIRWAYS.] No provision of the code or any appendix chapter of the code may require stairways of existing multiple dwelling buildings of two stories or less to be enclosed.

(i) [DOUBLE CYLINDER DEAD BOLT LOCKS.] No provision of the code or appendix chapter of the code may prohibit double cylinder dead bolt locks in existing single-family homes, townhouses, and first floor duplexes used exclusively as a residential dwelling. Any recommendation or promotion of double cylinder dead bolt locks must include a warning about their potential fire danger and procedures to minimize the danger.

(j) [RELOCATED RESIDENTIAL BUILDINGS.] A residential building relocated within or into a political subdivision of the state need not comply with the state energy code or section 326.371 provided that, where available, an energy audit is conducted on the relocated building.

(k) [AUTOMATIC GARAGE DOOR OPENING SYSTEMS.] The code must require all residential buildings as defined in section 325F.82 to comply with the provisions of sections 325F.82 and 325F.83.

(l) [EXIT SIGN ILLUMINATION.] For a new building on which construction is begun on or after October 1, 1993, or an existing building on which remodeling affecting 50 percent or more of the enclosed space is begun on or after October 1, 1993, the code must prohibit the use of internally illuminated exit signs whose electrical consumption during nonemergency operation exceeds 20 watts of resistive power. All other requirements in the code for exit signs must be complied with.

(m) [RESIDENTIAL WORK.] *By January 1, 1996, the commissioner of administration shall develop building code provisions in accordance with the directives and provisions developed under section 144.874, subdivision 11a.*

Sec. 2. Minnesota Statutes 1993 Supplement, section 144.871, subdivision 2, is amended to read:

Subd. 2. [ABATEMENT.] “Abatement” means ~~removal of, replacement of, or encapsulation of deteriorated paint, bare soil, dust, drinking water, or other lead-containing materials that are or may become readily accessible during the lead abatement process and pose an immediate threat of actual lead exposure to people~~ any set of procedures designed to eliminate lead-based paint hazards in accordance with standards established by the commissioner of health. This term includes the removal of lead-based paint and lead contaminated dust, the containment and encapsulation of lead-based paint, the replacement of lead-painted surfaces and fixtures, and the removal or covering of lead-contaminated soil and preparation, cleanup, disposal, and postabatement clearance testing activities associated with these procedures.

Sec. 3. Minnesota Statutes 1992, section 144.871, subdivision 3, is amended to read:

Subd. 3. [ABATEMENT CONTRACTOR.] “Abatement contractor” means any person hired by a property owner or resident to perform abatement of a lead source in violation of standards under section 144.878 *and who is licensed by the commissioner according to rules adopted under section 144.878, subdivision 5.*

Sec. 4. Minnesota Statutes 1993 Supplement, section 144.872, subdivision 2, is amended to read:

Subd. 2. [HOME ASSESSMENTS.] ~~(a)~~ The commissioner shall, within available federal or state appropriations, contract with boards of health, ~~who may determine priority for responding to cases of elevated blood lead levels,~~

to conduct assessments to determine sources of lead contamination in the residences of pregnant women whose blood lead levels are at least ten micrograms per deciliter and of children whose blood lead levels are at least 20 micrograms per deciliter or whose blood lead levels persist in the range of 15 to 19 micrograms per deciliter for 90 days after initial identification to the board of health or the commissioner. Assessments must be conducted within five working days of the board of health receiving notice that the criteria in this subdivision have been met. The commissioner or boards of health must be notified of all violations of standards under section 144.878, subdivision 2, that are identified during a home assessment under section 144.874.

(b) The commissioner or boards of health must identify the known addresses for the previous 12 months of the child or pregnant woman with elevated blood lead levels and notify the property owners at those addresses. The commissioner may also collect information on the race, sex, and family income of children and pregnant women with elevated blood lead levels.

(c) Within the limits of appropriations, a board of health shall conduct home assessments for children and pregnant women whose confirmed blood lead levels are in the range of ten to 19 micrograms per deciliter.

(d) The commissioner shall also provide educational materials on all sources of lead to boards of health to provide education on ways of reducing the danger of lead contamination. The commissioner may provide laboratory or field lead testing equipment to a board of health or may reimburse a board of health for direct costs associated with assessments.

Sec. 5. Minnesota Statutes 1993 Supplement, section 144.874, subdivision 1, is amended to read:

Subdivision 1. [RESIDENCE ASSESSMENT.] (a) A board of health must conduct a timely assessment of a residence and all common areas, if the residence is located in a building with two or more residential units, within five working days of receiving notification that the criteria in this subdivision have been met, as confirmed by lead analysis of a venous blood sample, to determine sources of lead exposure if:

(1) a pregnant woman in the residence is identified as having a blood lead level of at least ten micrograms of lead per deciliter of whole blood;

(2) a child in the residence is identified as having a blood lead level at or above 20 micrograms per deciliter; or

(3) a child in the residence is identified as having a blood lead level that persists in the range of 15 to 19 micrograms per deciliter for 90 days after initial identification. Assessments must be conducted by a board of health regardless of the availability of state or federal appropriations for assessments.

(b) Within the limits of available state and federal appropriations, a board of health shall also conduct home assessments for children whose confirmed blood lead levels are in the range of ten to 19 micrograms per deciliter. A board of health may assess a residence even if none of the three criteria in this subdivision are met.

(c) If a child regularly spends several hours at one or more other sites such as another residence, or a residential or commercial child care facility, the board of health must also assess the other sites. The board of health shall have one additional day to complete the assessment for each additional site.

(d) Sections 144.871 to 144.879 neither authorize nor prohibit a board of health from charging a property owner for the cost of assessment. The commissioner or boards of health must identify the known addresses for the previous 12 months of the child or pregnant woman with elevated blood lead levels and notify the property owners at those addresses. This information shall be classified as private data on individuals as defined under section 13.02, subdivision 12.

(e) The board of health must conduct the residential assessment according to rules adopted by the commissioner under section 144.878. A board of health must have residence assessments performed by lead inspectors licensed by the commissioner according to rules adopted under section 144.878. A board of health may observe the performance of lead abatement in progress and may enforce the provisions of sections 144.871 to 144.879 under section 144.878. The staff complement of the department of health shall be increased by two full-time equivalent positions who shall be lead inspectors.

(f) A lead inspector must notify the commissioner or the board of health of all violations under section 144.878, subdivision 2, that are identified in a residence assessment under this section.

(g) The commissioner may provide laboratory or field lead testing equipment to a board of health or may reimburse a board of health for direct costs associated with assessments.

(h) Sections 144.871 to 144.879 neither authorize nor prohibit a board of health from charging a property owner for the cost of assessment.

Sec. 6. Minnesota Statutes 1993 Supplement, section 144.874, subdivision 3, is amended to read:

Subd. 3. [~~SWAB TEAMS; LEAD ASSESSMENT; LEAD ABATEMENT ORDERS.~~] A board of health must order a property owner to perform abatement on a lead source that exceeds a standard adopted according to section 144.878 at the residence of a child with an elevated blood lead level or a pregnant woman with a blood lead level of at least ten micrograms per deciliter. *If the paint standard adopted under section 144.878 is violated, but the paint is intact, a board of health must not order paint removal unless it can be proven that the intact paint is a known source, or reasonably expected to be a source, of actual lead exposure to a specific person. Before a board of health may order the intact paint to be removed, every effort must be made to protect the child and preserve the intact paint by the use of guards or other protective devices.* Lead abatement orders must require that any source of damage, such as leaking roofs, plumbing, and windows, must be repaired or replaced, as needed, to prevent damage to lead-containing interior surfaces. The board of health is not required to pay for lead abatement. With each lead abatement order, the board of health must coordinate with swab team abatement and provide a residential lead abatement guide.

Sec. 7. Minnesota Statutes 1992, section 144.874, is amended by adding a subdivision to read:

Subd. 3b. [RESIDENTIAL LEAD ABATEMENT.] *After July 1, 1995, a person who performs work that removes intact paint on residences built before February 27, 1978, must determine whether lead sources are present and whether the planned work would be lead abatement as defined in section 144.871, subdivision 2. This determination may be made by quantitative*

chemical analysis, X-ray fluorescence analyzer, or chemical spot test using sodium rhodizonate. If lead sources are identified and exceed the standards adopted under section 144.878, the work must be performed by a licensed lead abatement contractor. An owner of an owner-occupied residence with one or two units is not subject to the requirements of this subdivision.

Sec. 8. Minnesota Statutes 1993 Supplement, section 144.874, subdivision 9, is amended to read:

Subd. 9. [PRIMARY PREVENTION.] Although children who are found to already have elevated blood lead levels must have the highest priority for intervention, the commissioner shall pursue primary prevention for toxic lead exposure within the limits of appropriations. *The commissioner shall also provide educational materials on all sources of lead to boards of health to provide education on ways of reducing the danger of lead contamination.*

Sec. 9. Minnesota Statutes 1993 Supplement, section 144.874, subdivision 11a, is amended to read:

Subd. 11a. [LEAD ABATEMENT AND LEAD-SAFE WORK DIRECTIVES.] (a) In order to achieve statewide consistency in the application of lead abatement standards, the commissioner shall issue program directives that interpret the application of rules under section 144.878 in ambiguous or unusual lead abatement situations. These directives are guidelines to local boards of health. The commissioner shall periodically review the evaluation of lead abatement orders and the program directives to determine if the rules under section 144.878 need to be amended to reflect new understanding of lead abatement practices and methods.

(b) *By July 1, 1995, the commissioner shall work cooperatively with the commissioner of administration to develop provisions, procedures, and directives to define residential remodeling, renovation, installation, and rehabilitation activities that are not lead abatement but may disrupt lead-based paint surfaces. The directives and provisions must define lead-safe procedures for nonlead abatement activities including preparation, cleanup, and disposal procedures. The directives must be based on the level and type of work involved and the potential for lead hazard. The directives must address activities including, but not limited to, painting, remodeling, weatherization, installation of cable, wire, plumbing, and gas, and replacement of doors and windows. The commissioners of health and administration shall consult with representatives of builders, weatherization providers, and housing and redevelopment authorities in developing the directives and procedures.*

Sec. 10. Minnesota Statutes 1992, section 144.874, subdivision 12, is amended to read:

Subd. 12. [ENFORCEMENT AND STATUS REPORT.] The commissioner shall examine compliance with Minnesota's existing lead standards and rules and report to the legislature biennially, beginning February 15, 1993, including an evaluation of current lead program activities by the state and boards of health, the need for any additional enforcement procedures, recommendations on developing a method to enforce compliance with lead standards and cost estimates for any proposed enforcement procedure. The report must also include a geographic analysis of all blood lead assays showing incidence data and environmental analyses reported or collected by the commissioner. *The commissioner shall include in the report information*

on the status of any work related to lead hazards in paint, dust, and drinking water that is done with federal funding including, but not limited to, the federally funded evaluation of drinking water.

Sec. 11. Minnesota Statutes 1993 Supplement, section 144.878, subdivision 2, is amended to read:

Subd. 2. [LEAD STANDARDS AND ABATEMENT METHODS.] (a) The commissioner shall adopt rules establishing standards and abatement methods for lead in paint, dust, and drinking water in a manner that protects public health and the environment for all residences, including residences also used for a commercial purpose.

(b) The commissioner shall differentiate between intact paint and deteriorating paint. The commissioner and political subdivisions shall require abatement of intact paint only if the commissioner or political subdivision finds that the intact paint is on a chewable or lead-dust producing surface that is a known source or reasonably expected to be a source of actual lead exposure to a specific person. *The commissioner shall determine which practices under section 144.874, subdivision 11a, may be used for lead safe work including preparation, cleanup, and disposal procedures.* In adopting rules under this subdivision, the commissioner shall require the best available technology for lead abatement methods, paint stabilization, and repainting.

(b) (c) The commissioner of health shall adopt standards and abatement methods for lead in bare soil on playgrounds and residential property in a manner to protect public health and the environment. The commissioner shall adopt a maximum standard of 100 parts of lead per million in bare soil, unless it is proven that a different standard provides greater protection of public health.

(e) (d) The commissioner of the pollution control agency shall adopt rules to ensure that removal of exterior lead-based coatings from residential property by abrasive blasting methods is conducted in a manner that protects public health and the environment.

(d) (e) All standards adopted under this subdivision must provide reasonable margins of safety that are consistent with a detailed review of scientific evidence and an emphasis on overprotection rather than underprotection when the scientific evidence is ambiguous. The rules must apply to any individual performing or ordering the performance of lead abatement.

(e) (f) No unit of local government may have an ordinance or regulation governing lead abatement methods for lead in paint, dust, or soil for residences and residential land that require a different lead abatement method than the lead abatement standards established under sections 144.871 to 144.879.

(g) *The commissioner shall adopt standards and abatement methods for lead in dust in a manner to protect the public health and the environment.*

Sec. 12. Minnesota Statutes 1993 Supplement, section 144.878, subdivision 5, is amended to read:

Subd. 5. [LEAD ABATEMENT CONTRACTORS AND EMPLOYEES.] The commissioner shall adopt rules to license lead abatement contractors, to certify employees of lead abatement contractors who perform abatement, and to certify lead abatement trainers who provide lead abatement training for

contractors, employees, or other lead abatement trainers. A person who performs painting, renovation, rehabilitation, remodeling, or other residential work that is not lead abatement need not be a licensed lead abatement contractor. By July 1, 1994, a person who performs work that removes intact paint on residences built before February 27, 1978, must determine whether lead sources are present and whether the planned work would be lead abatement as defined in section 144.871, subdivision 2. This determination may be made by quantitative chemical analysis, X-ray fluorescence analyzer, or chemical spot test using sodium rhodizonate. If lead sources are identified, the work must be performed by a licensed lead abatement contractor. An owner of an owner-occupied residence with one or two units is not subject to the requirements under this subdivision. All lead abatement training must include a hands-on component and instruction on the health effects of lead exposure, the use of personal protective equipment, workplace hazards and safety problems, abatement methods and work practices, decontamination procedures, cleanup and waste disposal procedures, lead monitoring and testing methods, and legal rights and responsibilities. The commissioner shall adopt rules to approve lead abatement training courses and to charge a fee for approval. At least 30 days before publishing initial notice of proposed rules under this subdivision on the licensing of lead abatement contractors, the commissioner shall submit the rules to the chairs of the health and human services committee in the house of representatives and the health care committee in the senate, and to any legislative committee on licensing created by the legislature.

Sec. 13. Minnesota Statutes 1993 Supplement, section 326.71, subdivision 4, is amended to read:

Subd. 4. [ASBESTOS-RELATED WORK.] "Asbestos-related work" means the enclosure, repair, removal, or encapsulation of asbestos-containing material in a quantity that meets or exceeds the *United States Environmental Protection Agency's requirement of 260 lineal feet of friable asbestos-containing material asbestos* on pipes, or 160 square feet of friable asbestos-containing material *asbestos* on other facility components; or a total of 35 cubic feet of friable asbestos-containing material on or off all facility components in one facility. In the case of single or multifamily residences, "asbestos-related work" also means the enclosure, repair, removal, or encapsulation of greater than ten but less than 260 lineal feet of friable asbestos-containing material on pipes or ducts or greater than six but less than 160 square feet of friable asbestos-containing material on other facility components. This provision excludes asbestos-containing vinyl floor tiles and sheeting under 160 square feet. Asbestos-related work includes asbestos abatement area preparation; enclosure, removal, encapsulation, or repair operations; and an air quality monitoring specified in rule to assure that the abatement and adjacent areas are not contaminated with asbestos fibers during the project and after completion.

Sec. 14. [REPEALER.]

Minnesota Statutes 1993 Supplement, section 144.877, is repealed."

Amend the title as follows:

Page 1, line 4, delete "section" and insert "sections 144.871, subdivision 3; and"

Page 1, line 6, after "sections" insert "16B.61, subdivision 3;" and delete "7c" and insert "2"

Page 1, line 7, after "3," insert "9," and delete the second "and"

Page 1, line 8, after "5," insert "and 326.71, subdivision 4;"

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Mr. Novak from the Committee on Jobs, Energy and Community Development, to which was referred

H.F. No. 2143: A bill for an act relating to telecommunications; regulating competitive telephone services and incentive plans; extending expiration dates and making technical changes for certain regulatory provisions; amending Minnesota Statutes 1992, sections 237.161, by adding a subdivision; 237.57, subdivision 4; 237.58, subdivision 1; 237.59, subdivisions 1, 2, 3, 5, and by adding a subdivision; 237.60, subdivision 2; 237.62, subdivision 1; and 237.625, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 237; repealing Minnesota Rules, parts 7815.0700; 7815.0800; 7815.0900; 7815.1000; 7815.1100; 7815.1200; 7815.1300; 7815.1400; and 7815.1500; Laws 1987, chapter 340, section 26; Laws 1989, chapter 74, sections 25 and 27; Laws 1990, chapter 513, section 3; and Laws 1993, chapter 41, section 1.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, after line 18, insert:

"ARTICLE 1"

Page 5, line 24, delete "*or the commission*"

Page 7, line 27, delete "*interested*"

Page 7, line 28, delete "*or the commission*"

Page 14, after line 21, insert:

"ARTICLE 2"

Section 1. Minnesota Statutes 1992, section 325E.26, is amended by adding a subdivision to read:

Subd. 6. [MESSAGE.] "Message" means any call, regardless of its content.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective July 1, 1994."

Amend the title as follows:

Page 1, line 10, delete "and" and before "proposing" insert "and 325E.26, by adding a subdivision;"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Ms. Berglin from the Committee on Health Care, to which was referred

S.F. No. 2455: A bill for an act relating to health and human services; requiring reimbursement rates paid to community health and public health clinics by a prepaid health plan to equal the medical assistance rates that would be paid directly to these clinics by the commissioner of human services; amending Minnesota Statutes 1992, section 256B.031, subdivisions 10 and 11; Minnesota Statutes 1993 Supplement, section 256.9363, by adding a subdivision.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1993 Supplement, section 256.9363, subdivision 9, is amended to read:

Subd. 9. [RATE SETTING.] (a) Rates will be prospective, per capita, where possible. The commissioner shall consult with an independent actuary to determine appropriate rates.

(b) Any managed care plan contracting with the department of human services under this section must meet the payment rate requirements set out in section 256B.031, subdivision 10, paragraph (b).

Sec. 2. Minnesota Statutes 1992, section 256B.031, subdivision 10, is amended to read:

Subd. 10. [IMPACT ON PUBLIC OR TEACHING HOSPITALS AND COMMUNITY HEALTH CLINICS.] (a) Before implementing prepaid programs in counties with a county operated or affiliated public teaching hospital or a hospital or clinic operated by the University of Minnesota, the commissioner shall consider the risks the prepaid program creates for the hospital and allow the county or hospital the opportunity to participate in the program, provided the terms of participation in the program are competitive with the terms of other participants.

(b) Prepaid health plans serving counties with a nonprofit community clinic health clinics or community health services agency agencies must contract with the clinic clinics or agency agencies to provide services to clients who choose to receive services from the clinic or agency; if the clinic or agency agrees to payment rates that are competitive with rates paid to other health plan providers for the same or similar services. Payment rates paid to a community health clinic or a community health services agency must at least equal the medical assistance rates and the general assistance medical care rates currently paid by the commissioner of human services to a community health clinic or a community health services agency for services provided to medical assistance and general assistance medical care recipients not enrolled in a prepaid health plan. For purposes of this section, “community health clinic” refers to clinics meeting the criteria listed in Minnesota Rules, part 9505.0255.

Sec. 3. [EFFECTIVE DATE.]

Sections 1 and 2 are effective for all contracts entered into or renewed on or after the day following final enactment.”

Delete the title and insert:

“A bill for an act relating to health and human services; requiring payment rates paid to community health clinics by a prepaid health plan to equal the medical assistance rates that would be paid directly to the clinics by the commissioner of human services; amending Minnesota Statutes 1992, section 256B.031, subdivision 10; Minnesota Statutes 1993 Supplement, section 256.9363, subdivision 9.”

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Crime Prevention, to which was referred

S.F. No. 2238: A bill for an act relating to claims against the state; requiring verification of certain safety training and standards before payment by the state for injuries suffered by certain claimants supervised by local government agencies; amending Minnesota Statutes 1992, section 3.739, subdivision 2.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 24, delete “*heard, decided, and*” and delete “*, if appropriate,*”

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Lessard from the Committee on Environment and Natural Resources, to which was referred

S.F. No. 2493: A bill for an act relating to local government in Pine county; providing for creation of sewer district and a sanitary sewer board to administer the district; providing for collection, treatment, and disposal of sewage in the Cross Lake area.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, delete lines 8 to 20 and insert:

“Section 1. [CROSS LAKE AREA WATER AND SEWER; POWERS TO TAX AND LEVY.]

The Cross Lake area water and sanitary sewer board, in order to implement the powers granted under this act to establish, maintain, and administer the Cross Lake area water and sanitary sewer district, may issue obligations and levy special assessments against benefited property within the limits of the district benefited by facilities constructed pursuant to this act in the manner provided for local governments by Minnesota Statutes, chapter 429.

Sec. 2. [SYSTEM EXPANSION; APPLICATION TO CITIES.]

In the Cross Lake area water and sanitary sewer district, the authority of the water and sanitary sewer board to establish water or sewer or combined water and sewer systems pursuant to this act shall extend to areas of the district organized into cities when requested by”

Page 2, line 10, before “*sanitary*” insert “*water and*”

Page 2, lines 11 and 16, before "sanitary" insert "Cross Lake area water and"

Page 2, line 15, before "Sanitary" insert "Water and"

Page 3, lines 14 and 32, before "sanitary" insert "water and"

Page 3, after line 28, insert:

"Subd. 16. [RESIDENT.] "Resident" means the owner of a dwelling located in the district and receiving water or sewer service."

Page 3, line 29, before "SANITARY" insert "WATER AND"

Page 3, line 30, before "sewer" insert "water and"

Page 3, line 33, before the second "sewer" insert "water and"

Page 3, line 34, delete "a" and insert "the Cross Lake area water and"

Page 4, line 5, delete "five" and insert "seven"

Page 4, line 6, delete "a member" and insert "two members"

Page 4, line 7, before the first "board" insert "water and sanitary sewer" and delete "town"

Page 4, line 8, delete "the county board and one selected by"

Page 4, line 9, delete the first "one" and insert "two"

Page 4, line 10, delete the third "two" and insert "three"

Page 4, delete lines 30 and 31 and insert:

"Subd. 6. [QUALIFICATIONS.] One board member representing a town must be a resident of the district and the other member representing that town must be a resident of the township, and each may, but need not be, an elected"

Page 12, line 6, before "sanitary" insert "water and"

Page 12, line 11, after "Sec" insert a period

Page 13, line 22, before "sanitary" insert "water and"

Page 17, line 15, delete "access" and insert "assess"

Page 22, line 12, delete "the" and insert "a"

Page 22, line 13, delete "state auditor" and insert "certified public accountant"

Page 23, line 10, before "sanitary" insert "water and"

Page 25, line 4, before "sanitary" insert "water and"

Page 25, delete lines 33 to 35

Page 25, line 36, delete "3" and insert "2"

Amend the title as follows:

Page 1, line 2, delete "in Pine county"

Page 1, delete line 3 and insert "for creation of water and sewer district and Cross Lake area water and sanitary sewer"

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Mr. Chmielewski from the Committee on Transportation and Public Transit, to which was referred

S.F. No. 2617: A bill for an act relating to transportation; establishing and providing for appointments to an advisory council on major transportation projects; appropriating money.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 6, delete "STUDY COMMITTEE" and insert "ADVISORY COUNCIL"

Page 1, line 23, delete "15" and insert "17"

Page 1, line 25, delete "six" and insert "eight" and delete "three" and insert "four"

Page 2, line 2, after the comma, insert "*two of which shall be members of the minority party,*" and delete "three" and insert "four"

Page 2, line 3, before the semicolon, insert "*, two of which shall be members of the minority party*"

Page 2, line 5, delete "*metropolitan area*" and insert "state"

Page 2, line 10, delete "*legislative appointee*" and insert "council member"

Page 2, line 16, after "council" insert "*from the highway program administration fund*"

Page 2, delete section 2

Amend the title as follows:

Page 1, line 4, delete ";; appropriating money"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Chmielewski from the Committee on Transportation and Public Transit, to which was referred

S.F. No. 2819: A bill for an act relating to motor carriers; delaying application and enforcement of rule against class II permit holder owning, leasing, or controlling more than one terminal.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [CLASS II MOTOR CARRIER CONVERSION.]

A class II permit holder who declared more than one terminal in its permit conversion application under Minnesota Statutes, section 221.152, shall have 60 days from the date of enactment to convert its authority. No actions to

enforce those provisions of Minnesota Statutes, section 221.121, subdivision 6c, may be taken against such motor carrier during that 60-day period. The transportation regulation board shall reconsider conversion applications under this section. All conversions under this section shall be completed by July 1, 1994.

This section expires July 1, 1994.

Sec. 2. [CLASS I ABANDONMENT.]

Failure of a class I carrier to operate for a period of seven consecutive days over any route shall not be deemed to be an abandonment of service and cause for forfeiture under Minnesota Rules, part 7800.1500.

Sec. 3. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to motor carriers; extending deadline for conversion of class II permits; defining abandonment of service."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Mondale, for Mrs. Adkins, from the Committee on Metropolitan and Local Government, to which was referred

S.F. No. 2119: A bill for an act relating to transportation; requiring understandable notice of requirements for appealing town road damage awards; amending Minnesota Statutes 1992, section 164.07, subdivision 6.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Mr. Solon from the Committee on Commerce and Consumer Protection, to which was re-referred

S.F. No. 2634: A bill for an act relating to economic development; regulating community action agencies; amending Minnesota Statutes 1992, sections 268.53, subdivision 5; and 466.01, subdivision 1.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Judiciary. Report adopted.

Mr. Mondale, for Mrs. Adkins, from the Committee on Metropolitan and Local Government, to which was referred

S.F. No. 2362: A bill for an act relating to statewide comprehensive land use planning coordination; appropriating money; amending Minnesota Statutes 1992, sections 116C.04, by adding a subdivision; 462.357, subdivision 2; and 473.858, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 4A; proposing coding for new law as Minnesota Statutes, chapter 462D.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. [SUSTAINABLE ECONOMIC DEVELOPMENT AND ENVIRONMENTAL PROTECTION TASK FORCE; STAFF.]

Subdivision 1. [PURPOSE; TASK FORCE MEMBERSHIP.] In order to build a consensus on how to achieve the sustainable economic development and environmental protection goals of the environmental quality board sustainable development initiative throughout the state, the sustainable economic development and environmental protection task force is established. The task force consists of 15 members who serve at the pleasure of the appointing authority as follows:

(1) four legislators, including two members of the senate appointed by the subcommittee on committees of the committee on rules and administration, and two members of the house of representatives appointed by the speaker of the house; and

(2) eleven public members who are residents of the state, appointed by the chair of the environmental quality board. Of the eleven members appointed by the chair of the environmental quality board, at least one member shall represent towns, one member shall represent cities, and one member shall represent counties.

Subd. 2. [CHAIRS.] The legislative appointing authorities shall designate a legislative appointee to serve as co-chair of the task force and the chair of the environmental quality board shall designate one of the nine public members as the other co-chair.

Subd. 3. [STAFF.] The environmental quality board shall provide coordination and staff support for the task force.

Subd. 4. [SUNSET.] The task force shall expire on January 1, 1995.

Sec. 2. [DUTIES.]

The task force shall research and recommend:

(1) what policies or goals are of statewide interest relating to sustainable communities and land use that should guide decision making at state, regional, and local levels;

(2) what planning framework and process will enhance collaboration at all levels to help achieve the goals; and

(3) how the planning framework will incorporate the following nonexclusive list of issues: sustainable economic development, protection of natural resources, urban-rural linkages, and citizen involvement.

Sec. 3. [PUBLIC INVOLVEMENT.]

The environmental quality board and the task force shall ensure extensive, broad-based involvement of citizens and both public and private sectors in the recommendations. The environmental quality board may contract with facilitators or other consultants to help ensure extensive public participation and to help incorporate public comments into the process.

Sec. 4. [REPORT.]

By January 1, 1995, the environmental quality board and the task force

shall submit to the governor and the legislature a report of the task force's and the board's findings and recommendations for legislation.

Sec. 5. [APPROPRIATION.]

\$75,000 is appropriated from the general fund to the environmental quality board for the purposes of this act, to be available until expended."

Delete the title and insert:

"A bill for an act relating to statewide comprehensive land use planning coordination; providing for a sustainable economic development and environmental protection task force; providing membership, duties, and public involvement; requiring a report; appropriating money."

And when so amended the bill do pass and be re-referred to the Committee on Governmental Operations and Reform. Amendments adopted. Report adopted.

Mr. Solon from the Committee on Commerce and Consumer Protection, to which was referred

S.F. No. 2161: A bill for an act relating to alcoholic beverages; defining terms; prohibiting certain solicitations by retailers; authorizing consignment sales of beer by wholesalers to temporary licensees; removing requirement that retail licensees be citizens or resident aliens; authorizing counties to issue on-sale licenses to hotels; allowing registered political committees in existence for less than three years to obtain temporary on-sale licenses; placing restrictions on the number of temporary licenses issued to any organization or for any location; imposing new restrictions on issuance of more than one off-sale license to any person in a municipality; regulating certain wine tastings; restricting use of coupons by retailers, wholesalers, and manufacturers; providing penalties; amending Minnesota Statutes 1992, sections 340A.101, subdivision 13; 340A.308; 340A.404, subdivisions 6 and 10; 340A.405, subdivision 4; 340A.410, by adding a subdivision; 340A.412, subdivision 3; and 340A.416, subdivision 3; Minnesota Statutes 1993 Supplement, sections 340A.402; and 340A.415; proposing coding for new law in Minnesota Statutes, chapter 340A.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1992, section 221.011, is amended by adding a subdivision to read:

Subd. 46. [DISTILLED SPIRITS AND WINE CARRIER.] "Distilled spirits and wine carrier" means a person engaged in transporting distilled spirits or wine as defined in section 340A.101, subdivisions 9 and 29, other than the holder of a valid retailer's identification card carrying only the holder's own alcoholic beverages authorized by chapter 340A.

Sec. 2. Minnesota Statutes 1992, section 221.121, subdivision 1, is amended to read:

Subdivision 1. [PETITION; NOTICE AND HEARING; SCOPE.] (a) A person desiring to operate as a permit carrier, except as provided in subdivision 5 or 6h or section 221.296, shall file a petition with the

commissioner specifying the kind of permit desired, the name and address of the petitioner and the names and addresses of the officers, if a corporation, and other information as the board and commissioner may require. Letters of shipper support must be filed with the petition. No person shall knowingly make a false or misleading statement in a petition.

(b) The board, after notice to interested parties and a hearing, shall issue the permit upon compliance with the laws and rules relating to it, if it finds that petitioner is fit and able to conduct the proposed operations, that petitioner's vehicles meet the safety standards established by the department, that the area to be served has a need for the transportation services requested in the petition, and that existing permit and certificated carriers in the area to be served have failed to demonstrate that they offer sufficient transportation services to meet fully and adequately those needs, provided that no person who holds a permit at the time sections 221.011 to 221.291 take effect may be denied a renewal of the permit upon compliance with other provisions of sections 221.011 to 221.291.

(c) A permit once granted continues in full force and effect until abandoned or unless suspended or revoked, subject to compliance by the permit holder with the applicable provisions of law and the rules of the commissioner or board governing permit carriers.

(d) No permit may be issued to a common carrier by rail permitting the common carrier to operate trucks for hire within this state, nor may a common carrier by rail be permitted to own, lease, operate, control, or have an interest in a permit carrier by truck, either by stock ownership or otherwise, directly, indirectly, through a holding company, or by stockholders or directors in common, or in any other manner. Nothing in sections 221.011 to 221.291 prevents the board from issuing a permit to a common carrier by rail authorizing the carrier to operate trucks wholly within the limits of a municipality or within adjacent or contiguous municipalities or a common rate point served by the railroad and only as a service supplementary to the rail service now established by the carriers.

Sec. 3. Minnesota Statutes 1992, section 221.121, is amended by adding a subdivision to read:

Subd. 6h. [DISTILLED SPIRITS AND WINE CARRIER.] A person desiring to operate as a distilled spirits and wine carrier shall apply for a special permit with the commissioner of public safety, specifying the name and address of the applicant and the names and addresses of the officers, if a corporation, and other information as the commissioner may require. The carrier shall pay a fee of \$20 for each permit per vehicle per year. The holder of a distilled spirits and wine carrier permit is subject to section 340A.907.

Sec. 4. Minnesota Statutes 1992, section 325B.02, is amended to read:

325B.02 [NO INDUCEMENT OR COERCION.]

No brewer shall:

(1) Induce or coerce, or attempt to induce or coerce, any beer wholesaler to accept delivery of any alcoholic beverage or any other commodity which shall not have been ordered by the beer wholesaler.

(2) Induce or coerce, or attempt to induce or coerce, any beer wholesaler to

do any illegal act or thing by threatening to amend, cancel, terminate, or refuse to renew any agreement existing between a brewer and a beer wholesaler.

(3) Require a wholesaler to assent to any condition, stipulation or provision limiting the wholesaler's right to sell the product of any other brewer anywhere in the state of Minnesota, provided that the acquisition of the product of another brewer does not materially impair the quality of service or quantity of sales of the existing brand or brands of the brewer seeking to impose the condition, stipulation or provision.

(4) Refuse to supply, in reasonable quantities and within a reasonable time after receipt of the wholesaler's order, beer ordered by a wholesaler who has an agreement with the brewer for sale and distribution of the brewer's beer, unless the refusal to supply is due to:

(i) the brewer's prudent and reasonable restrictions on extension of credit to the wholesaler;

(ii) weather or other natural events;

(iii) a work stoppage or delay resulting from a strike or other labor dispute;

(iv) a bona fide shortage of materials;

(v) a freight embargo; or

(vi) any other cause over which the brewer or the brewer's agents have no control.

Sec. 5. [325B.031] [BRANDS; BRAND EXTENSIONS.]

Subdivision 1. [DEFINITIONS.] For purposes of this section:

(a) "Brand" is any word, name, group of letters, symbol, or combination thereof, that is adopted and used by a brewer or importer to identify a specific beer product, and to distinguish that beer product from another beer product.

(b) "Brand extension" is any brand that (1) incorporates all or a substantial part of the unique features of a preexisting brand of the same brewer or importer, and (2) which relies to a significant extent on the goodwill associated with that preexisting brand.

Subd. 2. [BRAND EXTENSION TO BE ASSIGNED.] A brewer or importer who assigns a brand extension to a wholesaler must assign the brand extension to the wholesaler to whom the brewer or importer granted the exclusive-sales territory to the brand from which the brand extension resulted. This requirement does not apply to assignments of brand extensions to wholesalers that were made by a brewer or importer before the effective date of this section.

Subd. 3. [ADDITIONAL BRAND EXTENSION.] In the event that prior to the effective date of this section a brewer or importer had assigned a brand extension to a wholesaler who was not the appointed wholesaler for the brand from which the brand extension was made, then any additional brand extension must be assigned to the wholesaler who first had the brand.

Sec. 6. Minnesota Statutes 1992, section 325B.04, is amended to read:

325B.04 [CANCELLATION TERMINATION OF AGREEMENTS.]

Subdivision 1. [TERMINATIONS.] Notwithstanding the terms, provisions or conditions of any agreement, no brewer shall amend, cancel, terminate or refuse to continue to renew any agreement, or cause a wholesaler to resign from an agreement, unless good cause exists for amendment, termination, cancellation, nonrenewal, noncontinuation or causing a resignation. "Good cause" shall not include the sale or purchase of a brewer. "Good cause" shall include, but not be limited to, the following:

- (1) Revocation of the wholesaler's license to do business in the state.
- (2) Bankruptcy or insolvency of the wholesaler.
- (3) Assignment for the benefit of creditors or similar disposition of the assets of the wholesaler.
- (4) Failure by the wholesaler to substantially comply, without reasonable excuse or justification, with any reasonable and material requirement imposed upon the wholesaler by the brewer: the brewer:

(1) has satisfied the notice and opportunity to cure requirements of section 325B.05;

(2) has acted in good faith; and

(3) has good cause for the cancellation, termination, nonrenewal, discontinuance, or forced resignation.

Subd. 2. [GOOD CAUSE.] For purposes of subdivision 1:

(a) "Good cause" includes, but is not limited to, the following:

(1) revocation of the wholesaler's license under section 340A.304;

(2) the wholesaler's bankruptcy or insolvency;

(3) assignment of the assets of the wholesaler for the benefit of creditors, or a similar disposition of the wholesaler's assets; or

(4) a failure by the wholesaler to substantially comply, without reasonable excuse or justification, with any reasonable and material requirement imposed on the wholesaler by the brewer, where the failure was discovered by the brewer not more than one year before the date on which the brewer gave notice to the wholesaler under section 325B.05.

(b) "Good cause" does not include the sale or purchase of a brewer.

Sec. 7. Minnesota Statutes 1992, section 325B.05, is amended to read:

325B.05 [NOTICE OF INTENT TO TERMINATE.]

Except as provided in this section, a brewer shall provide a wholesaler at least 90 days prior written notice of any intent to amend, terminate, cancel or not renew any agreement. The notice shall state all the reasons for the intended amendment, termination, cancellation or nonrenewal. The wholesaler shall have 90 days in which to rectify any claimed deficiency. If the deficiency shall be rectified within 90 days of notice, then the proposed amendment, termination, cancellation or nonrenewal shall be null and void and without legal effect. The notice provisions of this section shall not apply if the reason for the amendment, termination, cancellation, or nonrenewal is:

- (1) The bankruptcy or insolvency of the wholesaler.

(2) An assignment for the benefit of creditors or similar disposition of the assets of the business.

(3) Revocation of the wholesaler's license.

(4) Conviction or a plea of guilty or no contest to a charge of violating a law relating to the business that materially affects the wholesaler's ability to remain in business.

Subdivision 1. [NOTICES; TIME LIMIT.] (a) Notwithstanding any provision to the contrary in any agreement between a brewer and a wholesaler, a brewer who intends to terminate, cancel, discontinue, or refuse to renew an agreement with a wholesaler must furnish written notice to that effect to the wholesaler not less than 90 days before the effective date of the intended action and must provide the wholesaler with a bona fide opportunity to substantially cure any claimed deficiency within the 90 days.

(b) The notice must be sent by certified mail and must contain, at a minimum, (1) the effective date of the intended action, and (2) a statement of the nature of the intended action and the brewer's reasons therefor.

(c) In no event may a termination, cancellation, discontinuance, or nonrenewal be effective until at least 90 days from the wholesaler's receipt of written notice under this section, unless the wholesaler has consented in writing to a shorter period.

Subd. 2. [NOTICES; OTHER PROVISIONS.] Notwithstanding subdivision 1 or section 325B.04, a brewer may terminate or refuse to renew an agreement on not less than 15 days' written notice to the wholesaler, upon any of the following occurrences:

(1) the bankruptcy or insolvency of the wholesaler;

(2) an assignment of the wholesaler's assets for the benefit of creditors, or a similar disposition of those assets;

(3) revocation of the wholesaler's license under section 340A.304; or

(4) conviction or a plea of guilty or no contest to a charge of violating any state or federal law, where the violation materially affects the wholesaler's right to remain in business. A notice under this subdivision must meet the requirements of subdivision 1, paragraph (b).

Sec. 8. Minnesota Statutes 1992, section 325B.12, is amended to read:

325B.12 [NO DISCRIMINATION.]

Subdivision 1. [DISCRIMINATION PROHIBITED.] No brewer shall discriminate among its wholesalers in any business dealings including, but not limited to, the price of beer sold to the wholesaler, unless the classification among its wholesalers is based upon reasonable grounds.

Subd. 2. [SALES; REBATES.] No brewer may:

(1) sell or offer to sell any beer to any Minnesota wholesaler at a price lower than the actual price offered to any other Minnesota wholesaler for the same product;

(2) utilize any method, including but not limited to, sales promotion plans or programs, that results in a different price being paid by wholesalers for the same product, or in a fixed price predetermined solely by the brewer; or

(3) utilize any rebate plan or program in connection with the sale of beer to a Minnesota wholesaler.

Sec. 9. Minnesota Statutes 1992, section 340A.101, subdivision 13, is amended to read:

Subd. 13. [HOTEL.] "Hotel" is an establishment where food and lodging are regularly furnished to transients and which has:

- (1) a resident proprietor or manager;
- (2) a dining room serving the general public at tables and having facilities for seating at least 30 guests at one time; and
- (3) (2) guest rooms in the following minimum numbers: in first class cities, 50; in second class cities, 25; in all other cities and unincorporated areas, 10.

Sec. 10. Minnesota Statutes 1992, section 340A.301, subdivision 6, is amended to read:

Subd. 6. [FEES.] The annual fees for licenses under this section are as follows:

(a) Manufacturers (except as provided in clauses (b) and (c))	\$15,000
Duplicates	\$ 3,000
(b) Manufacturers of wines of not more than 25 percent alcohol by volume	\$ 500
(c) Brewers other than those described in clause clauses (d) and (i)	\$ 2,500
(d) Brewers who also hold a retail on-sale license and who manufacture fewer than 2,000 3,500 barrels of malt liquor in a year, <i>except as provided in subdivision 10</i> , the entire production of which is solely for consumption on tap on the licensed premises	\$ 500
(e) Wholesalers (except as provided in clauses (f), (g), and (h))	\$15,000
Duplicates	\$ 3,000
(f) Wholesalers of wines of not more than 25 percent alcohol by volume	\$ 2,000
(g) Wholesalers of intoxicating malt liquor	\$ 600
Duplicates	\$ 25
(h) Wholesalers of 3.2 percent malt liquor	\$ 10
(i) <i>Brewers who manufacture fewer than 2000 barrels of malt liquor in a year</i>	\$ 150

If a business licensed under this section is destroyed, or damaged to the extent that it cannot be carried on, or if it ceases because of the death or illness

of the licensee, the commissioner may refund the license fee for the balance of the license period to the licensee or to the licensee's estate.

Sec. 11. Minnesota Statutes 1992, section 340A.301, is amended by adding a subdivision to read:

Subd. 10. [BREWERY-RESTAURANTS; PERMITS.] A licensed brewer of malt liquor described in subdivision 6, clause (d), may apply to the commissioner for a permit to manufacture more than 3,500 barrels of malt liquor in a calendar year. The commissioner shall issue the permit if the commissioner determines that (1) the brewer will manufacture at least 3,500 barrels of malt liquor in that year, and (2) all malt liquor manufactured by the brewer will be consumed on the licensed premises only. The permit authorizes the permit holder to manufacture more than 3,500 barrels of malt liquor in the year in which the permit is issued, for consumption on the licensed premises only. A permit under this subdivision expires on December 31 of the year of issuance.

Sec. 12. Minnesota Statutes 1992, section 340A.307, subdivision 4, is amended to read:

Subd. 4. [EXCEPTIONS.] Nothing in this section applies to:

- (a) (1) wine or malt liquor of any alcohol content; or
- (b) (2) intoxicating liquor which is:
 - (1) further distilled, refined, rectified, or blended within the state; and
 - (2) bottled within the state and labeled with the importer's own labels after importation into the state; or
- (3) any brand of intoxicating liquor which is offered for sale only in this state.

Sec. 13. Minnesota Statutes 1992, section 340A.308, is amended to read:

340A.308 [PROHIBITED TRANSACTIONS.]

(a) No brewer or malt liquor wholesaler may directly or indirectly, or through an affiliate or subsidiary company, or through an officer, director, stockholder, or partner:

- (1) give, or lend money, credit, or other thing of value to a retailer;
- (2) give, lend, lease, or sell furnishing or equipment to a retailer;
- (3) have an interest in a retail license; or
- (4) be bound for the repayment of a loan to a retailer.

(b) No retailer may solicit any equipment, fixture, supplies, money, or other thing of value from a brewer or malt liquor wholesaler if furnishing of these items by the brewer or wholesaler is prohibited by law.

(c) This section does not prohibit a manufacturer or wholesaler from:

- (1) furnishing, lending, or renting to a retailer outside signs, of a cost of up to \$400 excluding installation and repair costs;
- (2) furnishing, lending, or renting to a retailer inside signs and other promotional material, of a cost of up to \$300 in a year;

(3) furnishing to or maintaining for a retailer equipment for dispensing malt liquor, including tap trailers, cold plates and other dispensing equipment, of a cost of up to \$100 per tap in a year;

(4) using or renting property owned continually since November 1, 1933, for the purpose of selling intoxicating or 3.2 percent malt liquor at retail; ~~or~~

(5) extending customary commercial credit to a retailer in connection with a sale of nonalcoholic beverages only, or engaging in cooperative advertising agreements with a retailer in connection with the sale of nonalcoholic beverages only; *or*

(6) in the case of a wholesaler, with the prior written consent of the commissioner, selling beer on consignment to a holder of a temporary license under section 340A.403, subdivision 2, or 340A.404, subdivision 10.

Sec. 14. Minnesota Statutes 1993 Supplement, 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)~~ (2) 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;

~~(4)~~ (3) a person not of good moral character and repute; or

~~(5)~~ (4) a person who has a direct or indirect interest in a manufacturer, brewer, or wholesaler.

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 felony or 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.

Sec. 15. Minnesota Statutes 1992, 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, *or hotel* 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. Notwithstanding section 340A.412, subdivision 8, a seasonal license is valid for a period specified by the board, not to exceed nine months.

Not more than one license may be issued for any one premises during any consecutive 12-month period.

Sec. 16. Minnesota Statutes 1992, section 340A.404, subdivision 10, is amended to read:

Subd. 10. [TEMPORARY ON-SALE LICENSES.] The governing body of a municipality may issue to a club or charitable, religious, or other nonprofit organization in existence for at least three years, or to a political committee registered under section 10A.14, a temporary license for the on-sale of intoxicating liquor in connection with a social event within the municipality sponsored by the licensee. The license may authorize the on-sale of intoxicating liquor for not more than three consecutive days, and may authorize on-sales on premises other than premises the licensee owns or permanently occupies. The license may provide that the licensee may contract for intoxicating liquor catering services with the holder of a full-year on-sale intoxicating liquor license issued by any municipality. The licenses are subject to the terms, including a license fee, imposed by the issuing municipality. Licenses issued under this subdivision are subject to all laws and ordinances governing the sale of intoxicating liquor except section 340A.409 and those laws and ordinances which by their nature are not applicable. Licenses under this subdivision are not valid unless first approved by the commissioner of public safety.

A county under this section may issue a temporary license only to a premises located in the unincorporated or unorganized territory of the county.

Sec. 17. Minnesota Statutes 1992, section 340A.405, subdivision 1, is amended to read:

Subdivision 1. [CITIES.] A city may issue with the approval of the commissioner, an off-sale intoxicating liquor license to an exclusive liquor store or to a drugstore. A city of the first class may issue an off-sale license to a general food store or a drugstore to which an off-sale license had been issued on August 1, 1989 May 1, 1994.

Sec. 18. Minnesota Statutes 1992, section 340A.405, subdivision 4, is amended to read:

Subd. 4. [TEMPORARY OFF-SALE LICENSES; WINE AUCTIONS.] (a) The governing body of a city or county may issue a temporary license for the off-sale of wine at an auction with the approval of the commissioner. A license issued under this subdivision authorizes the sale of only vintage wine of a brand and vintage that is not commonly being offered for sale by any wholesaler in Minnesota. The license may authorize the off-sale of wine for not more than three consecutive days provided not more than 600 cases of wine are sold at any auction. The licenses are subject to the terms, including license fee, imposed by the issuing city or county. Licenses issued under this subdivision are subject to all laws and ordinances governing the sale of intoxicating liquor except section 340A.409 and those laws and ordinances which by their nature are not applicable.

(b) As used in the subdivision, "vintage wine" means bottled wine which is at least five years old.

Sec. 19. Minnesota Statutes 1992, section 340A.410, is amended by adding a subdivision to read:

Subd. 10. [TEMPORARY LICENSES; RESTRICTION ON NUMBER.] A municipality may not issue more than three temporary licenses for the sale of alcoholic beverages to any one organization or registered political committee, or for any one location, within a 12-month period. This restriction applies to temporary licenses issued under sections 340A.403, subdivision 2, and 340A.404, subdivision 10.

Sec. 20. Minnesota Statutes 1992, section 340A.412, subdivision 3, is amended to read:

Subd. 3. [LIMITATIONS ON ISSUANCE OF LICENSES TO ONE PERSON OR PLACE.] (a) A municipality may not issue more than one off-sale intoxicating liquor license to any one person or for any one place.

(b) A municipality may not allow the same business name to be used by more than one of its off-sale intoxicating liquor licensees.

(c) For purposes of this subdivision, "person" means:

(1) a holder of an off-sale intoxicating liquor license;

(2) an officer, director, agent, or employee of a holder of an off-sale intoxicating liquor license; or

(3) an affiliate of a holder of an off-sale intoxicating liquor license, regardless of whether the affiliation is corporate or by management, direction, or control.

Sec. 21. Minnesota Statutes 1993 Supplement, section 340A.415, is amended to read:

340A.415 [LICENSE REVOCATION OR SUSPENSION; CIVIL PENALTY.]

~~The authority issuing any retail license or permit under this chapter or the commissioner shall either suspend for up to 60 days or revoke the license or permit or impose a civil penalty not to exceed \$2,000 for each violation. On a finding that the licensee or permit holder has (1) sold alcoholic beverages to another retail licensee for the purpose of resale, (2) purchased alcoholic beverages from another retail licensee for the purpose of resale, (3) conducted or permitted the conduct of gambling on the licensed premises in violation of the law, (4) failed to remove or dispose of alcoholic beverages when ordered by the commissioner to do so under section 340A.508, subdivision 3, or (5) failed to comply with an applicable statute, rule, or ordinance relating to alcoholic beverages, the commissioner or the authority issuing a retail license or permit under this chapter may revoke the license or permit, suspend the license or permit for up to 60 days, impose a civil penalty of up to \$2,000 for each violation, or impose any combination of these sanctions. No suspension or revocation takes effect until the license or permit holder has been given 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 hearings. Imposition of a penalty or suspension by either the issuing authority or the commissioner does not preclude imposition of an additional penalty or suspension by the other so long as the total penalty or suspension does not exceed the stated maximum.~~

Sec. 22. Minnesota Statutes 1992, section 340A.416, subdivision 3, is amended to read:

Subd. 3. [EFFECT OF ELECTION RESULTS.] If a majority of persons voting on the referendum question ~~the~~ vote "against license," the city may not issue intoxicating liquor licenses until the results of the referendum have been reversed at a subsequent election where the question has been submitted as provided in this section.

Sec. 23. [340A.418] [WINE TASTINGS.]

Subdivision 1. [DEFINITION.] For purposes of this section, a "wine tasting" is an event of not more than four hours' duration at which persons pay a fee or donation to participate, and are allowed to consume wine by the glass without paying a separate charge for each glass.

Subd. 2. [TASTINGS AUTHORIZED.] (a) A charitable, religious, or other nonprofit organization may conduct a wine tasting on premises the organization owns or leases, or on the licensed premises of a holder of an on-sale intoxicating liquor license that is not a temporary license, only if the organization holds a temporary on-sale intoxicating liquor license under section 340A.404, subdivision 10, and complies with this section.

(b) An organization that conducts a wine tasting under this section may use the net proceeds from the wine tasting only for the organization's primary charitable, religious, or other nonprofit purpose.

(c) No wine at a wine tasting under this section may be sold or orders taken for off-premises consumption.

(d) Notwithstanding any other law, an organization may purchase or otherwise obtain wine for a wine tasting conducted under this section from a wholesaler licensed to sell wine, and the wholesaler may sell or give wine to an organization for a wine tasting conducted under this section and may provide personnel to assist in the wine tasting. A wholesaler who sells or gives wine to an organization for a wine tasting under this section must deliver the wine directly to the location where the wine tasting is conducted.

Sec. 24. Minnesota Statutes 1992, 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 that when December 25 occurs on a Sunday on-sales on that day are governed by subdivision 3.~~

Sec. 25. [340A.5071] [COUPONS PROHIBITED.]

A retailer of alcoholic beverages may not accept as full or partial payment for any product any coupons that are redeemed directly or indirectly from a manufacturer or wholesaler of alcoholic beverages.

Sec. 26. Minnesota Statutes 1992, section 340A.907, is amended to read:
340A.907 [INSPECTION.]

The commissioner of public safety or any duly authorized employee may, at all reasonable hours, enter in and upon the premises of any licensee or permit holder under this chapter to inspect the premises and examine the books, papers, and records of a manufacturer, wholesaler, importer, or retailer for the purpose of determining whether the provisions of this chapter are being complied with. If the commissioner or any duly authorized employee is denied free access or is hindered or interfered with in making an inspection or examination, the licensee or permit holder is subject to revocation pursuant to section 340A.304 in the case of a wholesaler, manufacturer, or importer, and section 340A.415 in the case of a retailer. *For a holder of a temporary license under section 340A.403, subdivision 2, or 340A.404, subdivision 10, or a holder of a distilled spirits and wine permit under section 221.121, subdivision 6h, the commissioner's authority under this section extends for two years beyond the expiration of the temporary license or the permit.*

Sec. 27. [ST. LOUIS COUNTY; OFF-SALE LICENSE.]

Notwithstanding Minnesota Statutes, section 340A.405, subdivision 2, paragraph (c), the St. Louis county board may issue one off-sale intoxicating liquor license to a premises located in Embarrass township.

Sec. 28. [ST. PAUL; LICENSE AUTHORIZED.]

Notwithstanding any state or local law or charter provision, the city of St. Paul may issue an on-sale license to the college of St. Catherine catering service for the sale of wine and 3.2 percent malt liquor at O'Shaughnessy auditorium and St. Joseph's hall on the campus of the college of St. Catherine. The license may only authorize the licensee to dispense wine and 3.2 percent malt liquor to persons attending social events or performances at O'Shaughnessy auditorium or St. Joseph's hall. 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. 29. [EDEN PRAIRIE; ON-SALE LICENSES.]

The Eden Prairie city council may issue eight on-sale intoxicating liquor licenses in addition to the number authorized by Minnesota Statutes, section 340A.413. The licenses are subject to all other provisions of Minnesota Statutes, chapter 340A.

Sec. 30. [EAGAN; LICENSES AUTHORIZED.]

The city of Eagan may issue not more than three on-sale intoxicating liquor licenses in addition to the number authorized by Minnesota Statutes, section 340A.413. All provisions of Minnesota Statutes, chapter 340A, not inconsistent with this section, apply to the licenses authorized by this section.

Sec. 31. [CLAY COUNTY; OFF-SALE LICENSE.]

Notwithstanding any state or local law or charter provision, the Clay county board may issue one off-sale intoxicating liquor license to a premises located in Elkton township. The license is subject to all other provisions of Minnesota Statutes, chapter 340A.

Sec. 32. [EFFECTIVE DATE.]

Section 10 is effective the day following final enactment. Section 27 is effective on approval by the St. Louis county board and compliance with Minnesota Statutes, section 645.021, subdivision 3. Section 28 is effective on approval by the St. Paul city council and compliance with section 645.021, subdivision 3. Section 29 is effective on approval by the Eden Prairie city council and compliance with section 645.021. Section 30 is effective on approval by the Eagan city council and compliance with section 645.021, subdivision 3. Section 31 is effective on approval by the Clay county board and compliance with section 645.021, subdivision 3."

Delete the title and insert:

"A bill for an act relating to alcoholic beverages; defining terms; prohibiting certain solicitations by retailers; authorizing consignment sales of beer by wholesalers to temporary licensees; removing requirement that retail licensees be citizens or resident aliens; authorizing counties to issue on-sale licenses to hotels; allowing registered political committees in existence for less than three years to obtain temporary on-sale licenses; placing restrictions on the number of temporary licenses issued to any organization or for any location; imposing new restrictions on issuance of more than one off-sale license to any person in a municipality; regulating certain wine tastings; restricting use of coupons by retailers, wholesalers, and manufacturers; providing penalties; amending Minnesota Statutes 1992, sections 221.011, by adding a subdivision; 221.121, subdivision 1, and by adding a subdivision; 325B.02; 325B.04; 325B.05; 325B.12; 340A.101, subdivision 13; 340A.301, subdivision 6, and by adding a subdivision; 340A.307, subdivision 4; 340A.308; 340A.404, subdivisions 6 and 10; 340A.405, subdivisions 1 and 4; 340A.410, by adding a subdivision; 340A.412, subdivision 3; 340A.416, subdivision 3; 340A.504, subdivision 2; and 340A.907; Minnesota Statutes 1993 Supplement, sections 340A.402; and 340A.415; proposing coding for new law in Minnesota Statutes, chapters 325B; and 340A."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Mondale, for Mrs. Adkins, from the Committee on Metropolitan and Local Government, to which was referred

S.F. No. 365: A bill for an act relating to local government; providing procedures and criteria for municipal annexations; providing for the application of city development regulations; amending Minnesota Statutes 1992, sections 414.01, subdivision 14, and by adding a subdivision; 414.031, subdivision 4; 414.0325, subdivisions 1, 1a, and by adding a subdivision; 414.033, subdivisions 2, 2a, 3, 5, and by adding subdivisions; 414.035; 414.061, subdivision 5; 414.07, subdivision 1; 414.09, subdivisions 1 and 2; 462.357, subdivision 1; and 462.358, subdivision 1a.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1992, section 414.01, subdivision 14, is amended to read:

Subd. 14. When a board order enlarges or diminishes the area of an existing

municipality or town, the population of the annexed or detached area shall be as found by the board at its hearing *or, in cases in which no hearing by the board for the boundary change is required, as stated in the resolution or ordinance.* The effective date of the population change shall be the same as the effective date of the order *whether or not the order is from a hearing or from the approval of an annexation resolution or ordinance.* The board shall communicate its population finding to the state demographer who shall incorporate that data into the population estimate for the municipality or town. When a new municipality is created by an order of the board, the municipality shall request a separation census from the United States bureau of the census and bear any costs incurred.

Sec. 2. Minnesota Statutes 1992, section 414.01, is amended by adding a subdivision to read:

Subd. 17. [DATA FROM STATE AGENCIES.] The board may request information from any state department or agency in order to assist it to carry out its duties. The department or agency shall promptly furnish the requested information to the board.

Sec. 3. Minnesota Statutes 1992, section 414.031, subdivision 4, is amended to read:

Subd. 4. [BOARD'S ORDER.] In arriving at its decision, the board shall consider the following factors:

(a) Present population, past population growth and projected population of the property proposed for annexation and the annexing municipality;

(b) Quantity of land within the property proposed for annexation and the annexing municipality; and natural terrain including general topography, major watersheds, soil conditions and such natural features as rivers, lakes and major bluffs;

(c) Degree of contiguity of the boundaries between the annexing municipality and the property proposed for annexation;

(d) Present pattern of physical development of the property proposed for annexation and the annexing municipality including residential, industrial, commercial, agricultural and institutional land uses; the present transportation network and potential transportation issues, including proposed highway development;

(e) Land use controls and planning presently being utilized in the annexing municipality and the property proposed for annexation, including comprehensive plans for development in the area and plans and policies of the metropolitan council. If there is an inconsistency between the proposed development and the land use planning ordinance in force, the reason for the inconsistency;

(f) Present governmental services being provided in the annexing municipality and the property proposed for annexation, including water and sewer service, fire rating and protection, police protection, street improvements and maintenance, administrative services, and recreational facilities;

(g) Existing or potential problems of environmental pollution and the need for additional services to resolve these problems;

(h) Plans and programs by the annexing municipality for providing needed governmental services to the property proposed for annexation;

(i) Fiscal data of the annexing municipality and the property proposed for annexation, including net tax capacity and the present bonded indebtedness, and the local tax rates of the county, school district, and township;

(j) Relationship and effect of the proposed annexation on communities adjacent to the area and on school districts within and adjacent to the area;

(k) Adequacy of town government to deliver services to the property proposed for annexation;

(l) Analysis of whether necessary governmental services can best be provided through incorporation or annexation to an adjacent municipality; and

(m) If only a part of a township is annexed, the ability of the remainder of the township to continue or the feasibility of it being incorporated separately or being annexed to another municipality.

Based upon these factors, the board may *shall* order the annexation (a) if it finds that the property proposed for annexation is now, or is about to become, urban or suburban in character, or (b) if it finds that municipal government in the area proposed for annexation is required to protect the public health, safety, and welfare, or (c) if it finds that the annexation would be in the best interest of the property proposed for annexation. If only a part of a township is to be annexed, the board shall consider whether the remainder of the township can continue to carry on the functions of government without undue hardship. *Despite making an affirmative finding in factor (a), (b), or (c), the board shall deny the annexation if it finds that the increase in revenues for the annexing municipality bears no reasonable relation to the monetary value of benefits conferred upon the annexed area. The board may, however, deny the annexation (a) if it appears that annexation of all or a part of the property to an adjacent municipality would better serve the interests of the residents of the property or (b) if the remainder of the township would suffer undue hardship.*

The board may alter the boundaries of the area to be annexed by increasing or decreasing the area so as to include only that property which is now or is about to become urban or suburban in character or to add property of such character abutting the area proposed for annexation in order to preserve or improve the symmetry of the area, or to exclude property that may better be served by another unit of government. If the board determines that part of the area would be better served by another municipality or township, the board may initiate and approve annexation on its own motion by conducting further hearings and issuing orders pursuant to subdivisions 3, 4, and 5. In all cases, the board shall set forth the factors which are the basis for the decision.

Sec. 4. Minnesota Statutes 1992, section 414.0325, subdivision 1a, is amended to read:

Subd. 1a. [ORDERLY ANNEXATION BY PETITION.] If the board receives a petition for annexation of an area owned by a municipality or from all of the property owners in an area, and the area is within two miles of the corporate boundaries of the municipality, the petition shall confer jurisdiction on the board to consider designation of the area for orderly annexation. Upon receipt of the petition, the board shall inform the affected parties of their opportunity to request a hearing before the board on the petition, and if a hearing is requested, it must be held within 60 days of the request. Any person

aggrieved by the board's designation of an area as appropriate for orderly annexation may appeal the board's order to district court in accordance with section 414.07.

At least 30 days before a petition is filed for annexation under this subdivision or section 414.033, the petitioner must be notified by the municipality that the cost of utility service to the petitioner may change if the land is annexed to the municipality. *If the city determines it can make a reasonable estimate of the change in cost, the notice must include an estimate of the cost impact of any change in utility services, including rate changes and assessments, resulting from the annexation.*

Sec. 5. Minnesota Statutes 1992, section 414.033, subdivision 2, is amended to read:

Subd. 2. A municipal council may by ordinance declare land annexed to the municipality and any such land is deemed to be urban or suburban in character or about to become so if:

(1) the land is owned by the municipality;

(2) the land is completely surrounded by land within the municipal limits;
or

(3) the land abuts the municipality and the area to be annexed is 60 acres or less, and the municipality receives a petition for annexation from all the property owners of the land; or

(4) the land has been approved by a preliminary plat or final plat for subdivision to provide residential lots that average 21,780 square feet or less in area and the land is located within two miles of the municipal limits.

Sec. 6. Minnesota Statutes 1992, section 414.033, is amended by adding a subdivision to read:

Subd. 2b. [NOTICE REQUIRED.] Before a municipality may adopt an ordinance under subdivision 2, clause (3) or (4), or subdivision 2a, a municipality must hold a public hearing and give 30 days' written notice by certified mail to townships affected by the proposed ordinance and to all landowners within and contiguous to the area to be annexed.

Sec. 7. Minnesota Statutes 1992, section 414.033, is amended by adding a subdivision to read:

Subd. 11. The municipality may, before adoption of the ordinance or board order, expand the proposed annexation area to include contiguous parcels if a petition is received signed by all the affected property owners.

Sec. 8. Minnesota Statutes 1992, section 414.033, is amended by adding a subdivision to read:

Subd. 12. When a municipality declares land annexed to the municipality under subdivision 2, clause (3), or subdivision 2a, and the land is within a designated flood plain, as provided by section 103F.111, subdivision 4, or a shoreland area, as provided by section 103F.205, subdivision 4, the municipality shall adopt or amend its land use controls to conform to chapter 103F, and any new development of the annexed land shall be subject to chapter 103F.

Sec. 9. Minnesota Statutes 1992, section 414.033, is amended by adding a subdivision to read:

Subd. 13. When a municipality annexes land under subdivision 2, clause (3) or (4), or subdivision 2a, property taxes payable on the annexed land shall continue to be paid to the affected township or townships for the year in which the annexation becomes effective. Thereafter, property taxes on the annexed land shall be paid to the municipality. In the first year following the year the land is annexed, the municipality shall make a cash payment to the affected township in an amount equal to two-thirds of the amount of property taxes paid to the township in the year the land was annexed. In the second year following the year the land is annexed, the municipality shall make a cash payment to the affected township in an amount equal to one-third of the amount of property taxes paid to the township in the year the land was annexed.

Sec. 10. Minnesota Statutes 1992, section 414.061, subdivision 5, is amended to read:

Subd. 5. [PROPERTY OWNER INITIATION.] Property owners may initiate proceedings for the concurrent detachment of their property from one municipality and its annexation to an adjacent municipality by a petition signed by all of them that they submit to the board accompanied by a resolution of the city council of at least one of the affected municipalities. The board shall conduct hearings and issue its order as in the case of consolidations of two or more municipalities under sections 414.041, subdivision 5 and 414.09.

Sec. 11. Minnesota Statutes 1992, section 414.07, subdivision 1, is amended to read:

Subdivision 1. [ORDERS OF BOARD, TIME LIMITATION.] All orders of the board shall be issued within ~~two years~~ 180 days from the date of the first hearing thereon provided that the time may be extended for a fixed additional period upon consent of all parties of record. Failure to so order shall be deemed to be an order denying the matter before the board. An appeal may be taken from such failure to so order in the same manner as an appeal from an order as provided in subdivision 2.

Sec. 12. Minnesota Statutes 1992, section 414.09, subdivision 1, is amended to read:

Subdivision 1. [HEARINGS.] Proceedings initiated by the submission of an initiating document or by the board of its own motion shall come on for hearing within 30 to ~~120~~ 90 days from receipt of the document by the board or from the date of board action and the board must submit its order no later than 180 days from the date of the first hearing. In any proceeding before the board and upon the request of any party, the board shall meet physically rather than by means of electronic media. The place of the hearing shall be in the county where a majority of the affected territory is situated, and shall be established for the convenience of the parties. The executive director shall mail notice of the hearing to the following parties: the township or municipality presently governing the affected territory; any township or municipality abutting the affected territory; the county where the affected territory is situated; and each planning agency which has jurisdiction over the affected area. The executive director shall cause notice of the hearing to be published for two successive weeks in a legal newspaper of general circulation in the

affected area. When the board exercises its authority to change the boundaries of the affected area so as to increase the quantity of the land, the hearing shall be recessed and reconvened upon two weeks published notice in a legal newspaper of general circulation in the affected area.

Sec. 13. Minnesota Statutes 1992, section 414.09, subdivision 2, is amended to read:

Subd. 2. [TRANSMITTAL OF BOARD'S ORDER.] The executive director shall cause copies of the board's order to be mailed to all parties entitled to mailed notice of hearing under subdivision 1, the secretary of state, the department of revenue, the state demographer, individual property owners if initiated in that manner, *affected county auditor*, and any other party of record. *The affected county auditor shall record the order against the affected property.*

Sec. 14. [JOINT PLANNING; SUBDIVISION REGULATIONS.]

Notwithstanding Minnesota Statutes, section 462.358, subdivision 1a, a municipality shall not, until July 1, 1996, extend the application of its subdivision regulations to unincorporated territory located within two miles of its limits in any direction, unless the subdivision regulations have been approved by all of the members of a joint planning board established under Minnesota Statutes, section 462.3585.

Sec. 15. [REPORT TO LEGISLATURE.]

The office of strategic and long-range planning shall establish criteria for defining "urban or suburban in character," as the term is used in Minnesota Statutes, chapter 414, and report the criteria to the legislature by February 1, 1995."

Delete the title and insert:

"A bill for an act relating to local government; providing procedures and criteria for municipal annexations; providing for the application of city development regulations; amending Minnesota Statutes 1992, sections 414.01, subdivision 14, and by adding a subdivision; 414.031, subdivision 4; 414.0325, subdivision 1a; 414.033, subdivision 2, and by adding subdivisions; 414.061, subdivision 5; 414.07, subdivision 1; and 414.09, subdivisions 1 and 2."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was referred

S.F. No. 2420: A bill for an act relating to taxes; making tax policy, collections, and administrative changes; amending Minnesota Statutes 1992, sections 168.011, subdivision 8; 168.012, subdivision 9; 169.86, subdivision 1; 239.05, subdivision 10a; 239.761, subdivision 3; 270.052; 270.0605; 270.10, by adding a subdivision; 270.60, subdivisions 1 and 2; 270.69, subdivision 4, and by adding a subdivision; 270.70, subdivision 2; 270.71; 270.72, subdivision 1; 270B.02, subdivisions 3 and 5; 270B.03, subdivision 1; 270B.12, subdivision 3, and by adding a subdivision; 270B.14, by adding a subdivision; 273.12; 289A.37, subdivision 1; 289A.60, by adding subdivisions; 290.01, subdivision 3a; 290A.08; 290A.18, subdivision 2; 296.01,

subdivisions 14, 18, 19, 20, 32, 34, and by adding subdivisions; 296.02, subdivision 1; 296.025, subdivision 1, and by adding a subdivision; 296.06, subdivision 2; 296.12, subdivisions 1, 2, 3, 4, 5, 8, 10, and 11; 296.15, subdivisions 2, 4, 5, and 6; 296.16, subdivision 2; 296.165, subdivision 1; 296.25, subdivision 1, and by adding a subdivision; 297.03, subdivision 7; 297A.01, by adding a subdivision; 297A.02, subdivision 2, and by adding a subdivision; 297A.021, by adding a subdivision; 297A.15, subdivision 5; 297A.25, subdivision 9, and by adding a subdivision; 297A.44, subdivision 4; 297B.01, subdivision 8; 297C.03, subdivision 6; 297C.13, subdivision 1; and 473.446, subdivision 1; Minnesota Statutes 1993 Supplement, sections 116.07, subdivision 10; 270.06; 270.41, subdivision 5; 270B.01, subdivision 8; 272.115, subdivision 1; 273.11, subdivision 16; 273.124, subdivision 13; 275.065, subdivision 6; 289A.11, subdivision 1; 289A.18, subdivision 4; 289A.20, subdivision 4; 290.01, subdivision 19; 290A.04, subdivision 2h; 297A.01, subdivisions 3, 15, and 16; 297A.07, subdivision 1; and 297A.25, subdivision 11; proposing coding for new law in Minnesota Statutes, chapters 270; 296; and 297; repealing Minnesota Statutes 1992, sections 270.0604, subdivision 6; 296.03; 296.15, subdivision 3; and 297A.07, subdivision 2.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 8, after "width" insert "*in travel mode*"

Page 3, delete section 3

Pages 5 to 7, delete section 7 and insert:

"Sec. 6. Minnesota Statutes 1993 Supplement, section 273.11, subdivision 16, is amended to read:

Subd. 16. [VALUATION EXCLUSION FOR CERTAIN IMPROVEMENTS.] Improvements to homestead property made before January 2, 2003, shall be fully or partially excluded from the value of the property for assessment purposes provided that the house is at least 35 years old at the time of the improvement. *The age of a residence is the number of years that the residence has existed at its present site.* In the case of an owner-occupied duplex or triplex, the improvement is eligible regardless of which portion of the property was improved.

If the property lies in a jurisdiction which is subject to a building permit process, a building permit must have been issued ~~covering~~ *prior to commencement* of the improvement. If the property lies in a jurisdiction which is not subject to a building permit process, ~~the~~ *an application must be made to the assessor prior to commencement of the improvement.* Any improvement must add at least \$1,000 to the value of the property *to be eligible for exclusion under this subdivision.* Only improvements to the structure which is the residence of the qualifying homesteader or ~~the~~ *construction of or improvements to no more than one two-car garage per residence* qualify for the provisions of this subdivision. *If an improvement was begun between January 2, 1992, and January 2, 1993, any value added from that improvement for the January 1994 and subsequent assessments shall qualify for exclusion under this subdivision provided that a building permit was obtained for the improvement between January 2, 1992, and January 2, 1993.* Whenever a building permit is issued for property currently classified as homestead, the issuing jurisdiction shall notify the assessor of the possibility of valuation exclusion under this subdivision. The assessor may require an application

process and documentation of the age of the house from the owner, if unknown. *If an application is required by the county or the local taxing jurisdiction in which the property is located, the application may be filed subsequent to the date of the building permit provided that the application is filed prior to the next assessment date. After the adjournment of the 1994 county board of equalization meetings, no exclusion may be granted for an improvement by a local board of review or county board of equalization unless a building permit was issued or application was completed prior to the commencement of the improvement. No abatement of the taxes for qualifying improvements may be granted by a county board unless a building permit was issued or application completed prior to commencement of the improvement.*

The assessor shall note the qualifying value of each improvement on the property's record, and the sum of those amounts shall be subtracted from the value of the property in each year for ten years after the improvement has been made, at which time an amount equal to 20 percent of the qualifying value shall be added back in each of the five subsequent assessment years. The valuation exclusion shall terminate whenever (1) the property is sold, or (2) the property is reclassified to a class which does not qualify for treatment under this subdivision. *Improvements made by an occupant who is the purchaser of the property under a conditional purchase contract do not qualify under this subdivision unless the seller of the property is a governmental entity. The qualifying value of the property shall be computed based upon the increase from that structure's market value as of January 2 preceding the acquisition of the property by the governmental entity.*

The total qualifying value for a homestead may not exceed \$50,000. The total qualifying value for a homestead with a house that is less than 70 years old may not exceed \$25,000. The term "qualifying value" means the increase in estimated market value resulting from the improvement if the improvement occurs when the house is at least 70 years old, or one-half of the increase in estimated market value resulting from the improvement otherwise. The \$25,000 and \$50,000 maximum qualifying value under this ~~section~~ subdivision may result from up to three separate improvements to the homestead. *If more than three improvements are made to the qualifying property, the taxpayer may choose which three improvements are eligible, provided that after the choice has been made and valuation attributable to the improvement has been excluded from taxation, no change can be made.*

If 50 percent or more of the square footage of a structure is voluntarily razed or removed, the valuation increase attributable to any subsequent improvements to the remaining structure does not qualify for the exclusion under this subdivision. If a structure is unintentionally or accidentally destroyed by a natural disaster, the property is eligible for an exclusion under this subdivision provided that the structure was not completely destroyed. The qualifying value on property destroyed by a natural disaster shall be computed based upon the increase from that structure's market value as determined on January 2 of the year in which the disaster occurred. A property receiving benefits under the homestead disaster provisions under section 273.123 is not disqualified from receiving an exclusion under this subdivision. If any combination of improvements made to a structure after January 1, 1993, increase the size of the structure by 100 percent or more, the valuation increase attributable to the portion of the improvement that causes the structure's size to exceed 100 percent does not qualify for exclusion under this subdivision."

Page 13, line 3, delete "The"

Page 13, delete line 4

Page 13, line 5, delete everything before "The"

Page 13, after line 10, insert:

"The time and place of the subsequent hearing must be announced at the initial public hearing or at the continuation hearing."

Pages 15 to 17, delete section 11 and insert:

"Sec. 10. Minnesota Statutes 1993 Supplement, section 276.04, subdivision 2, is amended to read:

Subd. 2. [CONTENTS OF TAX STATEMENTS.] (a) The treasurer shall provide for the printing of the tax statements. The commissioner of revenue shall prescribe the form of the property tax statement and its contents. The statement must contain a tabulated statement of the dollar amount due to each taxing authority from the parcel of real property for which a particular tax statement is prepared. The dollar amounts due the county, township or municipality, the total of the metropolitan special taxing districts as defined in section 275.065, subdivision 3, paragraph (i), school district excess referenda levy, remaining school district levy, and the total of other voter approved referenda levies based on market value under section 275.61 must be separately stated. The amounts due all other special taxing districts, if any, may be aggregated. The amount of the tax on contamination value imposed under sections 270.91 to 270.98, if any, must also be separately stated. The dollar amounts, including the dollar amount of any special assessments, may be rounded to the nearest even whole dollar. For purposes of this section whole odd-numbered dollars may be adjusted to the next higher even-numbered dollar. *The amount of market value excluded under section 273.11, subdivision 16, if any, must also be listed on the tax statement.* The statement shall include the following sentence, printed in upper case letters in boldface print: "THE STATE OF MINNESOTA DOES NOT RECEIVE ANY PROPERTY TAX REVENUES. THE STATE OF MINNESOTA REDUCES YOUR PROPERTY TAX BY PAYING CREDITS AND REIMBURSEMENTS TO LOCAL UNITS OF GOVERNMENT."

(b) The property tax statements for manufactured homes and sectional structures taxed as personal property shall contain the same information that is required on the tax statements for real property.

(c) Real and personal property tax statements must contain the following information in the order given in this paragraph. The information must contain the current year tax information in the right column with the corresponding information for the previous year in a column on the left:

(1) the property's estimated market value under section 273.11, subdivision 1;

(2) the property's taxable market value after reductions under sections 273.11, subdivisions 1a and 16;

(3) the property's gross tax, calculated by multiplying the property's gross tax capacity times the total local tax rate and adding to the result the sum of the aids enumerated in clause (3);

(4) a total of the following aids:

- (i) education aids payable under chapters 124 and 124A;
- (ii) local government aids for cities, towns, and counties under chapter 477A; and
- (iii) disparity reduction aid under section 273.1398;

(5) for homestead residential and agricultural properties, the homestead and agricultural credit aid apportioned to the property. This amount is obtained by multiplying the total local tax rate by the difference between the property's gross and net tax capacities under section 273.13. This amount must be separately stated and identified as "homestead and agricultural credit." For purposes of comparison with the previous year's amount for the statement for taxes payable in 1990, the statement must show the homestead credit for taxes payable in 1989 under section 273.13, and the agricultural credit under section 273.132 for taxes payable in 1989;

(6) any credits received under sections 273.119; 273.123; 273.135; 273.1391; 273.1398, subdivision 4; 469.171; and 473H.10, except that the amount of credit received under section 273.135 must be separately stated and identified as "taconite tax relief"; and

(7) the net tax payable in the manner required in paragraph (a).

The commissioner of revenue shall certify to the county auditor the actual or estimated aids enumerated in clauses (3) and (4) that local governments will receive in the following year. In the case of a county containing a city of the first class, for taxes levied in 1991, and for all counties for taxes levied in 1992 and thereafter, the commissioner must certify this amount by September 1."

Page 17, after line 34, insert:

"Sec. 13. [384.19] [STATEMENT OF UNPAID TAXES.]

Upon request of any person, the county auditor shall search the official records of the office to determine if unpaid property taxes exist for any parcels of land listed in the request. The county auditor shall certify the results of the search for each parcel by showing the amount of tax unpaid for each year. For this purpose "tax" includes penalty, interest, fees, and costs related to the unpaid tax.

At the option of the county auditor, magnetic tape or other electronic media may be employed to transmit the data request or the search results. A fee may be charged for this service in an amount established by the county board as necessary to recover the reasonable costs incurred to furnish the service, notwithstanding section 276.041.

Sec. 14. [385.42] [STATEMENT OF UNPAID TAXES.]

Upon request of any person, the county treasurer shall search the official records of the office to determine if unpaid property taxes exist for the current tax year for any parcels of land listed in the request. The county treasurer shall certify the results of the search for each parcel by showing the amount of tax unpaid. For this purpose "tax" includes penalty, interest, fees, and costs related to the unpaid tax.

At the option of the county treasurer, magnetic tape or other electronic media may be employed to transmit the data request or the search results. For

this service, a fee may be charged in an amount established by the county board to recover the reasonable costs incurred to furnish the service, notwithstanding section 276.041.

This section does not authorize the treasurer or county auditor to charge a fee for certifying to taxes on a deed to be recorded."

Page 20, line 23, before "Minnesota" insert "(a)"

Page 20, after line 24, insert:

"(b) Minnesota Statutes 1992, sections 272.09; 272.46, subdivision 1; and 272.47, are repealed."

Page 20, line 26, delete "to 3, and 6" and insert ", 2, and 5"

Page 20, line 27, delete "4, 9, and 15" and insert "3; 8, and 16, paragraph (a)."

Page 20, line 28, delete "5, 13, and 14" and insert "4, 12, 13 to 15, and 16, paragraph (b)."

Page 20, line 30, delete "7, 8, and 10" and insert "6, 7, and 9"

Page 20, delete lines 32 and 33

Page 20, line 34, delete "12" and insert "11"

Renumber the sections of article 1 in sequence

Pages 31 to 36, delete section 10

Pages 38 to 43, delete sections 12 to 16

Pages 44 and 45, delete section 18

Pages 48 to 50, delete sections 21 to 24

Page 51, line 4, delete "11, 19, and 20" and insert "12, and 13"

Page 51, delete lines 6 to 11

Page 51, line 12, delete "17 and 25" and insert "11 and 14"

Page 51, delete lines 14 to 17

Renumber the sections of article 3 in sequence

Page 53, line 20, delete "due" and insert "as stated in the commissioner's notice"

Page 55, delete section 4

Pages 56 and 57, delete section 6

Page 58, line 16, delete "\$....." and insert "\$50,000,000"

Page 58, line 20, delete "\$....." and insert "\$50,000,000"

Page 58, line 23, delete "with" and insert "after July 1 of"

Page 59, line 1, delete "\$....." and insert "\$150,000,000."

Page 60, line 6, delete "7, 9, and 10" and insert "5, 7, and 8"

Page 60, line 10, delete "8" and insert "6"

Page 60, line 11, delete "..." and insert "*the day following final enactment*"

Page 60, line 12, delete "....." and insert "*that date*"

Page 60, line 13, delete "....." and insert "*that date.*"

Renumber the sections of article 4 in sequence

Page 61, after line 8, insert:

"Sec. 3. Minnesota Statutes 1992, section 296.01, is amended by adding a subdivision to read:

Subd. 10a. [CLEAR DIESEL FUEL.] "Clear diesel fuel" means undyed diesel fuel or diesel fuel that has not been dyed as provided in subdivision 15a."

Page 77, line 6, after "In" insert "*the*"

Page 81, line 12, after the semicolon, insert "*296.14;*"

Page 81, line 15, delete "36" and insert "37".

Page 81, line 16, delete "25" and insert "26"

Renumber the sections of article 5 in sequence

Pages 89 and 90, delete sections 3 and 4

Pages 92 and 93, delete section 8

Page 93, line 5, delete "8" and insert "4"

Page 93, line 6, after the period, insert "*Section 5 is effective for informational reports due on or after August 10, 1994.*"

Renumber the sections of article 6 in sequence

Amend the title as follows:

Page 1, line 5, delete "169.86, subdivision 1;"

Page 1, line 8, delete ", and by"

Page 1, line 9, delete "adding a subdivision;" and delete "270.71;"

Page 1, line 10, delete everything after "1;"

Page 1, line 22, delete "297A.01,"

Page 1, delete lines 23 and 24

Page 1, line 25, delete everything before "297A.25"

Page 1, line 26, delete everything after "9"

Page 1, delete line 27 and insert "297C.03,"

Page 1, line 28, delete "297C.13, subdivision 1;"

Page 1, line 33, after the second semicolon, insert "276.04, subdivision 2;"

Page 1, line 35, delete "290A.04,"

Page 1, line 36, delete "subdivision 2h;" and delete "subdivisions 3, 15, and 16" and insert "subdivision 15"

Page 1, line 39, delete "and" and after "297;" insert "384; and 385;"

Page 1, line 40, after the semicolon, insert "272.09; 272.46, subdivision 1; 272.47;"

Page 1, line 41, after the first semicolon, insert "296.14;"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Vickerman from the Committee on Veterans and General Legislation, to which was referred

S.F. No. 800: A bill for an act relating to animals; setting standards for care of dogs and cats by pet dealers, breeders, and brokers; providing for seizure and disposition of certain animals that are suffering cruelty or neglect, are in danger, or are a significant health risk to animals or humans; imposing a penalty; proposing coding for new law in Minnesota Statutes, chapter 346.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [346.58] [DEFINITIONS.]

Subdivision 1. [SCOPE.] The definitions in this section apply to sections 1 and 2.

*Subd. 2. [ANIMAL.] "Animal" means a dog, wholly or in part of the species *Canis familiaris*, or a cat, wholly or in part of the species *Felis domesticus*.*

Subd. 3. [BREEDER.] "Breeder" means a person, firm, partnership, corporation, or association that:

(1) breeds animals for direct or indirect sale to the public and sells or gives away more than 24 puppies or kittens per year; or

(2) sells animals to brokers or pet dealers.

Subd. 4. [BROKER.] "Broker" means a person, firm, partnership, corporation, or association that purchases or breeds animals for resale to other brokers or pet dealers.

Subd. 5. [CONFINEMENT AREA.] "Confinement area" means a structure used or designed for use to restrict an animal to a limited amount of space, such as a room, pen, cage, kennel, compartment, or hutch.

Subd. 6. [HOUSING FACILITY.] "Housing facility" means a room, building, or area that contains a confinement area.

Subd. 7. [PET DEALER.] "Pet dealer" means a person, firm, partnership, corporation, or association, that sells animals to the public. "Pet dealer" does not include a humane society, a nonprofit organization performing the functions of a humane society, an animal control agency, a pet broker, or a person, firm, partnership, corporation, or association that breeds animals for direct sale to the public and sells or gives away fewer than 25 puppies or kittens per year.

Subd. 8. [VETERINARIAN.] "Veterinarian" means a doctor of veterinary medicine, licensed to practice in the state of Minnesota, who does not have a financial interest in the firm, partnership, corporation, or the transaction or sale of animals for which the examination of the animals is being performed.

Sec. 2. [346.59] [STANDARDS.]

Subdivision 1: [APPLICABILITY.] This section applies to breeders, brokers, and pet dealers. Breeders, brokers, and pet dealers do not need to comply with section 346.39.

Subd. 2. [FOOD.] Animals must be provided with food which meets or exceeds National Research Council standards for nutrients and balance and American Association of Feed Company Officials, Inc., standards of processing of sufficient quantity and quality to allow for normal growth or maintenance of body weight. Animals must be provided wholesome food suitable for the species served in a clean receptacle, dish, or container, at a frequency and amount appropriate for the species and age. Animals over the age of 20 weeks must be offered food at least once every 24 hours. Animals under the age of 20 weeks must be offered food at least once every 12 hours.

Subd. 3. [WATER.] Animals must be provided access to clean, fresh, potable water provided in a sanitary manner at least once every 12 hours or in sufficient quantity to satisfy the animals' needs or supplied by free choice. Snow or ice is not an adequate water source.

Subd. 4. [SHELTER.] A shelter that protects the animal from inclement weather, wind, and direct rays of the sun must be supplied for each animal. If an animal is maintained in an outdoor confinement area, that space must contain a shelter that complies with section 343.40. If an animal is maintained in a confinement area within a housing facility used primarily to house animals, the confinement area must provide sufficient space to allow each animal to turn around freely and to easily stand, sit, and lie in a normal position. Each confined animal must be provided a minimum square footage of floor space as measured from the tip of its nose to the base of its tail, plus 25 percent, expressed in square feet. The formula for computing minimum square footage is: (length of animal in inches plus 25 percent) times (length of animal in inches plus 25 percent) divided by 144.

Subd. 5. [CONFINEMENT AND EXERCISE AREA SURFACES.] The interior surfaces of all indoor confinement and exercise areas, including crates or containers, must be constructed and maintained so that they are impermeable and may be readily cleaned. Confinement area flooring must be constructed of nonabrasive wire of ten gauge or larger or smooth, durable, impermeable material suitable for animals. Sufficient space or barrier must be provided between confinement areas to ensure that no liquid or solid waste, water, or food passes from one confinement area to the other. Confinement areas must be ventilated sufficiently to allow for the free movement of air in and around the confinement area. Confinement areas must protect the animal from injury and be kept in good repair. All outdoor confinement area flooring must be impermeable material or well drained aggregate. Each animal must be provided with a raised solid resting surface of appropriate size to allow the animal to lie down comfortably.

Subd. 6. [EXERCISE.] All animals must be provided the opportunity for exercise at least twice per day. An indoor or outdoor exercise area of at least 72 square feet must be provided for each animal. If more than three animals

use an area simultaneously, space must be increased to allow sufficient room for each animal to exercise freely. A shaded area must be provided sufficient to protect the animal from the direct rays of the sun at all times during the months of May to October.

Subd. 7. [GROUP HOUSING AND BREEDING.] Animals housed together must be kept in compatible groups. Animals must not be bred so as to endanger their health. Health is endangered if a female is bred more than three times in two years. A female animal younger than 18 months may not be bred. A female animal over eight years old may not be bred unless individually authorized in writing by a veterinarian.

Subd. 8. [TEMPERATURE.] Indoor housing facilities for animals must be maintained at an ambient temperature of not less than 50 degrees Fahrenheit at floor level. Heating and cooling units must be of a type and installation approved by applicable building or safety codes. Infrared heating devices may not be used as a primary heating source.

Subd. 9. [VENTILATION.] Housing facilities must be ventilated. Auxiliary ventilation, such as exhaust fans, vents, air conditioning, or a combination of them, must be used when the ambient temperature exceeds 85 degrees Fahrenheit at floor level. Facilities used primarily to house animals must be equipped with an air exchange or air purification system that fully exchanges or purifies the air at least four times per hour. This system must be of a type and installation approved by applicable building or safety codes.

Subd. 10. [LIGHTING.] Housing facilities must have at least eight hours of illumination at a minimum of 25 foot candles 30 inches above floor level. Ample lighting, by natural or artificial means must be uniformly distributed. The lighting must be provided in a regular diurnal cycle. Confinement areas must be placed to avoid exposure of animals to excessive light.

Subd. 11. [DRAINAGE.] A suitable method must be used to eliminate excess fluids from confinement areas. All feces must be removed and disposed of daily. All waste drainage and waste material must be disposed of using a method prescribed by applicable building or health codes.

Subd. 12. [SANITATION.] Food and water receptacles must be accessible to each animal and located so as to prevent contamination by excreta. Opened food bags must be stored in plastic or metal cans with tight fitting lids. Feeding and water receptacles must be kept clean and free of contaminants. Disposable foods receptacles must be discarded when soiled.

Confinement areas must be thoroughly cleaned daily and impervious surfaces treated with disinfectant at least once per week. Animals must be removed from an area while the area is being treated with disinfectant and animals must not be returned to that area until the area is dry.

Animals with infectious or contagious diseases must be isolated from healthy animals. Caretakers must disinfect their hands and shoes after handling animals with infectious or contagious diseases. A sink must be furnished and must be provided with hot and cold running water.

Bedding, if used, must be kept clean and dry. Outdoor confinement and exercise areas must be kept clean and base material replaced as necessary.

Each cat confinement area must be provided with a container for elimination. This container must be constructed so it is impervious to moisture and

may be readily cleaned. The container must contain absorbent material suitable for use by cats. The container must be cleaned daily and absorbent material removed and replaced at least once per week.

Subd. 13. [FEMALES AND LITTERS.] Females and litters must be provided a separate confinement area of a size that complies with this section. Healthy litters must remain with their mother at least five weeks, unless rejected or endangered by their mother or the mother's health is endangered by its litter. No animal may be sold or given away before the age of eight weeks.

The ambient temperature of the confinement area must be maintained at a minimum of 70 degrees Fahrenheit at floor level and a maximum of 90 degrees Fahrenheit for animals under seven weeks of age unless authorized in writing by a veterinarian. The litter must be provided fresh, clean water at all times and fresh food in amounts and at frequency appropriate for age and species.

Litters must be provided socialization and exercise. Socialization must include physical contact with other animals of like species and human beings.

No pet dealer who is not the breeder of the animal may be in possession of an animal that is under the age of eight weeks.

Subd. 14. [TRANSPORTATION AND SHIPMENT.] An animal may not be delivered or held for transport in commerce more than four hours before the scheduled departure time of the primary conveyance on which the animal is to be transported. No animal may be shipped on consignment. Shippers must provide the carriers or intermediate handlers with the name, address, and telephone number of the receiver, shipper's name, address, telephone number, tag or tattoo number of the animals, and time and date the animal was last fed and watered. All shippers must securely attach to the outside of the shipping container written instructions for the in-transit food and water requirements.

No one may transport or cause to be transported into, out of, or within the state for purposes of resale any animal under eight weeks of age.

If animals are transported in containers, the containers must be constructed of nonabrasive wire or a smooth, durable material suitable for animals. Floors must be smooth, impermeable material with grating of smooth wire of ten gauge or larger. Containers must be provided with barriers so as to ensure that no liquid or solid waste, water, or food passes from one confinement area to another. Containers must be clean, adequately ventilated, contain sufficient space to allow the animals to stand up, lie down, and turn around and provide maximum safety and protection to the animals. If more than a single animal is transported in one container, each animal must be provided sufficient space to stand up, lie down, and turn around.

Animals must be maintained in compatible groups. No more than two animals may be transported in the same container. Female animals in estrus may not be transported in the same container with any male.

Food and water receptacles must be securely attached inside the container and placed so that the receptacle can be filled from outside the container without opening the door. Animals over the age of 20 weeks must be offered food at least once every 24 hours. Animals under the age of 20 weeks must be offered food at least once every 12 hours. Each animal must be offered clean, fresh, potable water, provided in a sanitary manner, at least once every eight hours.

Exercise must be provided at least once every eight hours, or at suitable intervals in relation to food and water consumption.

Subd. 15. [FIRE SAFETY.] Smoke detectors must be installed in a housing facility at a frequency prescribed by applicable fire code. Fire extinguishers containing substances nontoxic to animals must be readily available.

Subd. 16. [PENALTIES.] A violation of this section is a misdemeanor. Each violation with each animal is a separate misdemeanor.

Subd. 17. [ENFORCEMENT.] The enforcement provisions in chapter 343 also apply to sections 1 and 2.

Sec. 3. [EFFECTIVE DATE.]

This act is effective 180 days following final enactment."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Metzen from the Committee on Governmental Operations and Reform, to which was referred

S.F. No. 2357: A bill for an act relating to retirement; waiving the annuity reduction for certain faculty in the state university system who return to teaching part-time after retirement; mandating employer-paid health insurance for these faculty; proposing coding for new law in Minnesota Statutes, chapters 136 and 354.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [136.90] [EMPLOYER-PAID HEALTH INSURANCE.]

(a) *This section applies to a person who:*

(1) *retires from the state university system or the community college system with at least ten years of service credit in the system from which the person retires;*

(2) *was employed on a full-time basis immediately preceding retirement;*

(3) *begins drawing an annuity from the teachers retirement association;*
and

(4) *returns to work on not less than a one-third time basis and not more than a two-thirds time basis in the system from which the person retired under an agreement in which the person may not earn a salary of more than \$35,000 in a calendar year from employment in the system from which the person retired.*

(b) *Initial participation, the amount of time worked, and the duration of participation under this section must be mutually agreed upon by the employer and the employee. The employer may require up to one-year notice of intent to participate in the program as a condition of participation under this section. The employer shall determine the time of year the employee shall work.*

(c) For a person eligible under paragraphs (a) and (b), the employing board shall make the same employer contribution for hospital, medical, and dental benefits as would be made if the person were employed full-time.

(d) For work under paragraph (a), a person must receive a percentage of the person's salary at the time of retirement that is equal to the percentage of time the person works compared to full-time work.

(e) If a collective bargaining agreement covering a person provides for an early retirement incentive that is based on age, the incentive provided to the person must be based on the person's age at the time employment under this section ends. The salary used to determine the amount of the incentive, however, must be the person's salary during the last year of full-time employment.

Sec. 2. [354.445] [NO ANNUITY REDUCTION.]

(a) The annuity reduction provisions of section 354.44, subdivision 5, do not apply to a person who:

(1) retires from the state university system or the community college system with at least ten years of service credit in the system from which the person retires;

(2) was employed on a full-time basis immediately preceding retirement;

(3) begins drawing an annuity from the teachers retirement association; and

(4) returns to work on not less than a one-third time basis and not more than a two-thirds time basis in the system from which the person retired under an agreement in which the person may not earn a salary of more than \$35,000 in a calendar year from employment in the system from which the person retired.

(b) Initial participation, the amount of time worked, and the duration of participation under this section must be mutually agreed upon by the employer and the employee. The employer may require up to one-year notice of intent to participate in the program as a condition of participation under this section. The employer shall determine the time of year the employee shall work.

(c) Notwithstanding any law to the contrary, a person eligible under paragraphs (a) and (b) may not earn further service credit in the teachers retirement association and is not eligible to participate in the individual retirement account plan or the supplemental retirement plan established in chapter 354B as a result of service under this section. No employer or employee contribution to any of these plans may be made on behalf of such a person."

And when so amended the bill do pass. Mr. Merriam questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Mr. Metzen from the Committee on Governmental Operations and Reform, to which was referred

S.F. No. 2500: A bill for an act relating to retirement; St. Paul teachers retirement fund association; requiring proportional representation for various

membership groups on the association board of trustees; proposing coding for new law in Minnesota Statutes, chapter 354A.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. [354A.023] [ST. PAUL TEACHERS RETIREMENT FUND ASSOCIATION GOVERNANCE.]

Subdivision 1. [APPLICATION.] Notwithstanding any provision of chapter 317A, section 354A.021, article V of the restated articles of incorporation of the teachers retirement fund association of St. Paul, Minnesota, effective July 1, 1978, as amended, or articles II, sections 4 and 5; III, section 1; and V, section 1, of the restated bylaws of the teachers retirement fund association of St. Paul, Minnesota, effective July 1, 1978, as amended, to the contrary, relative to the St. Paul teachers retirement fund association, this section governs the membership composition of its board of trustees, the terms in office of board members, board member eligibility, electorate composition and eligibility, and election procedures.

Subd. 2. [BOARD OF TRUSTEES COMPOSITION.] The management of the St. Paul teachers retirement fund association is vested in a board of ten trustees. The board membership is composed of one ex officio board member, who is the then current chair of the board of independent school district No. 625 (St. Paul), and nine trustees elected by and from the members of the St. Paul teachers retirement fund association as provided in subdivision 4.

Subd. 3. [BOARD OF TRUSTEES TERMS.] (a) The term of the ex officio board member is coincidental with that person's term of office as the chair of the board of independent school district No. 625 (St. Paul).

(b) The term of elected members of the board is three years and until the successor has been elected and qualified. The term begins and ends on the third Thursday in the month of January of the applicable year. The terms of elected members of the board must be staggered.

Subd. 4. [BOARD MEMBER REPRESENTATION.] (a) Of the nine trustees elected by and from the members of the St. Paul teachers retirement fund association, six board members must be active members of the fund and three board members must be fund retirement annuitants, disabilitants, or surviving spouse benefit recipients.

(b) Two active member board positions and one annuity or benefit recipient board position must be filled at each board of trustee election.

(c) Only active members may vote for the elected board member positions representing active members and only retirement annuitants, disabilitants, and surviving spouse benefit recipients may vote for the elected board member positions representing annuity or benefit recipients.

(d) If an elected board member changes membership group status before the end of the person's term, the person must resign from the board of trustees. However, the person may be a candidate for the appropriate membership group board position in a subsequent election.

(e) If there is a vacancy in an elected board member position, the vacancy must be filled by a special election held for that purpose. The special election

must be conducted in a manner consistent with this section, and, if not inconsistent with this section, article IV of the bylaws of the St. Paul teachers retirement fund association in effect on the date of enactment of this section.

Subd. 5. [ELECTIONS BY MAIL BALLOT.] (a) Voting for elected board members must be conducted using paper ballots, which must be mailed by the chief administrative officer of the fund to eligible members and must be returned by mail.

(b) Return envelopes for ballots may not have the postage paid by the fund unless all return envelopes for ballots are so treated. Return envelopes for ballots may not have the postage paid by any candidate for a board member position or on behalf of any candidate for a board member position.

(c) The ballot for a regular election must be provided to eligible members by November 1 and must be returned with a postmark no later than midnight of the Friday of the third week of November. In the event of a vacancy in an elected board member position, the ballot for a special election must be provided to eligible members within three weeks of the vacancy and must be returned by eligible voting members with a postmark no later than midnight of the Friday of the fourth full week following the vacancy.

Subd. 6. [SECRETARY-TREASURER NOT TO BE BOARD MEMBER.] (a) Effective on the January 19 next following the effective date of this section, the person who holds the position of secretary of the St. Paul teachers retirement fund association and the person who holds the position of treasurer of the St. Paul teachers retirement fund association or the person who holds the combined position of secretary-treasurer of the St. Paul teachers retirement fund association may not also be an elected board member of the fund association.

(b) The chief administrative officer of the St. Paul teachers retirement fund association must be known as the executive director of the fund.

Subd. 7. [ARTICLE AND BYLAW AMENDMENTS AUTHORIZED.] At the next annual meeting of the St. Paul teachers retirement fund association or at a special meeting of the association called by the board of trustees for that purpose, the association may consider and adopt any amendments to its articles of incorporation or bylaws needed to conform or implement this section.

Sec. 2. [EFFECTIVE DATE.]

(a) Section 1 is effective on the day following approval of all provisions by majority vote at the first annual or special membership meeting of the St. Paul teachers retirement fund association occurring after the date of enactment.

(b) The board of trustees of the St. Paul teachers retirement fund association shall propose the question on the approval of these provisions to the fund membership at the applicable membership meeting. The provisions of section 1 are a single question and may not be divided or voted upon as separate items.

(c) Nothing in section 1 may be construed to reduce the term of any elected member of the board of trustees of the St. Paul teachers retirement fund association serving as such on the effective date of section 1."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Metzen from the Committee on Governmental Operations and Reform, to which was referred

S.F. No. 2498: A bill for an act relating to retirement; offering options of coverage for employees of the higher education board upon merger of the state university system, community college board, and technical college board; amending Minnesota Statutes 1992, sections 136E.04, by adding a subdivision; 354.66, subdivision 2; 354B.07, subdivision 1; and 354B.08; Minnesota Statutes 1993 Supplement, sections 352.01, subdivision 2b; 353.01, subdivision 2a; 354B.02, subdivision 3c; and 354B.05, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 136C; and 136E.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, delete lines 15 and 16 and insert "MEMBERSHIP FOR TECHNICAL COLLEGE EMPLOYEES; ELECTION TO RETAIN RETIREMENT FUND MEMBERSHIP.]"

Pages 1 and 2, delete lines 17 to 29 and insert:

"A person who is employed by a technical college or by the technical college system on June 30, 1995, and who is transferred to state employment shall remain a member of the public employees retirement association or the Minneapolis employees retirement fund, whichever applies, unless the person affirmatively elects, in writing, retirement coverage by the general state employees retirement plan of the Minnesota state retirement system. The following provisions govern the election of a transfer or the retention of retirement benefit coverage:

(1) For a person who desires to transfer benefit coverage, the affirmative written election must be made within 120 days of the transfer of the employee to state employment.

(2) On behalf of transferred employees who retain retirement benefit coverage with the pre-transfer retirement plan, the higher education board shall make the applicable employer contributions to the public employees retirement association under section 353.27, subdivisions 3 and 3a, or the same percentage of covered payroll employer contribution to the Minneapolis employees retirement fund that special school district no. 1 is required to make for that school year under section 422A.101, subdivision 2.

(3) An employee who makes a retirement benefit coverage transfer election under this section may revoke that election at any time within the first six months after the person becomes a state employee. Once an employee revokes the retirement benefit coverage transfer election, the employee may not make another election. If the initial retirement benefit coverage transfer election is revoked, all retirement contributions made by or on behalf of the employee revoking a prior election must be transferred to the applicable retirement plan as though they were erroneous deductions or contributions, plus monthly interest at an annual rate of 8.5 percent, compounded monthly, and the balance remaining between any contribution amount transferred and the amount of contributions that otherwise would have been due are payable in the applicable proportions by the revoking employee and the higher education board, plus monthly interest at an annual rate of 8.5 percent, compounded monthly.

(4) *The executive directors of the Minnesota state retirement system, the public employees retirement association, and the Minneapolis employees retirement fund, and the chancellor of the higher education system, shall confer and jointly adopt appropriate procedures for making the retirement benefit coverage transfer elections under this section.*

(5) *The executive directors of the public employees retirement association, the Minnesota state retirement system, and the Minneapolis employees retirement fund, whichever applies, shall, upon request, provide appropriate benefit counseling to applicable affected employees on the effect of electing retirement benefit coverage by the general state employees retirement plan of the Minnesota state retirement system."*

Page 2, delete lines 1 to 13

Page 2, line 18, delete "plan" and insert "plans"

Page 2, line 20, after "and" insert "the former"

Page 2, line 21, delete "shall" and insert "must" and after "single" insert "individual retirement account" and after "plan" insert "and plan administration"

Page 2, line 22, after "board," insert "eligible employees of"

Page 2, line 23, delete "which" and insert "who"

Page 2, line 27, before "In" insert "(a)"

Page 2, line 29, after the second "colleges" insert a comma

Page 2, delete line 30

Page 2, line 31, delete "in" and insert "of"

Page 2, line 33, before "and" insert a comma

Page 2, line 34, delete "whose" and insert ", who are employed in" and after "positions" insert "that"

Page 2, line 35, delete the period and insert ", as certified by the chancellor of the higher education system, are entitled to elect an early separation incentive set forth in subdivision 3.

(b)"

Page 3, delete line 12 and insert:

"(2) is at least age 55 but is not yet age 65;"

Page 3, line 13, after "position" insert "and"

Page 3, line 15, after "retirement" insert ", termination,"

Page 3, line 16, after "benefit" insert "Minnesota public employee pension" and after "or" insert "a"

Page 3, line 17, after "contribution" insert "Minnesota public employee pension"

Page 3, line 18, after "retires" insert ", separates,"

Page 3, delete line 20 and insert:

“(6) has been certified by the chancellor of the higher education system as”

Page 3, line 22, before *“Eligible”* insert *“(a)”* and delete *“choose from”* and insert *“elect”*

Page 3, line 23, delete *“either”* and insert *“one”* and delete *“take”* and insert *“elect”*

Page 3, line 24, before *“Retirement”* insert:

“(b)” and after *“separation”* insert *“or termination”*

Page 3, line 26, after the first *“or”* insert *“the higher education”* and before *“Employees”* insert:

“(c)” and after *“separate”* insert *“, terminate,”*

Page 3, line 27, delete *“insurance or”* and after *“incentive”* insert *“under paragraph (e)”*

Page 3, line 28, after *“any”* insert *“employment”*

Page 3, line 30, delete *“(a) [RETRAINING INCENTIVE.]”* and insert *“(d)”* and after *“An”* insert *“eligible”*

Page 3, line 33, after *“study”* insert *“that is”*

Page 3, line 34, after *“board”* insert *“and”*

Page 3, delete line 36 and insert *“technical college. The retraining leave must be at the full salary level that the person received immediately before the termination notice.”*

Page 4, line 7, delete *“original”* and insert *“pre-termination notice”* and delete *“will cease”* and insert *“ceases”*

Page 4, line 9, delete *“will”* and insert *“must”*

Page 4, line 12, delete *“prior to July 1”* and insert *“before April 1”*

Page 4, delete line 14 and insert:

“(e) An eligible employee”

Page 4, delete lines 15 to 17

Page 4, line 20, after *“retires”* insert *“, is terminated,”*

Page 4, line 21, before *“and”* insert *“, whichever applies,”* and after *“and”* insert *“any”*

Page 4, line 22, after *“retirement”* insert *“, termination,”*

Page 4, line 26, after *“retired”* insert *“, terminated,”*

Page 4, line 33, after *“the”* insert *“eligible”*

Page 4, line 35, delete *“two”* and insert *“five”*

Page 4, line 36, delete *“make up to two”* and insert *“to make not more than five”* and after *“additional”* insert *“member”*

Page 5, delete line 3 and insert:

“(i) Eligible employees must make purchase of up to five years of allowable service credit in the applicable public retirement plan by paying to the fund an amount equal to the present value, on the date of payment, of the amount of the additional retirement annuity obtained by the purchase of the additional service credit. Calculation of this amount must be made using the applicable preretirement interest rate for the association specified in section 356.215, subdivision 4d, and the mortality table adopted for the fund. The calculation must assume continuous future service in the fund until and retirement at, the age at which the minimum requirements of the fund for normal retirement or retirement with an annuity unreduced for retirement at an early age, including section 356.30, are met with the additional service credit purchased. The calculation must also assume a future salary history that includes annual salary increases at the applicable salary increase rate for the fund or association specified in section 356.215, subdivision 4d. The member must establish in the records of the fund proof of the service for which the purchase of prior service is requested. The manner of the proof of service must be in accordance with procedures prescribed by the executive director of the fund.

Payment must be made in one lump sum before the employee's date of retirement, separation, or termination.

Payment of the amount calculated under this subdivision must be made by the member. However, the current employer of the member may, at its discretion, pay all or any portion of the payment amount that exceeds an amount equal to the employee contribution rates in effect during the period or periods of prior service applied to the actual salary rates in effect during the period or periods of prior 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.”

Page 5, delete lines 4 to 15

Page 5, line 17, delete “will” and insert “must”

Page 5, line 23, delete “prior to” and insert “before” and after “separation” insert “, whichever is earlier”

Page 9, line 17, after “persons” insert “who are employed by the higher education board and”

Page 9, line 18, after “association” insert “or the Minneapolis employees retirement fund, whichever applies,”

Page 10, line 20, after “section” insert “136C.75, or”

Page 10, line 21, delete the new language

Page 13, line 15, delete “shall be” and insert “are”

Page 14, line 2, delete “shall” and insert “must”

Page 14, delete line 11 and insert “1995. Obligations incurred on or after June 30, 1994”

Page 14, line 12, delete “section until June 30, 1995”

Page 14, line 20, delete “will not be” and insert “are not”

Page 14, line 22, delete "will" and insert "must" and after "board" insert a comma

Page 14, line 26, after "Sections 1" insert ", 2, 4"

Page 14, line 27, delete "Section 7 is" and insert "Sections 3 and 7 are"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Metzen from the Committee on Governmental Operations and Reform, to which was referred

S.F. No. 2276: A bill for an act relating to retirement; adding Hennepin county paramedics and emergency medical technicians to membership in the public employees police and fire fund; amending Minnesota Statutes 1992, section 353.64, by adding a subdivision.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 13, delete "(a)" and insert "(1)"

Page 1, line 15, delete "(b)" and insert "(2)" and after "time" insert "as a paramedic or emergency medical technician" and delete "July" and insert "the effective date specified in section 2; and"

Page 1, delete line 16

Page 1, line 17, delete "(c) is" and insert "(3)" and delete "that date" and insert "the effective date under section 2"

Page 2, line 10, delete everything after "effective" and insert "on the first of the month next following:

(1) receipt of an affirmative written determination from the Secretary of the federal Department of Health and Human Services of ineligibility for coverage under the federal old age, survivors, and disability insurance; and"

Page 2, line 11, delete "July 1, 1994, upon" and insert:

"(2)"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Metzen from the Committee on Governmental Operations and Reform, to which was referred

S.F. No. 2316: A bill for an act relating to the state board of investment; management of funds under the board's control; amending Minnesota Statutes 1992, sections 11A.17, subdivisions 1, 4, 9, 10a, and 14; 11A.18, subdivision 9; 11A.24, subdivisions 3, 5, and 6; 353D.05, subdivision 2; and 354B.07, subdivision 2; Minnesota Statutes 1993 Supplement, sections 11A.24, subdivisions 1 and 4; 352D.04, subdivision 1; and 354B.05, subdivision 3.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, after line 10, insert:

“ARTICLE 1

STATE BOARD OF INVESTMENT PROVISIONS”

Page 7, line 12, after “or” insert “in” and after the second “obligations” insert “that are”

Page 7, line 13, after “categories” insert “as provided in paragraph (a), clause (2),”

Page 7, lines 18 and 20, delete “clause” and insert “paragraph”

Page 11, line 8, after “share” insert “account”

Page 12, after line 13, insert:

“Sec. 13. Minnesota Statutes 1993 Supplement, section 352D.09, subdivision 8, is amended to read:

Subd. 8. [ADMINISTRATIVE CHARGE DEDUCTIONS.] Any administrative charges deducted under subdivision 7 that were in excess of the administrative expenses between July 1, 1973, and June 30, 1992, together with any investment gains or losses based on fiscal year balances, must be recovered from the state employees retirement plan and held in the unclassified plan to pay future administrative expenses. Any deductions to pay administrative expenses under section 11A.17, subdivision 10a, on contributions and investment returns attributable to contributions made before July 1, 1992, must be credited back to the participants in the unclassified plan. *Any deductions to pay administrative expenses under section 11A.17, subdivision 10a, that exceed an amount equal to 1/12 of an annual charge equal to one-tenth of one percent of the assets in each account will be credited back to the participants.”*

Page 15, after line 13, insert:

“Sec. 17. [REQUIREMENT FOR PROVISION OF CERTAIN INFORMATION.]

The executive director of the state board of investment shall report to the legislative commission on pensions and retirement during fiscal year 1995 on any investments that it made under Minnesota Statutes, section 11A.24, subdivision 3, paragraph (b). The report must be made in conjunction with the regular annual report of the state board of investment.”

Renumber the sections of article 1 in sequence

Page 15, after line 16, insert:

“ARTICLE 2

LIMIT ON INVESTMENT AUTHORITY FOR OTHER PUBLIC

PENSION PLANS

Section 1. Minnesota Statutes 1993 Supplement, section 69.77, subdivision 2g, is amended to read:

Subd. 2g. [LOCAL POLICE AND PAID FIRE RELIEF ASSOCIATION INVESTMENT AUTHORITY.] The funds of the association must be invested in securities that are authorized investments under section 356A.06, subdivision 6 or 7. Notwithstanding the foregoing, up to 75 percent of the market value of the assets of the fund may be invested in open-end investment companies registered under the federal Investment Company Act of 1940, if the portfolio investments of the investment companies comply with the type of securities authorized for investment ~~by~~ *under Minnesota Statutes 1992, section 11A.24, subdivisions 2 to, 3, and 5, and Minnesota Statutes 1993 Supplement, section 11A.24, subdivision 4.* Securities held by the association before June 2, 1989, that do not meet the requirements of this subdivision may be retained after that date if they were proper investments for the association on that date.

The governing board of the association may select and appoint investment agencies to act for and in its behalf or may certify special fund assets for investment by the state board of investment under section 11A.17. The governing board of the association may certify general fund assets of the relief association for investment by the state board of investment in fixed income pools or in a separately managed account at the discretion of the state board of investment as provided in section 11A.14. The governing board of the association may select and appoint a qualified private firm to measure management performance and return on investment, and the firm shall use the formula or formulas developed by the state board under section 11A.04, clause (11).

Sec. 2. Minnesota Statutes 1993 Supplement, section 69.775, is amended to read:

69.775 [INVESTMENTS.]

The special fund assets of the relief associations governed by sections 69.771 to 69.776 must be invested in securities that are authorized investments under section 356A.06, subdivision 6 or 7. Notwithstanding the foregoing, up to 75 percent of the market value of the assets of the fund may be invested in open-end investment companies registered under the federal Investment Company Act of 1940, if the portfolio investments of the investment companies comply with the type of securities authorized for investment ~~by~~ *under Minnesota Statutes 1992, section 11A.24, subdivisions 2 to, 3, and 5, and Minnesota Statutes 1993 Supplement, section 11A.24, subdivision 4.* Securities held by the associations before June 2, 1989, that do not meet the requirements of this section may be retained after that date if they were proper investments for the association on that date. The governing board of the association may select and appoint investment agencies to act for and in its behalf or may certify special fund assets for investment by the state board of investment under section 11A.17. The governing board of the association may certify general fund assets of the relief association for investment by the state board of investment in fixed income pools or in a separately managed account at the discretion of the state board of investment as provided in section 11A.14. The governing board of the association may select and appoint a qualified private firm to measure management performance and return on investment, and the firm shall use the formula or formulas developed by the state board under section 11A.04, clause (11).

Sec. 3. Minnesota Statutes 1992, section 356A.06, subdivision 7, is amended to read:

Subd. 7. [EXPANDED LIST OF AUTHORIZED INVESTMENT SECURITIES.] Except to the extent otherwise authorized by law or bylaws, a covered pension plan not described by subdivision 6, paragraph (a), may invest its assets only in accordance with *Minnesota Statutes 1992, section 11A.24, subdivisions 2, 3, 5, and 6, and Minnesota Statutes 1993 Supplement, section 11A.24, subdivisions 1 and 4.*

Sec. 4. Minnesota Statutes 1992, section 422A.05, subdivision 2c, is amended to read:

Subd. 2c. [MINNEAPOLIS EMPLOYEES RETIREMENT FUND INVESTMENT AUTHORITY.] (a) For investments made on or after July 1, 1991, the board shall invest funds only in investments authorized by *Minnesota Statutes 1992, section 11A.24, subdivisions 2, 3, 5, and 6, and Minnesota Statutes 1993 Supplement, section 11A.24, subdivisions 1 and 4.*

(b) However, in addition to real estate investments authorized by ~~section 11A.24~~ under paragraph (a), the board may also make loans to purchasers of Minnesota situs nonfarm residential real estate that is owned by the Minneapolis employees retirement fund. The loans must be secured by mortgages or deeds of trust.

~~(b)~~ (c) For investments made before July 1, 1991, the board may, but is not required to, comply with ~~section 11A.24~~ paragraph (a). However, with respect to these investments, the board shall act in accordance with subdivision 2a and chapter 356A.

Sec. 5. [EFFECTIVE DATE.]

Sections 1 to 4 are effective July 1, 1994."

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "limiting the investment authority of various local pension plans to the pre-1994 investment authority of the state board of investment;"

Page 1, line 6, delete the second "and"

Page 1, line 7, after "2;" insert "356A.06, subdivision 7; and 422A.05, subdivision 2c;"

Page 1, line 8, after "4;" insert "69.77, subdivision 2g; 69.775;"

Page 1, line 9, after the semicolon, insert "352D.09, subdivision 8;"

And when so amended the bill do pass. Mr. Merriam questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Mr. Metzen from the Committee on Governmental Operations and Reform, to which was referred

S.F. No. 2240: A bill for an act relating to retirement; providing for level benefits for the Minneapolis police relief association; changing the definition of surviving spouses eligible for benefits; amending Minnesota Statutes 1992, section 423B.09, subdivision 1; Minnesota Statutes 1993 Supplement, section 423B.10, subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, after line 8, insert

“ARTICLE 1

MINNEAPOLIS POLICE RELIEF ASSOCIATION

BENEFIT MODIFICATIONS”

Page 2, line 26, strike “one year” and insert “five years”

Page 3, after line 34, insert:

“ARTICLE 2

CONFORMING CHANGES

Section 1, Minnesota Statutes 1993 Supplement, section 353B.07, subdivision 3, is amended to read:

Subd. 3. [FORMULA PERCENTAGE RATE.] (a) The formula percentage rate shall be 2.333 percent per year of allowable service for each of the first 20 years of allowable service, 1.333 percent per year of allowable service for each year of allowable service in excess of 20 years but not in excess of 27 years, and .5 percent for each year of allowable service in excess of 25 years for the former members of the following consolidating relief associations:

- (1) Rochester fire department relief association;
- (2) Rochester police relief association;
- (3) St. Cloud fire department relief association;
- (4) St. Cloud police relief association;
- (5) St. Louis Park police relief association; and
- (6) Winona police relief association.

(b) The formula percentage rate shall be 2.5 percent per year of allowable service for each of the first 20 years of allowable service for the former members of the following consolidating relief associations:

- (1) Albert Lea police relief association;
- (2) Anoka police relief association;
- (3) Faribault fire department relief association;
- (4) Faribault police benefit association;
- (5) Mankato police benefit association;
- (6) Red Wing police relief association; and
- (7) West St. Paul police relief association.

(c) The formula percentage rate shall be 2.5 percent per year of allowable service for each of the first 20 years of allowable service and .5 percent per year of allowable service for each year of service in excess of 25 years of

allowable service for the former members of the following consolidating relief associations:

- (1) Austin firefighters relief association;
- (2) Austin police relief association;
- (3) South St. Paul firefighters relief association;
- (4) South St. Paul police relief association; and
- (5) Virginia police relief association.

(d) The formula percentage rate shall be 2.1875 percent per year of allowable service for each of the first 20 years of allowable service and 1.25 percent per year of allowable service for each year of allowable service in excess of 20 years of allowable service but not in excess of 27 years of allowable service for the former members of the Columbia Heights police relief association.

(e) The formula percentage rate shall be 2.65 percent per year of allowable service for each of the first 20 years of allowable service and an additional annual benefit of \$120 per year of allowable service in excess of 20 years of allowable service but not in excess of 25 years of allowable service for the former members of the following consolidating relief associations:

- (1) Hibbing firefighters relief association; and
- (2) Hibbing police relief association.

(f) The formula percentage rate or rates shall be the following for the former members of the consolidating relief associations as indicated:

(1) 2.5 percent per year of allowable service for each of the first 20 years of allowable service, one percent per year of allowable service in excess of 20 years of allowable service but not more than 25 years of allowable service, and 1.5 percent per year of allowable service in excess of 25 years of allowable service, Albert Lea firefighters relief association;

(2) 2.5333 percent per year of allowable service for each of the first 20 years of allowable service and 1.3333 percent per year of allowable service in excess of 20 years of allowable service, but not in excess of 27 years of allowable service, if service as an active member terminated before January 31, 1994, and 2.3333 percent per year of allowable service for each of the first 20 years of allowable service and 1.3333 percent per year of allowable service for each year of allowable service in excess of 20 years of allowable service, but not in excess of 27 years of allowable service if service as an active member terminated on or after January 31, 1994, Bloomington police relief association;

(3) the greater of 2.5 percent per year of allowable service for each of the first 20 years of allowable service applied to the final salary base, or two percent per year of allowable service for each of the first 20 years of allowable service applied to top grade patrol officer's salary base, Brainerd police relief association;

(4) 4.25 percent per year of allowable service for each of the first 20 years of allowable service and an additional benefit of \$10 per month per year of allowable service in excess of 20 years of allowable service but not more than 25 years of allowable service, Buhl police relief association;

(5) 2.5 percent per year of allowable service for each of the first 20 years of allowable service and an additional benefit of \$5 per month per year of allowable service in excess of 20 years of allowable service but not more than 25 years of allowable service, Chisholm firefighters relief association;

(6) 2.5 percent per year of allowable service for each of the first 20 years of allowable service and an additional benefit of \$5 per month per year of allowable service in excess of 20 years of allowable service but not more than 25 years of allowable service and .5 percent per year of allowable service in excess of 25 years of allowable service, Chisholm police relief association;

(7) 2.1875 percent per year of allowable service for each year of the first 20 years of allowable service, 1.25 percent per year of allowable service in excess of 20 years of allowable service but not more than 25 years of allowable service and 1.75 percent per year of allowable service in excess of 25 years of allowable service, Columbia Heights fire department relief association, paid division;

(8) 2.5 percent per year of allowable service for each year of the first 20 years of allowable service and 1.5 percent per year of allowable service rendered after attaining the age of 60 years, Crookston fire department relief association;

(9) 2.5 percent per year of allowable service for each year of the first 30 years of allowable service, Crookston police relief association;

(10) 2.25 percent per year of allowable service for each year of the first 20 years of allowable service and 1.25 percent per year of allowable service in excess of 20 years of allowable service, but not more than 27 years of service, Crystal police relief association;

(11) 1.99063 percent per year of allowable service for each year of the first 20 years of allowable service, 1.25 percent for the 21st year of allowable service, and 2.5 percent per year of allowable service in excess of 21 years of allowable service but not more than 25 years of allowable service, Duluth firefighters relief association;

(12) 1.9875 percent per year of allowable service for each year of the first 20 years of allowable service, 1.25 percent for the 21st year of allowable service, and 2.5 percent per year of allowable service in excess of 21 years of allowable service but not more than 25 years of allowable service, Duluth police relief association;

(13) 2.5 percent per year of allowable service for each year of the first 20 years of allowable service, and two percent per year of allowable service in excess of 20 years but not more than 25 years of allowable service and not to include any year of allowable service rendered after attaining the age of 55 years, Fairmont police benefit association;

(14) two percent per year of allowable service for each year of the first ten years of allowable service, 2.67 percent per year of allowable service in excess of ten years of allowable service but not more than 20 years of allowable service and 1.3333 percent per year of allowable service in excess of 20 years of service but not more than 27 years of allowable service, Fridley police pension association;

(15) 2.5 percent per year of allowable service for each year of the first 20 years of allowable service and an additional annual amount of \$30 per year of

allowable service in excess of 20 years of allowable service but not more than 30 years of allowable service, Mankato fire department relief association;

(16) for members who terminated active service as a Minneapolis firefighter before June 1, 1993, 2.0625 percent per year of allowable service for each year of the first 20 years of allowable service, 1.25 percent per year of allowable service in excess of 20 years of allowable service but not more than 24 years of allowable service and five percent for the 25th year of allowable service, and for members who terminated active service as a Minneapolis firefighter after May 31, 1993, two percent for each year of the first 19 years of allowable service, 3.25 percent for the 20th year of allowable service, and two percent per year of allowable service in excess of 20 years of service, but not more than 25 years of allowable service, Minneapolis fire department relief association;

(17) ~~2.125~~ two percent per year of allowable service for each year of the first 20 years of allowable service, ~~1.25 percent per year of allowable service in excess of 20 years of allowable service but not more than 24 years of allowable service, and five percent for the 25th year of allowable service,~~ Minneapolis police relief association;

(18) the greater of 2.5 percent per year of allowable service for each of the first 20 years of allowable service applied to the final salary base, or two percent per year of allowable service for each of the first 20 years of allowable service applied to highest patrol officer's salary base plus .5 percent of the final salary base per year of allowable service for each of the first three years of allowable service in excess of 20 years of allowable service, New Ulm police relief association;

(19) two percent per year of allowable service for each of the first 25 years of allowable service and 1.5 percent per year of allowable service in excess of 25 years of allowable service, Red Wing fire department relief association;

(20) 2.55 percent per year of allowable service for each of the first 20 years of allowable service, Richfield fire department relief association;

(21) 2.4 percent per year of allowable service for each of the first 20 years of allowable service and 1.3333 percent per year of allowable service in excess of 20 years of allowable service but not more than 27 years of allowable service, Richfield police relief association;

(22) for a former member with less than 20 years of allowable service on June 16, 1985, 2.6 percent, and for a former member with 20 or more years of allowable service on June 16, 1985, 2.6175 percent for each of the first 20 years of allowable service and, for each former member, one percent for each year of allowable service in excess of 20 years, but no more than 30 years, St. Louis Park fire department relief association;

(23) 1.9375 percent per year of allowable service for each of the first 20 years of allowable service, 2.25 percent per year of allowable service in excess of 20 years of allowable service but not more than 25 years of allowable service, and .5 percent per year of allowable service in excess of 25 years of allowable service, St. Paul fire department relief association;

(24) two percent per year of allowable service for each of the first 25 years of allowable service and .5 percent per year of allowable service in excess of 25 years of allowable service, St. Paul police relief association;

(25) 2.25 percent per year of allowable service for each of the first 20 years of allowable service and one percent per year of allowable service in excess of 20 years but not more than 25 years of allowable service and .5 percent per year of allowable service in excess of 25 years, Virginia fire department relief association;

(26) two percent per year of allowable service for each of the first 20 years of allowable service, one percent per year of allowable service in excess of 20 years but not more than 24 years of allowable service, three percent for the 25th year of allowable service and one percent per year of allowable service in excess of 25 years of allowable service but not more than 30 years of allowable service, West St. Paul firefighters relief association; and

(27) 2.333 percent for each of the first 20 years of allowable service, 1.333 percent for each year of allowable service in excess of 20 years but no more than 28 years, and .5 percent for each year of allowable service in excess of 25 years, Winona fire department relief association.

Sec. 2. Minnesota Statutes 1992, section 353B.11, subdivision 1, is amended to read:

Subdivision 1. [ELIGIBILITY; SURVIVING SPOUSE BENEFIT.] (a) Except as specified in paragraph (b), (c), (d), (e), or (f), the person who survives a deceased active, deferred, or retired member, who was legally married to the member at the time of the death of the deceased member, who was legally married to the member for at least one year before the separation from active service if the deceased member was a deceased, deferred, or retired member and who was residing with the member at the time of the death of the deceased member shall be entitled to receive a surviving spouse benefit.

(b) The person who survives a deceased active, deferred, or retired member, who was legally married to the member at the time of the death of the deceased member, who was legally married to the member at the time of separation from active service if the deceased member was a deceased deferred or retired member and who was residing with the member at the time of the death of the member shall be entitled to receive a surviving spouse benefit in the case of former members of the following consolidating relief associations:

- (1) Albert Lea police relief association;
- (2) Anoka police relief association;
- (3) Austin firefighters relief association;
- (4) Austin police relief association;
- (5) Brainerd police benefit association;
- (6) Columbia Heights police relief association;
- (7) Crookston fire department relief association;
- (8) Crookston police relief association;
- (9) Fairmont police benefit association;
- (10) Faribault police benefit association;
- (11) Mankato fire department relief association;

- (12) Red Wing police relief association;
- (13) South St. Paul police relief association;
- (14) Virginia fire department relief association;
- (15) Virginia police relief association; and
- (16) West St. Paul police relief association.

(c) The person who survives a deceased active, deferred, or retired member, who was legally married to the member at the time of the death of the deceased member, and who was legally married to the member at the time of separation from active service if the deceased member was a deceased deferred or retired member shall be entitled to receive a surviving spouse benefit in the case of former members of the following consolidating relief associations:

- (1) Chisholm police relief association;
- (2) Hibbing police relief association;
- (3) Mankato police benefit association; and
- (4) New Ulm police relief association.

(d) The person who survives a deceased active, deferred, or retired member, who was legally married to the member at the time of the death of the deceased member, who was legally married to the member for at least one year before the separation from active service if the deceased member was the recipient of a service pension or was entitled to a deferred service pension and who was residing with the member at the time of the death of the deceased member in the case of former members of the Minneapolis fire department relief association.

(e) The person who survives a deceased active, deferred, or retired member, who was legally married to the member at the time of the death of the deceased member, who was residing with the member at the time of the death of the decedent, and, if the deceased member was the recipient of a service pension or was entitled to a deferred service pension at the time of death, who was legally married to the member for at least five years before the member's death, in the case of former members of the Minneapolis police relief association.

(f) The person who survives a deceased active, deferred, or retired member, who was legally married to the member at the time of the death of the deceased member, who was legally married to the member for at least three years before the separation from active service if the deceased member was a deceased, retired, or deferred member and who was residing with the member at the time of the death of the member shall be entitled to receive a surviving spouse benefit in the case of former members of the South St. Paul firefighters relief association.

(g) The person who survives a deceased active, deferred, or retired member who was legally married to the member at the time of the death of the deceased member, who was legally married to the member for at least one year before the separation from active service if the deceased member was a deceased, deferred, or retired member and who had not deserted the member at the time of the death of the deceased member shall be entitled to receive a

surviving spouse benefit in the case of former members of the St. Paul police relief association.

Sec. 3. [EFFECTIVE DATE.]

Sections 1 and 2 are effective on the effective date of article 1, section 1."

Amend the title as follows:

Page 1, line 6, delete "section" and insert "sections 353B.11, subdivision 1;"

Page 1, line 7, delete "section" and insert "sections 353B.07, subdivision 3; and"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Solon from the Committee on Commerce and Consumer Protection, to which was referred

S.F. No. 2714: A bill for an act relating to insurance; providing liability coverage for lead abatement through the Minnesota joint underwriting association; amending Minnesota Statutes 1992, section 62I.02, subdivisions 1 and 3.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [STUDY.]

The commissioner of commerce shall conduct a study of lead abatement and lead abatement liability insurance availability and report to the legislature on the findings by December 1, 1994. The commissioner shall consult with insurance companies, contractors, experts on lead abatement, local governments, landlords, and owners of buildings and homes with lead problems. The study shall consider, at a minimum, the following:

- (1) the current availability of liability coverage for lead abatement;*
- (2) the need for insurance reforms, or for provision of lead abatement liability insurance through the joint underwriting association; and*
- (3) the need for coverage shown by lead abatement contractors, landlords, and others responsible for lead abatement.*

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 commerce; requiring a study of lead abatement and lead abatement liability insurance availability."

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Solon from the Committee on Commerce and Consumer Protection, to which was referred

S.F. No. 1879: A bill for an act relating to occupations and professions; requiring that concrete and masonry workers be licensed as residential contractors; amending Minnesota Statutes 1993 Supplement, sections 326.83, subdivisions 7, 19, and by adding a subdivision; 326.842; and 326.94, subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 13, delete "*worker*" and insert "*contractor*"

Page 1, line 17, delete "WORKERS" and insert "CONTRACTORS"

Page 1, line 18, delete "*workers*" and insert "*contractors*"

Page 4, line 9, delete "WORKERS" and insert "CONTRACTORS"

Page 4, lines 10 and 16, delete "*workers*" and insert "*contractors*"

Page 4, line 28, delete "*worker*" and insert "*contractor*"

Amend the title as follows:

Page 1, line 3, delete "workers" and insert "contractors"

And when so amended the bill do pass and be re-referred to the Committee on Governmental Operations and Reform. Amendments adopted. Report adopted.

Ms. Berglin from the Committee on Health Care, to which was referred

S.F. No. 2036: A bill for an act relating to human services; permitting certain providers to request a state agency hearing; modifying the conduct of state agency hearings; modifying certain requirements for prior authorization of services under medical assistance; amending Minnesota Statutes 1992, sections 256.045, subdivisions 3, 4, 5 and by adding a subdivision; and 256B.0625, subdivisions 8, 8a, 25, 31, and by adding a subdivision.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1992, section 256.045, subdivision 3, is amended to read:

Subd. 3. [STATE AGENCY HEARINGS.] (a) 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, or a provider of physical therapy, occupational therapy, speech therapy, or a related service as specified in subdivision 3b, 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, or

provider of therapy services as specified in subdivision 3b shows good cause why the request was not submitted within the 30-day time limit.

(b) Except for a prepaid health plan or a provider of therapy services as specified in subdivision 3b, 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.

(c) 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. 2. Minnesota Statutes 1992, section 256.045, is amended by adding a subdivision to read:

Subd. 3b. [THERAPY SERVICES PROVIDER APPEALS.] A provider of physical therapy, occupational therapy, speech therapy, or related services whose request for prior authorization of services for a recipient of medical assistance or general assistance medical care, or a MinnesotaCare enrollee was denied, partially approved, or not acted upon with reasonable promptness by the state agency may contest that action or decision before the state agency as provided in subdivisions 3 and 4. Before a provider submits a request for a hearing to the state agency the provider must obtain authorization from the affected recipient or enrollee in order to pursue the appeal.

Sec. 3. Minnesota Statutes 1992, section 256.045, subdivision 4, is amended to read:

Subd. 4. [CONDUCT OF HEARINGS.] (a) All hearings held pursuant to subdivision 3, 3a, or 4a shall be conducted according to the provisions of the federal Social Security Act and the regulations implemented in accordance with that act to enable this state to qualify for federal grants-in-aid, and according to the rules and written policies of the commissioner of human services. County agencies shall install equipment necessary to conduct telephone hearings. A state human services referee may schedule a telephone conference hearing when the distance or time required to travel to the county agency offices will cause a delay in the issuance of an order, or to promote efficiency, or at the mutual request of the parties. Hearings may be conducted by telephone conferences unless the applicant, recipient, or former recipient objects. The hearing shall not be held earlier than five days after filing of the required notice with the county or state agency. The state human services referee shall notify all interested persons, including the recipient or enrollee on whose behalf a provider of therapy services has requested a hearing under subdivision 3b, of the time, date, and location of the hearing at least five days before the date of the hearing. Interested persons may be represented by legal counsel or other representative of their choice at the hearing and may appear personally, testify and offer evidence, and examine and cross-examine witnesses. The applicant, recipient, or former recipient, or provider of therapy services under subdivision 3b, shall have the opportunity to examine the contents of the case file and all documents and records to be used by the county or state agency at the hearing at a reasonable time before the date of the hearing and during the hearing. Upon request, the county or state agency shall provide reimbursement for transportation, child care, photocopying, medical assessment, witness fee, and other necessary and reasonable costs incurred by the applicant, recipient, or former recipient in connection with the

appeal. All evidence, except that privileged by law, commonly accepted by reasonable people in the conduct of their affairs as having probative value with respect to the issues shall be submitted at the hearing and such hearing shall not be "a contested case" within the meaning of section 14.02, subdivision 3. *If a representative of the state agency is not present at the hearing the state agency may not submit evidence after the hearing is held.*

(b) The commissioner must have a representative from the health care administration of the state agency present, either in person or by telephone, at a hearing where the denial or partial denial of a request for the prior authorization of services under section 256B.0625, 256B.0627, or 256B.0628 is the action being appealed.

Sec. 4. Minnesota Statutes 1992, section 256.045, subdivision 5, is amended to read:

Subd. 5. [ORDERS OF THE COMMISSIONER OF HUMAN SERVICES.] A state human services referee shall conduct a hearing on the appeal and shall recommend an order to the commissioner of human services. The recommended order must be based on all relevant evidence and must not be limited to a review of the propriety of the state or county agency's action. A referee may take official notice of adjudicative facts. The commissioner of human services may accept the recommended order of a state human services referee and issue the order to the county agency and the applicant, recipient, former recipient, ~~or~~ prepaid health plan, *or provider of therapy services under subdivision 3b.* The commissioner on refusing to accept the recommended order of the state human services referee, shall notify the county agency and the applicant, recipient, former recipient, ~~or~~ prepaid health plan, *or provider of therapy services under subdivision 3b* of that fact and shall state reasons therefor and shall allow each party ten days' time to submit additional written argument on the matter. After the expiration of the ten-day period, the commissioner shall issue an order on the matter to the county agency and the applicant, recipient, former recipient, ~~or~~ prepaid health plan, *or provider of therapy services under subdivision 3b.*

A party aggrieved by an order of the commissioner may appeal under subdivision 7, or request reconsideration by the commissioner within 30 days after the date the commissioner issues the order. The commissioner may reconsider an order upon request of any party or on the commissioner's own motion. A request for reconsideration does not stay implementation of the commissioner's order. Upon reconsideration, the commissioner may issue an amended order or an order affirming the original order.

Any order of the commissioner issued under this subdivision shall be conclusive upon the parties unless appeal is taken in the manner provided by subdivision 7. Any order of the commissioner is binding on the parties and must be implemented by the state agency or a county agency until the order is reversed by the district court, or unless the commissioner or a district court orders monthly assistance or aid or services paid or provided under subdivision 10.

Except for a prepaid health plan *or a provider of therapy services under subdivision 3b*, 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 or seek judicial review of an order issued under this section.

Sec. 5. Minnesota Statutes 1992, section 256B.0625, subdivision 8, is amended to read:

Subd. 8. [PHYSICAL THERAPY.] (a) Medical assistance covers physical therapy and related services.

(b) *If the commissioner requires prior authorization under subdivision 25 for physical therapy or related services, the commissioner shall adopt administrative rules under chapter 14 establishing criteria for review of prior authorization requests.*

Sec. 6. Minnesota Statutes 1992, section 256B.0625, subdivision 8a, is amended to read:

Subd. 8a. [OCCUPATIONAL THERAPY.] (a) Medical assistance covers occupational therapy and related services.

(b) *If the commissioner requires prior authorization under subdivision 25 for occupational therapy or related services, the commissioner shall adopt administrative rules under chapter 14 establishing criteria for review of prior authorization requests.*

Sec. 7. Minnesota Statutes 1992, section 256B.0625, is amended by adding a subdivision to read:

Subd. 8b. [SPEECH THERAPY.] (a) Medical assistance covers speech therapy and related services.

(b) *If the commissioner requires prior authorization under subdivision 25 for speech therapy or related services, the commissioner shall adopt administrative rules under chapter 14 establishing criteria for review of prior authorization requests.*

Sec. 8. Minnesota Statutes 1992, section 256B.0625, subdivision 25, is amended to read:

Subd. 25. [PRIOR AUTHORIZATION REQUIRED.] (a) The commissioner shall publish in the State Register a list of health services that require prior authorization, as well as the criteria and standards used to select health services on the list. The list and the criteria and standards used to formulate it are not subject to the requirements of sections 14.001 to 14.69 *except as provided in subdivisions 8, 8a, and 8b.* The commissioner's decision whether prior authorization is required for a health service is not subject to administrative appeal.

(b) *A provider who has submitted a prior authorization request for physical therapy, occupational therapy, speech therapy, or related services must have access via telephone to the consultant to whom the request has been assigned. The consultant must make a reasonable amount of time available for providers to contact the consultant by telephone in order to discuss either a pending request or a request about which a recommendation has been made. For purposes of this paragraph "consultant" has the meaning given it in Minnesota Rules, part 9505.5005, subpart 3.*

Sec. 9. Minnesota Statutes 1992, section 256B.0625, subdivision 31, is amended to read:

Subd. 31. [MEDICAL SUPPLIES AND EQUIPMENT.] (a) Medical assistance covers medical supplies and equipment. Separate payment outside

of the facility's payment rate shall be made for wheelchairs and wheelchair accessories for recipients who are residents of intermediate care facilities for the mentally retarded. Reimbursement for wheelchairs and wheelchair accessories for ICF/MR recipients shall be subject to the same conditions and limitations as coverage for recipients who do not reside in institutions. A wheelchair purchased outside of the facility's payment rate is the property of the recipient.

(b) A medical assistance recipient who resides in a nursing facility or in an ICF/MR and who owns a wheelchair must obtain prior authorization from the commissioner for all repairs and adaptations if the combined charges for parts and labor will exceed \$300, but prior authorization is not required if the combined charges will not exceed this amount.

Sec. 10. [ADVISORY TASK FORCE TO STANDARDIZE SUPPORTING DOCUMENTATION FOR PRIOR AUTHORIZATION.]

Subdivision 1. [COMPOSITION OF TASK FORCE.] A six-member advisory task force on prior authorization supporting documentation is established. The task force is comprised of one licensed physician, one licensed physical therapist, one licensed occupational therapist, one licensed speech therapist, one licensed psychologist, and one consumer representative. All licensed task force members must be actively engaged in the practice of their profession in Minnesota. The members of the task force shall be appointed by the commissioner of human services. No more than three members may be of one gender. All licensed professional members shall be selected from lists submitted to the commissioner by the appropriate professional associations. Task force members shall be compensated for expenses as specified in Minnesota Statutes, section 15.059, subdivision 6, except the consumer representative member must be compensated for time spent on task force activities as specified in section 15.059, subdivision 3. The task force shall expire on December 31, 1995.

Subd. 2. [DUTIES OF COMMISSIONER AND TASK FORCE.] The task force shall study the lists of items, specified in the issue of the medical assistance and general assistance medical care provider manual which is in effect as of the effective date of this act, that are required to be submitted by each category of provider along with the provider's request for prior authorization. The task force shall recommend to the commissioner any amendments or refinements needed to clarify the lists. The commissioner shall use the recommendations of the task force in developing a standardized form or forms on which a provider will submit all required supporting documentation for a prior authorization request. If the commissioner intends to depart from the recommendations of the task force, the commissioner shall inform the task force of the intended departure, provide a written explanation of the reasons for the departure, and give the task force an opportunity to comment on the intended departure.

Sec. 11. [TEMPORARY PRIOR AUTHORIZATION EXEMPTION; STUDY REQUIRED.]

(a) The commissioner shall not require prior authorization for physical therapy, occupational therapy, and speech therapy services provided by an entity that operates a Medicare certified comprehensive outpatient rehabilitation facility which was certified prior to January 1, 1993, and that is a facility licensed under Minnesota Rules, parts 9570.2000 to 9570.3600, when those services are provided within the comprehensive outpatient rehabilitation

facility and not provided in a nursing facility other than the entity's own. This exemption expires June 30, 1995.

(b) *The commissioner shall not require prior authorization for physical therapy, occupational therapy, or speech therapy services provided to a medical assistance recipient who resides in a nursing facility licensed on June 1, 1983, under Minnesota Rules, parts 9570.2000 to 9570.3600, to provide residential services for the physically handicapped. This exemption expires June 30, 1995.*

(c) *The commissioner shall study alternative methods, other than prior authorization, to achieve utilization review of the therapy services provided by the entities in paragraphs (a) and (b). The commissioner must consult with the entities in paragraphs (a) and (b) to develop recommendations for alternative methods of utilization review. By February 1, 1995, the commissioner must report to the legislature on the results and recommendations of the study.*

Delete the title and insert:

“A bill for an act relating to human services; permitting certain providers to request a state agency hearing; modifying the conduct of state agency hearings; modifying certain requirements for prior authorization of services under medical assistance; amending Minnesota Statutes 1992, sections 256.045, subdivisions 3, 4, 5 and by adding a subdivision; and 256B.0625, subdivisions 8, 8a, 25, 31, and by adding a subdivision.”

And when so amended the bill do pass and be re-referred to the Committee on Governmental Operations and Reform. Amendments adopted. Report adopted.

Ms. Berglin from the Committee on Health Care, to which was referred

S.F. No. 1760: A bill for an act relating to human services; providing monitoring and evaluation of emergency health services on a pilot project basis; authorizing an advisory committee; amending Minnesota Statutes 1992, section 245.469, by adding a subdivision.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. [EMERGENCY SERVICES MONITORING; PILOT STUDY AND REPORT.]

Subdivision 1. [ADVISORY COMMITTEE.] By July 1, 1994, the commissioner of human services shall appoint a nine-member advisory committee to evaluate and monitor the pilot study established under subdivision 2. The commissioner shall consult with advocates for persons with mental illnesses and with the state advisory council on mental health before appointing the members of the advisory committee. At least six of the committee members must be chosen from persons who are advocates for persons with mental illness or family members of persons with mental illness, and from persons who have received emergency services under Minnesota Statutes, section 245.469, subdivisions 1 and 2. Members shall not receive per diems but shall be compensated for expenses under Minnesota Statutes, section 15.059. The advisory committee shall report to the commissioner at such times and in the manner that the commissioner directs, except that the advisory committee

shall meet no less than four times between July 1, 1994, and July 1, 1995. The advisory committee shall expire January 15, 1996.

Subd. 2. [PILOT STUDY.] The pilot study shall be designed to monitor and evaluate three counties in their provision of emergency adult mental health services under Minnesota Statutes, section 245.469. The three counties shall be chosen by the commissioner. One of the counties must be a metropolitan county, as defined in Minnesota Statutes, section 473.121, subdivision 4, with a city of the first class. The study must also include a metropolitan county other than Hennepin or Ramsey county, and one county located outside of the metropolitan area. The purpose of the pilot study will be: (1) to determine whether the emergency services required by Minnesota Statutes, section 245.469, are being provided in each of the selected counties; (2) to evaluate the sufficiency and quality of services for adult persons with mental illness who are in crisis; and (3) to assess the effectiveness of consumer advocates in monitoring the availability of emergency mental health services. The commissioner shall submit a report on the study, with findings of the effectiveness of the current emergency mental health services and recommendations to improve the emergency services, to the legislature by January 15, 1996."

Amend the title as follows:

Page 1, line 4, delete the second semicolon and insert a period.

Page 1, delete lines 5 and 6

And when so amended the bill do pass and be re-referred to the Committee on Governmental Operations and Reform. Amendments adopted. Report adopted.

Mr. Marty from the Committee on Ethics and Campaign Reform, to which was referred

S.F. No. 2395: A bill for an act relating to elections; providing for a local government election for election of county, municipal, and school district officers, and officers of all other political subdivisions except towns; superseding inconsistent general and special laws and home rule charter provisions; amending Minnesota Statutes 1992, sections 103C.301, subdivision 1; 103C.305, subdivisions 1, 2, and 6; 103C.311; 103C.315, subdivision 2; 122.23, subdivision 11; 122.25, subdivision 2; 123.34, subdivision 1; 128.01, subdivision 3; 200.01; 200.02, subdivision 10, and by adding a subdivision; 203B.05, subdivision 2; 204B.09; 204B.135, subdivision 4; 204B.14, by adding a subdivision; 204B.18, by adding a subdivision; 204B.19, subdivision 6; 204B.27, subdivisions 3 and 5; 204B.28, subdivision 1; 204B.32; 204B.34, subdivisions 2 and 4; 204B.35, subdivision 5; 204C.03, subdivision 4; 204C.28, subdivision 3; 204D.02; 204D.05, subdivisions 2 and 3; 204D.08, subdivision 6; 204D.09; 204D.10, subdivision 3; 205.02; 205.065, subdivisions 1, 2, 3, and 5; 205.07, subdivision 1; 205.13, subdivisions 1, 2, and 6; 205.175, subdivision 1; 205.185, subdivisions 2 and 3; 205A.03, subdivisions 2 and 4; 205A.04, subdivision 1; 205A.06, subdivisions 1, 2, and 5; 205A.09; 205A.10, subdivision 2; 205A.11; 375.101, by adding a subdivision; 382.01; 397.06; 397.07; 398.04; 412.02, subdivision 2; 412.021, subdivision 2; 412.571, subdivision 5; and 447.32, subdivisions 1 and 2; Minnesota Statutes 1993 Supplement, sections 122.23, subdivision 18; and 206.90, subdivision 6; proposing coding for new law in Minnesota Statutes, chapter 205; proposing coding for new law as Minnesota Statutes, chapter 204E; repealing Minnesota

Statutes 1992, sections 205.07, subdivision 3; 205.18; 205.20; 205A.04, subdivision 2; 375.101, subdivisions 1 and 2; 410.21; and 447.32, subdivision 4.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Rules and Administration.

Pursuant to Joint Rule 2.03, the bill was referred to the Committee on Rules and Administration.

Mr. Novak from the Committee on Jobs, Energy and Community Development, to which was referred

S.F. No. 1996: A bill for an act relating to employment; modifying the definition of employer for personnel records review purposes; amending Minnesota Statutes 1992, section 181.960, subdivision 3.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1992, section 181.960, subdivision 1, is amended to read:

Subdivision 1. [APPLICABILITY.] For purposes of sections 181.960 to 181.966 *and unless otherwise provided*, the following terms have the meanings given in this section.

Sec. 2. Minnesota Statutes 1992, section 181.961, is amended by adding a subdivision to read:

Subd. 4. [EMPLOYER DEFINED.] For the purposes of this section, “employer” includes a person who has one or more employees.”

Amend the title as follows:

Page 1, line 4, delete everything after the first comma

Page 1, delete line 5 and insert “sections 181.960, subdivision 1; and 181.961, by adding a subdivision.”

And when so amended the bill do pass and be re-referred to the Committee on Judiciary. Amendments adopted. Report adopted.

Mr. Lessard from the Committee on Environment and Natural Resources, to which was re-referred

S.F. No. 2093: A bill for an act relating to agriculture; establishing certification and labeling program to identify milk and milk products free of recombinant bovine growth hormone; removing and clarifying regulations concerning veterinary use of recombinant bovine growth hormone; appropriating money; amending Minnesota Statutes 1992, sections 32.103; 151.01, subdivision 28; 151.15, subdivision 3; and 151.25; Minnesota Statutes 1993 Supplement, section 32.394, subdivision 8d; proposing coding for new law in Minnesota Statutes, chapter 32.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, delete section 2

Page 6, delete section 7

Page 6, line 8, delete "3" and insert "2"

Re-number the sections in sequence

Amend the title as follows:

Page 1, line 7, delete "appropriating money;"

Page 1, line 9, delete "Minnesota Statutes 1993"

Page 1, delete line 10 and insert "proposing"

And when so amended the bill do pass and be re-referred to the Committee on Commerce and Consumer Protection. Amendments adopted. Report adopted.

SECOND READING OF SENATE BILLS

S.F. Nos. 2710, 2455, 2493, 2617, 2819, 2119, 2161, 365, 2420, 800, 2500, 2276 and 2240 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. No. 2143 was read the second time.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Belanger moved that S.F. No. 1736 be withdrawn from the Committee on Finance and re-referred to the Committee on Taxes and Tax Laws. The motion prevailed.

Mr. Belanger moved that S.F. No. 1996 be withdrawn from the Committee on Judiciary, given a second reading, and placed on General Orders. The motion prevailed.

S.F. No. 1996 was read the second time.

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate proceed to the Order of Business of Introduction and First Reading of Senate Bills. The motion prevailed.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bill was read the first time and referred to the committee indicated.

Mr. Moe, R.D. introduced—

S.F. No. 2867: A bill for an act relating to capital improvements; appropriating money to the commissioner of education to construct a community service center at Nay-Tah-Waush in Mahnomon county; authorizing the sale of state bonds.

Referred to the Committee on Education.

RECESS

Mr. Moe, R.D. moved that the Senate do now recess subject to the call of the President. The motion prevailed.

After a brief recess, the President called the Senate to order.

APPOINTMENTS

Mr. Moe, R.D. from the Subcommittee on Committees recommends that the following Senators be and they hereby are appointed as a Conference Committee on:

S.F. No. 1512: Messrs. Luther, Marty and Laidig.

H.F. No. 2074: Ms. Ranum, Messrs. Spear, Beckman, McGowan and Laidig.

S.F. No. 760: Messrs. Price, Morse and Merriam.

Mr. Moe, R.D. moved that the foregoing appointments be approved. The motion prevailed.

MEMBERS EXCUSED

Mrs. Adkins was excused from the Session of today. Mr. Chmielewski was excused from the Session of today from 4:00 to 6:00 p.m.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 11:45 a.m., Wednesday, March 30, 1994. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

EIGHTIETH DAY

St. Paul, Minnesota, Wednesday, March 30, 1994

The Senate met at 11:45 a.m. and was called to order by the President.

CALL OF THE SENATE

Mr. Belanger imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

Prayer was offered by the Chaplain, Rev. Warren Jorenby.

The roll was called, and the following Senators answered to their names:

Anderson	Finn	Kroening	Murphy	Runbeck
Beckman	Flynn	Laidig	Neuville	Sams
Belanger	Frederickson	Langseth	Novak	Samuelson
Benson, D.D.	Hanson	Larson	Oliver	Solon
Benson, J.E.	Hottinger	Lesewski	Olson	Spear
Berg	Janezich	Lessard	Pappas	Stevens
Berglin	Johnson, D.E.	Luther	Pariseau	Stumpf
Bertram	Johnson, D.J.	Marty	Piper	Terwilliger
Betzold	Johnson, J.B.	McGowan	Pogemiller	Vickerman
Chandler	Johnston	Merriam	Price	Wiener
Chmielewski	Kelly	Metzen	Ranum	
Cohen	Kiscaden	Moe, R.D.	Reichgott Junge	
Day	Knutson	Mondale	Riveness	
Dille	Krentz	Morse	Robertson	

The President declared a quorum present.

The reading of the Journal was dispensed with and the Journal, as printed and corrected, was approved.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 2622, 2248, 2665, 2710, 1778, 1915, 2064 and 2373.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 29, 1994

FIRST READING OF HOUSE BILLS

The following bills were read the first time and referred to the committees indicated.

H.F. No. 2622: A bill for an act relating to state lands; authorizing the department of natural resources to sell certain state land in the counties of Itasca and St. Louis.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2561, now on the Consent Calendar.

H.F. No. 2248: A bill for an act relating to agriculture; changing certain pesticide posting requirements; amending Minnesota Statutes 1992, section 18B.07, subdivision 3.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1999, now on the Calendar.

H.F. No. 2665: A bill for an act relating to parks and recreation; adding lands to certain state parks; converting certain recreation areas to state parks; deleting land from a recreation area; combining a trail and certain waysides into a recreation area; abolishing a state park; amending Minnesota Statutes 1992, section 85.054, by adding a subdivision; repealing Minnesota Statutes 1992, section 85.013, subdivisions 16, 18a, 24, 26, and 28.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2451, now on the Consent Calendar.

H.F. No. 2710: A bill for an act relating to state government; requiring the commissioner of administration to study and report on the best way to increase electronic services to citizens; proposing coding for new law in Minnesota Statutes, chapter 16B.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2624.

H.F. No. 1778: A bill for an act relating to retirement; establishing minimum qualifications for audits of police and fire relief associations; establishing reporting requirements for certain public pension funds; requiring notice of meetings of relief associations and requiring meetings to be open to the public; changing employer contributions rates for the Bloomington fire relief association; amending Minnesota Statutes 1992, sections 69.051, subdivision 1; 69.773, subdivision 4; and 424A.04, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 356.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1641.

H.F. No. 1915: A bill for an act relating to employment; establishing a disaster volunteer leave program in the state civil service; proposing coding for new law in Minnesota Statutes, chapter 43A.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1734, now on General Orders.

H.F. No. 2064: A bill for an act relating to housing; modifying programs of the housing finance agency for low-income and tribal housing and for accessibility loans; amending Minnesota Statutes 1992, sections 462A.05, subdivision 14d, and by adding subdivisions; 462A.10, by adding a subdivision; 462A.201, by adding a subdivision; 462A.21, by adding a subdivision; 462A.30, subdivision 9; and 462A.31, subdivision 4; Minnesota Statutes 1993 Supplement, sections 462A.07, subdivision 14; 462A.202, subdivision 7; and 462A.222, subdivision 3.

Referred to the Committee on Taxes and Tax Laws.

H.F. No. 2373: A bill for an act relating to agriculture; modifying certain provisions relating to wheat and barley promotion orders and the payment and refund of checkoff fees; amending Minnesota Statutes 1992, sections 17.53, subdivisions 2, 8, and 13; 17.59, subdivision 2; and 17.63.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2038, now on General Orders.

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted, with the exception of the reports on S.F. Nos. 1948, 2447, 1726, 2036 and reports pertaining to appointments. The motion prevailed.

Ms. Reichgott Junge from the Committee on Judiciary, to which was referred

H.F. No. 1659: A bill for an act relating to probate; updating article 2 on intestacy, wills, and donative transfers; correcting a reference; recodifying the Minnesota multiparty accounts act; amending Minnesota Statutes 1992, sections 524.1-201; 524.2-101; 524.2-102; 524.2-103; 524.2-104; 524.2-105; 524.2-106; 524.2-108; 524.2-109; 524.2-110; 524.2-111; 524.2-113; 524.2-114; 524.2-301; 524.2-302; 524.2-502; 524.2-504; 524.2-505; 524.2-507; 524.2-508; 524.2-509; 524.2-512; 524.2-602; 524.2-603; 524.2-604; 524.2-605; 524.2-606; 524.2-607; 524.2-608; 524.2-609; and 524.2-701; proposing coding for new law in Minnesota Statutes, chapter 524; repealing Minnesota Statutes 1992, sections 524.2-112; 524.2-201; 524.2-202; 524.2-203; 524.2-204; 524.2-205; 524.2-206; 524.2-207; 524.2-503; 524.2-610; 524.2-612; 524.3-905; 525.15; 525.151; 525.22; 525.221; and 525.223.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Ms. Reichgott Junge from the Committee on Judiciary, to which was re-referred

S.F. No. 1948: A bill for an act relating to agriculture; providing for family farm limited liability companies and authorized farm limited liability companies; removing limitation on number of shareholders or partners for authorized farm corporations and partnerships; amending Minnesota Statutes 1992, section 500.24, subdivision 2.

Reports the same back with the recommendation that the bill be amended as follows:

Page 3, line 18, before "*formed*" insert "*it is*"

Page 6, line 11, after "*persons*" insert "*or family farm limited liability companies*"

Page 6, line 24, before "*formed*" insert "*it is*"

Page 6, line 26, delete everything before the second "*or*"

And when so amended the bill do pass. Mr. Morse questioned the reference

thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Ms. Reichgott Junge from the Committee on Judiciary, to which was re-referred

S.F. No. 1735: A bill for an act relating to children; modifying certain provisions concerning foster care and adoption; amending Minnesota Statutes 1992, section 260.141, subdivision 1; Minnesota Statutes 1993 Supplement, sections 245A.03, subdivisions 2 and 2a; 257.071, subdivision 3; 257.072, subdivision 9; 259.255; and 260.191, subdivision 3b.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 16, after the second "a" insert "*county welfare board or agency, or a*"

Page 5, line 4, before the period, insert "*, and evaluating the role of relative status in the reconsideration of disqualifications under section 245A.04, subdivision 3b, and granting variances of licensing requirements under section 245A.04, subdivision 9*"

Page 8, line 26, delete "*periodic*" and insert "*semiannual*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Ms. Reichgott Junge from the Committee on Judiciary, to which was re-referred

S.F. No. 2005: A bill for an act relating to occupations and professions; board of dentistry; expanding the size of the board; providing for exchange of information with other states; providing for board immunity; establishing grounds for discipline; requiring reporting by employers; providing for temporary licenses; providing for appeal of denial of license; amending Minnesota Statutes 1992, sections 150A.02; 150A.03, by adding a subdivision; and 150A.06, by adding a subdivision; Minnesota Statutes 1993 Supplement, sections 150A.06, subdivision 4a; and 150A.08, subdivisions 1 and 8; proposing coding for new law in Minnesota Statutes, chapter 150A.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 25, delete "*two*" and insert "*three*"

Page 3, delete section 2

Page 8, delete line 30 and insert "*private or confidential data pursuant to*"

Page 9, line 29, delete "*member*" and insert "*members*" and before "*January*" insert "*January 6, 1997, and*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, lines 9 and 10, delete "*150A.03, by adding a subdivision;*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Ms. Reichgott Junge from the Committee on Judiciary, to which was referred

S.F. No. 2577: A bill for an act relating to the human rights act; protecting independent contractors from unfair discriminatory actions in employment; amending Minnesota Statutes 1992, section 363.01, subdivision 16.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1993 Supplement, section 363.03, subdivision 8a, is amended to read:

Subd. 8a. [BUSINESS DISCRIMINATION.] It is an unfair discriminatory practice for a person engaged in a trade or business or in the provision of a service:

(a) to refuse to do business with or provide a service to a woman based on her use of her current or former surname; or

(b) to impose, as a condition of doing business with or providing a service to a woman, that a woman use her current surname rather than a former surname; or

(c) intentionally to refuse to do business with, to refuse to contract with, or to discriminate in the basic terms, conditions, or performance of the contract because of a person's race, color, sex, sexual orientation, *creed, religion, national origin, marital status, status with respect to public assistance, age,* or disability, unless the alleged refusal or discrimination is because of a legitimate business purpose. *Conduct prohibited by this section specifically includes, but is not limited to, workplace harassment of contract workers, whether employees or independent contractors. This provision applies to the state, its departments and divisions, and political subdivisions.*

Nothing in this subdivision shall prohibit positive action plans.”

Amend the title as follows:

Page 1, line 2, delete from “protecting” through page 1, line 4, to “employment” and insert “expanding and clarifying scope of business discrimination protections”

Page 1, delete line 5 and insert “1993 Supplement, section 363.03, subdivision 8a.”

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Metzen from the Committee on Governmental Operations and Reform, to which was referred

S.F. No. 2447: A bill for an act relating to state government; permitting state employees to donate vacation leave for the benefit of a certain state employee.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Mr. Merriam questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Mr. Metzen from the Committee on Governmental Operations and Reform, to which was referred:

S.F. No. 2180: A bill for an act relating to retirement; providing for terms on which surviving spouse benefits are granted to members of the Minneapolis fire department relief association; amending Laws 1965, chapter 519, section 1, as amended.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, after line 6, insert:

“ARTICLE 1

MINNEAPOLIS FIRE RELIEF ASSOCIATION

SURVIVING SPOUSE BENEFIT CHANGE”

Page 1, lines 19 and 20, reinstate the stricken language

Page 1, line 21, reinstate the stricken language and after the reinstated “department” insert “*in the case of a deceased active member*”

Page 1, line 23, strike “one year” and insert “*five years*”

Page 3, after line 27, insert:

“ARTICLE 2

CONFORMING CHANGES

Section 1. Minnesota Statutes 1992, section 353B.11, subdivision 1, is amended to read:

Subdivision 1. [ELIGIBILITY; SURVIVING SPOUSE BENEFIT.] (a) Except as specified in paragraph (b), (c), (d), (e), or (f), the person who survives a deceased active, deferred, or retired member, who was legally married to the member at the time of the death of the deceased member, who was legally married to the member for at least one year before the separation from active service if the deceased member was a deceased, deferred, or retired member and who was residing with the member at the time of the death of the deceased member shall be entitled to receive a surviving spouse benefit.

(b) The person who survives a deceased active, deferred, or retired member, who was legally married to the member at the time of the death of the deceased member, who was legally married to the member at the time of separation from active service if the deceased member was a deceased deferred or retired member and who was residing with the member at the time of the death of the member shall be entitled to receive a surviving spouse benefit in the case of former members of the following consolidating relief associations:

(1) Albert Lea police relief association;

- (2) Anoka police relief association;
- (3) Austin firefighters relief association;
- (4) Austin police relief association;
- (5) Brainerd police benefit association;
- (6) Columbia Heights police relief association;
- (7) Crookston fire department relief association;
- (8) Crookston police relief association;
- (9) Fairmont police benefit association;
- (10) Faribault police benefit association;
- (11) Mankato fire department relief association;
- (12) Red Wing police relief association;
- (13) South St. Paul police relief association;
- (14) Virginia fire department relief association;
- (15) Virginia police relief association; and
- (16) West St. Paul police relief association.

(c) The person who survives a deceased active, deferred, or retired member, who was legally married to the member at the time of the death of the deceased member, and who was legally married to the member at the time of separation from active service if the deceased member was a deceased deferred or retired member shall be entitled to receive a surviving spouse benefit in the case of former members of the following consolidating relief associations:

- (1) Chisholm police relief association;
- (2) Hibbing police relief association;
- (3) Mankato police benefit association; and
- (4) New Ulm police relief association.

(d) The person who survives a deceased active, deferred, or retired member, who was legally married to the member at the time of the death of the deceased member, who was legally married to the member for at least ~~one~~ **year five years** before the separation from active service if the deceased member was the recipient of a service pension or was entitled to a deferred service pension, and who was residing with the member at the time of the death of the deceased member in the case of former members of the Minneapolis fire department relief association.

(e) The person who survives a deceased active, deferred, or retired member, who was legally married to the member at the time of the death of the deceased member, who was legally married to the member for at least three years before the separation from active service if the deceased member was a deceased, retired, or deferred member and who was residing with the member at the time of the death of the member shall be entitled to receive a surviving spouse benefit in the case of former members of the South St. Paul firefighters relief association.

(f) The person who survives a deceased active, deferred, or retired member who was legally married to the member at the time of the death of the deceased member, who was legally married to the member for at least one year before the separation from active service if the deceased member was a deceased, deferred, or retired member and who had not deserted the member at the time of the death of the deceased member shall be entitled to receive a surviving spouse benefit in the case of former members of the St. Paul police relief association.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective on the effective date of article 1, section 1."

Amend the title as follows:

Page 1, line 5, after "amending" insert "Minnesota Statutes 1992, section 353B.11, subdivision 1;"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Metzen from the Committee on Governmental Operations and Reform, to which was referred

S.F. No. 2394: A bill for an act relating to retirement; St. Paul police consolidation account; authorizing the payment of refunds to the estates of certain deceased police officers.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Mr. Metzen from the Committee on Governmental Operations and Reform, to which was referred

S.F. No. 1680: A bill for an act relating to the city of Red Wing; authorizing certain police officers to elect retirement coverage by the public employees police and fire fund.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Mr. Lessard from the Committee on Environment and Natural Resources, to which was referred

S.F. No. 2588: A bill for an act relating to public lands; exempting public lands from certain road dedication provisions; changing notice requirements for sales of tax-forfeited lands; modifying a provision relating to leasing of tax-forfeited lands; amending Minnesota Statutes 1992, sections 160.05, by adding a subdivision; and 282.02; Minnesota Statutes 1993 Supplement, section 282.04, subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, delete section 1

Page 2, line 15, strike from "and" through page 2, line 16, to "parcel"

Page 2, line 17, strike "offered for sale having an appraised value of" and delete "\$5,000" and strike "or"

Page 2, line 18, strike "more"

Page 5, line 2, delete "\$5,000" and insert "\$1,500"

Renumber the sections in sequence

Amend the title as follows:

Page 1, lines 2 and 3, delete "exempting public lands from certain road dedication provisions;"

Page 1, delete line 7 and insert "section 282.02; and"

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Ms. Berglin from the Committee on Health Care, to which was referred

H.F. No. 2314: A bill for an act relating to waste reduction; amending various statutes to be consistent with recent law relating to distribution of reports and materials to legislators; amending Minnesota Statutes 1992, sections 144.672, subdivision 2; 144.70, subdivision 1; 458A.08; and 473.445, subdivision 3.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Mr. Marty from the Committee on Ethics and Campaign Reform, to which was referred

H.F. No. 2222: A bill for an act relating to elections; allowing a single polling place for two precincts in certain cases; amending Minnesota Statutes 1992, section 204B.16, subdivision 2.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 2178 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
		2178		2017	

and that the above Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 2692 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
		2692	2436		

and that the above Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Report adopted.

Ms. Reichgött Junge from the Committee on Judiciary, to which was referred

S.F. No. 2731: 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 1992, sections 17.47, subdivision 3; 41A.05, subdivision 2; 60B.04, subdivision 1; 60B.09, subdivisions 1 and 3; 115.41, subdivisions 1 and 2; 115.42; 115.43, subdivision 2; 115.44, subdivision 2; 115.45, subdivision 1; 115.50; 115.52; 115.53; 120.101, subdivisions 2 and 6; 121.88, subdivision 8; 125.611, subdivision 1; 136.24, subdivision 1; 136.622, subdivision 1; 152.02, subdivisions 9, 12, and 13; 160.265; 169.443, subdivision 8; 214.01, subdivision 3; 214.13, subdivision 1; 237.60, subdivision 2; 256D.06, subdivision 1b; 260.151, subdivision 1; 299C.61, subdivision 4; 309.53, subdivision 1; 326.212; 326.224; 326.461, subdivision 1; 327.32, subdivision 8; 327.33; 327.34, subdivision 1; 331A.06, subdivision 4; 348.13; 352.119, subdivision 1; 386.61, by adding a subdivision; 423B.12; 446A.07, subdivision 6; 449.06; 469.174, subdivision 10; 469.181, subdivision 1; and 471A.11; Minnesota Statutes 1993 Supplement, sections 16B.06, subdivision 2a; 16B.122, subdivision 3; 62A.31, subdivision 1n; 62N.075; 82.195, subdivision 2; 115A.542; 115C.082, subdivision 1; 124.195, subdivision 8; 138.96, subdivision 2; 144.991, subdivisions 3 and 4; 152.11, subdivision 1; 169.121, subdivision 1c; 214.103, subdivision 6; 245A.04, subdivision 3b; 256D.44, subdivision 3; 257.67, subdivision 3; 268.92, subdivision 1; 296.035; 325F.755, subdivision 5; 326.111, subdivision 4; 326.975, subdivision 2; 349.217, subdivision 1; 386.66; 491A.01, subdivision 3; 549.09, subdivision 1; 609.5312, subdivision 3; 609.605, subdivision 1; and 609.749, subdivision 5; repealing Minnesota Statutes 1992, sections 216B.164, subdivision 7; 385.08; and 473.872; Laws 1977, chapter 11, section 8; Laws 1982, chapter 514, sections 18 and 19; Laws 1983, chapter 247, section 130; Laws 1984, chapter 628, article 2, section 4; Laws 1985, First Special Session chapters 9, article 2, sections 81 and 82; 13, section 191; and 14, article 9, section 16; Laws 1987, chapters 197, section 1; 315, section 4, subdivision 2; and 336, section 35; Laws 1988, chapters 441, section 2; 486, sections 15 and 68; 496, section 8; 514, section 5; and 636, section 3; Laws 1989, chapters 89, sections 1 (in part) and 13; 133, section 1;

144, article 2, section 8; 209, article 2, sections 8 and 34; 222, sections 10, 21, 22, and 36; 271, section 32; 282, article 2, sections 144 and 186; 293, section 74; 319, article 13, sections 22 and 55; 329, article 5, section 10; 334, article 2, section 17; 335, article 1, sections 200 and 255; 353, section 10; and 356, section 18; Laws 1990, chapters 426, article 1, sections 5 and 32; 480, articles 5, sections 6 and 9; and 9, section 3; 512, section 12; 562, article 10, section 1; 571, section 39; 574, section 5; and 594, article 3, sections 6 and 7; Laws 1991, chapters 58, sections 1, 2, 3, 4, 5, 6, 7, and 8; 130, section 24; 174, section 8; 199, article 1, section 71; 238, article 1, section 7; 265, article 4, section 19; 292, article 4, section 45; 336, article 2, section 2; 340, sections 1 and 32; and 345, article 2, section 46; Laws 1992, chapters 432, article 2, section 41; 437, section 1; and 499, article 6, section 15; Laws 1993, chapters 4, section 9; 47, sections 1, 4, 6, and 9; 78, section 3; 101, section 1; 224, article 13, sections 3 and 43; 247, articles 1, section 11; and 2, section 9; 269, section 17; 286, sections 2 and 21; 303, sections 15, 17, and 18; 339, section 12; and 369, sections 38 and 128; Laws 1993, First Special Session chapter 1, article 2, section 6.

Reports the same back with the recommendation that the bill be amended as follows:

Page 49, after line 10, insert:

“Sec. 63. Laws 1991, chapter 306, section 26, is repealed.

Sec. 64. Laws 1992, chapter 513, article 4, section 60, is amended to read:

Sec. 60. [REPEALER.]

Minnesota Statutes 1990, section 41A.051, is repealed. Minnesota Statutes 1990, section 270.185, is repealed effective January 1, 1993. On that date, any balance in the reassessment account of the special revenue fund is transferred to the general fund. ~~The repeal of Minnesota Statutes 1991 Supplement, section 326.991, provided for in Laws 1991, chapter 306, section 26, is postponed until July 31, 1994.~~”

Page 7, after line 2, the memorandum of explanation, insert:

“Secs. 63 and 64. *Explanation.* Minnesota Statutes, section 326.991, was repealed effective March 31, 1993, by Laws 1991, chapter 306, section 26. Laws 1992, chapter 513, article 4, section 60 postponed the repeal until July 31, 1994. Laws 1993, chapter 245, section 38, amended section 326.991 and added language providing that subdivision 1 of that section expires March 31, 2000, and subdivision 2 is permanent. The repeal and amendment are necessary to accomplish the department’s intent to keep section 326.991, subdivision 2 in effect.”

Amend the title as follows:

Page 1, line 37, delete “and”

Page 1, line 38, after the semicolon, insert “and Laws 1992, chapter 513, article 4, section 60;”

Page 2, line 19, after the first semicolon, insert “306, section 26;”

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Ms. Reichgott Junge from the Committee on Judiciary, to which was referred

S.F. No. 2309: A bill for an act relating to civil actions; consolidating and recodifying statutes providing limitations on private personal injury liability; amending Minnesota Statutes 1992, section 144.761, subdivision 5; proposing coding for new law as Minnesota Statutes, chapter 604A; repealing Minnesota Statutes 1992, sections 31.50; 87.021; 87.0221; 87.023; 87.024; 87.025; 87.026; 87.03; 604.05; 604.08; 604.09; and 609.662, subdivision 5.

Reports the same back with the recommendation that the bill be amended as follows:

Page 4, line 28, after the semicolon, insert "PHYSICIANS AND TRAINERS;"

Page 4, line 31, delete "or" and after "official" insert ", physician, or certified athletic trainer"

Page 5, line 1, before the period, insert "either at the scene of the event or, in the case of a physician or athletic trainer, while the player, participant, or spectator is being transported to a hospital, physician's office, or other medical facility"

Page 5, lines 9 and 14, delete "or" and after "official" insert ", physician, or certified athletic trainer"

Page 5, after line 22, insert:

"Sec. 3. [604A.12] [LIVESTOCK ACTIVITIES; IMMUNITY FROM LIABILITY.]

Subdivision 1. [DEFINITIONS.] (a) For purposes of this section, the following terms have the meanings given them.

(b) "Inherent risks of livestock activities" means dangers or conditions that are an integral part of livestock activities, including:

(1) the propensity of livestock to behave in ways that may result in death or injury to persons on or around them, such as kicking, biting, or bucking;

(2) the unpredictability of livestock's reaction to things like sound, sudden movement, unfamiliar objects, persons, or other animals;

(3) natural hazards such as surface or subsurface conditions; or

(4) collisions with other livestock or objects.

(c) "Livestock" means cattle, sheep, swine, horses, ponies, donkeys, mules, hinnies, goats, buffalo, llamas, or poultry.

(d) "Livestock activity" means an activity involving the maintenance or use of livestock, regardless of whether the activity is open to the general public, provided the activity is not performed for profit. Livestock activity includes:

(1) livestock production;

(2) loading, unloading, or transporting livestock;

(3) livestock shows, fairs, competitions, performances, races, rodeos, or parades;

- (4) livestock training or teaching activities;
- (5) boarding, shoeing, or grooming livestock; or
- (6) riding or inspecting livestock or livestock equipment.

(e) "Livestock activity sponsor" means a person who sponsors, organizes, or provides the facilities for a livestock activity that is open to the general public.

(f) "Participant" means a person who directly and intentionally engages in a livestock activity. "Participant" does not include a spectator who is in an authorized area.

Subd. 2. [IMMUNITY FROM LIABILITY.] Except as provided in subdivision 3, a nonprofit corporation, association, or organization, or a person or other entity donating services, livestock, facilities, or equipment for the use of a nonprofit corporation, association, or organization, is not liable for the death of or an injury to a participant resulting from the inherent risks of livestock activities.

Subd. 3. [EXCEPTIONS.] Subdivision 2 does not apply if any of the following exist:

(1) the person provided livestock for the participant and failed to make reasonable efforts to determine the ability of the participant to safely engage in the livestock activity or to determine the ability of the participant to safely manage the particular livestock based on the participant's representations of the participant's ability;

(2) the person provided equipment or tack for the livestock and knew or should have known that it was faulty to the extent that it caused the injury or death;

(3) the person owns or leases the land upon which a participant was injured or died because of a man-made dangerous latent condition and failed to use reasonable care to protect the participant;

(4) the person is a livestock activity sponsor and fails to comply with the notice requirement of subdivision 4; or

(5) the act or omission of the person was willful or negligent.

Subd. 4. [POSTING NOTICE.] A livestock activity sponsor shall post plainly visible signs at one or more prominent locations in the premises where the livestock activity takes place that include a warning of the inherent risks of livestock activity and the limitation of liability under this section."

Page 5, line 23, delete "604A.12" and insert "604A.13"

Page 5, after line 27, insert:

"Sec. 5. [EFFECTIVE DATE; APPLICATION.]

Section 3 is effective August 1, 1994, and applies to causes of action arising on or after that date."

Renumber the sections of article 2 in sequence

Page 6, after line 2, insert:

"Subd. 3. [INTENTIONALLY.] "Intentionally" means that the actor either has a purpose to do the thing or cause the result specified or believes that the act performed by the actor, if successful, will cause that result."

Page 6, line 3, delete "3" and insert "4"

Page 6, line 6, delete "4" and insert "5"

Page 6, line 9, delete "5" and insert "6"

Page 6, line 27, delete "willfully taking action to cause" and insert "intentionally causing"

Page 7, line 8, before "apply" insert "also"

Page 7, line 36, after "DEDICATION" insert "EASEMENT"

Page 8, line 4, after "provided" insert "in writing" and after "owner" insert "nor shall the grant of permission for the use by the owner grant to any person an easement or other property right in the land except as expressly provided in writing by the owner"

Page 8, after line 4, insert:

"Sec. 8. [604A.27] [PROTECTION FROM NUISANCE LAWSUITS.]

If any person brings a claim against an owner for injuries arising from the recreational use of land and the court determines that the owner is not subject to liability under sections 1 to 8, the court may award the owner costs, disbursements, reasonable attorney fees, and witness fees incurred in defending against the claim."

Page 8, line 5, delete "604A.27" and insert "604A.30"

Page 9, line 34, delete "604A.28" and insert "604A.31"

Renumber the sections of article 3 in sequence

Amend the title as follows:

Page 1, line 4, after the semicolon, insert "providing immunity for certain volunteer athletic physicians and trainers; limiting liability for certain injuries arising out of nonprofit livestock activities; modifying provisions dealing with recreational land use liability;"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Metzen from the Committee on Governmental Operations and Reform, to which was referred

S.F. No. 2060: A bill for an act relating to the city of Duluth; clarifying certain language relating to calculation of pension benefits contained in the bylaws of the Duluth firefighters relief association.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, after line 6, insert:

“ARTICLE 1

PENSION PLAN PROVISION CLARIFICATION”

Page 1, line 7, delete “RELIEF ASSOCIATION” and insert “CONSOLIDATION ACCOUNT”

Page 1, line 8, delete “LANGUAGE IN BYLAWS” and insert “SALARY FOR BENEFIT CALCULATION PURPOSES”

Page 1, line 9, after the comma, insert “*for the Duluth joint firefighters and police consolidation account administered by the public employees retirement association,*”

Page 1, line 12, after “*payments*” insert “*for a regular workweek of a firefighter*”

Page 1, line 16, after “*payments*” insert “*to pensioners and other benefit recipients of the former Duluth fire department relief association*”

Page 1, line 17, delete “*made*” and insert “*taken from active Duluth firefighters, where applicable,*” and after the period, insert “*If applicable, any postretirement adjustments paid or payable to pensioners and other benefit recipients of the former Duluth fire department relief association under Minnesota Statutes, section 11A.18, must be appropriately recomputed on account of section 1.*”

Page 1, delete line 19 and insert:

“*Sections 1 and 2 are effective upon approval by a majority of the*”

Page 1, after line 21, insert:

“ARTICLE 2

CONFORMING CHANGES

Section 1. Minnesota Statutes 1993 Supplement, section 353B.02, subdivision 10, is amended to read:

Subd. 10. [SALARY.] (a) “Salary” for benefit computation and contribution purposes means the salary of a first class or first grade firefighter or patrol officer, whichever applies, for the former members of the following consolidating relief associations:

- (1) Anoka police relief association;
- (2) Austin firefighters relief association;
- (3) Austin police relief association;
- (4) Columbia Heights fire department relief association, paid division;
- (5) Fairmont police benefit association;
- (6) Faribault fire department relief association;
- (7) Mankato fire department relief association;
- (8) Minneapolis fire department relief association;
- (9) Minneapolis police relief association;

- (10) Richfield fire department relief association;
- (11) Rochester fire department relief association;
- (12) Rochester police relief association;
- (13) St. Cloud fire department relief association;
- (14) St. Cloud police relief association;
- (15) St. Paul fire department relief association;
- (16) South St. Paul firefighters relief association;
- (17) West St. Paul firefighters relief association;
- (18) West St. Paul police relief association; and
- (19) Winona fire department relief association.

(b) "Salary" for benefit computation purposes means the salary of a first grade patrol officer for the second month of the previous fiscal year and for contribution purposes means the current salary of a first grade patrol officer, for the former members of the following consolidating relief associations:

- (1) Bloomington police relief association;
- (2) Crystal police relief association;
- (3) Fridley police pension association;
- (4) Richfield police relief association;
- (5) St. Louis Park police relief association; and
- (6) Winona police relief association.

(c) "Salary" for benefit computation purposes means the final salary and for contribution purposes means the current salary for the former members of the following consolidating relief associations:

- (1) Albert Lea firefighters relief association;
- (2) Albert Lea police relief association;
- (3) Buhl police relief association;
- (4) Chisholm firefighters relief association;
- (5) Crookston fire department relief association;
- (6) Crookston police relief association;
- (7) Faribault police benefit association;
- (8) Red Wing police relief association; and
- (9) Virginia fire department relief association.

(d) "Salary" for benefit computation purposes means the average earnings or salary for the final six months of employment before retirement and for contribution purposes means the current salary for the former members of the following consolidating relief associations:

- (1) Chisholm police relief association;

(2) Hibbing firefighters relief association; and

(3) Hibbing police relief association.

(e) "Salary" for benefit computation purposes means the greater of the final salary at retirement or the highest salary of a patrol officer and for contribution purposes means the greater of the current salary or the current highest salary of a patrol officer for the former members of the following consolidating relief associations:

(1) Brainerd police benefit association; and

(2) New Ulm police relief association.

(f) "Salary" for benefit computation and contribution purposes means the following for the former members of the consolidating relief associations as indicated:

(1) salary of a top grade patrol officer, including longevity pay and education incentive pay in an amount not to exceed \$235 per month, Columbia Heights police relief association;

(2) maximum pay of a firefighter, including overtime payments for a regular workweek of a firefighter mandated by the federal Fair Labor Standards Act of 1938, as amended, Duluth firefighters relief association;

(3) salary of a first class patrol officer with 16 years of service, Duluth police pension association;

(4) base salary for the rank currently held, plus longevity pay, pay for eligibility for next higher rank and pay for first aid care, Mankato police benefit association;

(5) average annual salary for highest three paid years for benefit computation purposes and current salary for contribution purposes, Red Wing fire department relief association;

(6) pay of the highest grade full-time firefighter, St. Louis Park fire department relief association;

(7) maximum monthly pay of a patrol officer, St. Paul police relief association;

(8) prevailing base pay of rank held at retirement for benefit computation purposes and current salary for contribution purposes, South St. Paul police relief association; and

(9) prevailing pay for rank held for at least six months before retirement for benefit computation purposes and current salary for contribution purposes, Virginia police relief association.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective upon the effective date of article 1, section 1."

Amend the title as follows:

Page 1, line 2, after "to" insert "retirement;" and delete "city of" and after "Duluth" insert "joint police and firefighters consolidation account"

Page 1, line 5, before the period, insert "; amending Minnesota Statutes 1993 Supplement, section 353B.02, subdivision 10."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Lessard from the Committee on Environment and Natural Resources, to which was referred

S.F. No. 2724: A bill for an act relating to wetlands; allowing replacement plans under approved county comprehensive wetland management plans; removing restrictions on wetlands that may be used in the statewide wetland banking program; modifying exemptions; clarifying the applicability of the wetland conservation act to the state; amending Minnesota Statutes 1992, section 103G.2242, subdivision 9; Minnesota Statutes 1993 Supplement, sections 103G.222; and 103G.2241.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1993 Supplement, section 103G.222, is amended to read:

103G.222 [REPLACEMENT OF WETLANDS.]

(a) After the effective date of the rules adopted under section 103B.3355 or 103G.2242, whichever is later, wetlands must not be drained or filled, wholly or partially, unless replaced by restoring or creating wetland areas of at least equal public value under either a replacement plan approved as provided in section 103G.2242, a replacement plan under a local governmental unit's comprehensive wetland protection and management plan approved by the board under section 103G.2242, subdivision 1, paragraph (c), 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 103G.2242.

(b) Replacement 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) If a wetland is located in a cultivated field, then replacement must be accomplished through restoration only without regard to the priority order in paragraph (b), provided that a deed restriction is placed on the altered wetland prohibiting nonagricultural use for at least ten years.

(d) Restoration and replacement of wetlands must be accomplished in accordance with the ecology of the landscape area affected.

(e) Replacement shall be within the same watershed or county as the impacted wetlands, as based on the wetland evaluation in section 103G.2242, subdivision 2, except that counties or watersheds in which 80 percent or more of the presettlement wetland acreage is intact may accomplish replacement in counties or watersheds in which 50 percent or more of the presettlement wetland acreage has been filled, drained, or otherwise degraded. Wetlands impacted by public transportation projects may be replaced statewide, provided they are approved by the commissioner under an established wetland banking system, or under the rules for wetland banking as provided for under section 103G.2242.

(f) Except as provided in paragraph (g), for a wetland located on nonagricultural land, replacement must be in the ratio of two acres of replaced wetland for each acre of drained or filled wetland.

(g) For a wetland located on agricultural land or in counties or watersheds in which 80 percent or more of the presettlement wetland acreage exists, replacement must be in the ratio of one acre of replaced wetland for each acre of drained or filled wetland.

(h) Wetlands that are restored or created as a result of an approved replacement plan are subject to the provisions of this section for any subsequent drainage or filling.

(i) Except in counties or watersheds where 80 percent or more of the presettlement wetlands are intact, only wetlands that have been restored from previously drained or filled wetlands, wetlands created by excavation in nonwetlands, wetlands created by dikes or dams along public or private drainage ditches, or wetlands created by dikes or dams associated with the restoration of previously drained or filled wetlands may be used in a statewide banking program established in rules adopted under section 103G.2242, subdivision 1. Modification or conversion of nondegraded naturally occurring wetlands from one type to another are not eligible for enrollment in a statewide wetlands bank.

(j) The technical evaluation panel established under section 103G.2242, subdivision 2, shall ensure that sufficient time has occurred for the wetland to develop wetland characteristics of soils, vegetation, and hydrology before recommending that the wetland be deposited in the statewide wetland bank. If the technical evaluation panel has reason to believe that the wetland characteristics may change substantially, the panel shall postpone its recommendation until the wetland has stabilized.

(k) This section and sections 103G.223 to 103G.2242, 103G.2364, and 103G.2365 apply to the state and its departments and agencies.

Sec. 2. Minnesota Statutes 1993 Supplement, section 103G.2241, is amended to read:

103G.2241 [EXEMPTIONS.]

(a) Subject to the conditions in paragraph (b), a replacement plan for wetlands is not required for:

(1) activities in a wetland that was planted with annually seeded crops, was in a crop rotation seeding of pasture grasses or legumes, or was required to be

set aside to receive price support or other payments under United States Code, title 7, sections 1421 to 1469, in six of the last ten years prior to January 1, 1991;

(2) activities in a wetland that is or has been enrolled in the federal conservation reserve program under United States Code, title 16, section 3831, that:

(i) was planted with annually seeded crops, was in a crop rotation seeding, or was required to be set aside to receive price support or payment under United States Code, title 7, sections 1421 to 1469, in six of the last ten years prior to being enrolled in the program; and

(ii) has not been restored with assistance from a public or private wetland restoration program;

(3) activities necessary to repair and maintain existing public or private drainage systems as long as wetlands that have been in existence for more than 20 years are not drained;

(4) activities in a wetland that 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;

(5) activities exempted from federal regulation under United States Code, title 33, section 1344(f);

(6) activities authorized under, and conducted in accordance with, an applicable general permit issued by the United States Army Corps of Engineers under section 404 of the federal Clean Water Act, United States Code, title 33, section 1344, except the nationwide permit in Code of Federal Regulations, title 33, section 330.5, paragraph (a), clause (14), limited to when a new road crosses a wetland, and all of clause (26);

(7) activities in a type 1 wetland on agricultural land, as defined in United States Fish and Wildlife Circular No. 39 (1971 edition) except for bottomland hardwood type 1 wetlands;

(8) activities in a type 2 wetland that is two acres in size or less located on agricultural land;

(9) activities in a wetland restored for conservation purposes under a contract or easement providing the landowner with the right to drain the restored wetland;

(10) activities in a wetland created solely as a result of:

(i) beaver dam construction;

(ii) blockage of culverts through roadways maintained by a public or private entity;

(iii) actions by public entities that were taken for a purpose other than creating the wetland; or

(iv) any combination of (i) to (iii);

(11) placement, maintenance, repair, enhancement, or replacement of utility or utility-type service, including the transmission, distribution, or furnishing, at wholesale or retail, of natural or manufactured gas, electricity, telephone, or radio service or communications if:

(i) the impacts of the proposed project on the hydrologic and biological characteristics of the wetland have been avoided and minimized to the extent possible; and

(ii) the proposed project significantly modifies or alters less than one-half acre of wetlands;

(12) activities associated with routine maintenance of utility and pipeline rights-of-way, provided the activities do not result in additional intrusion into the wetland;

(13) alteration of a wetland associated with the operation, maintenance, or repair of an interstate pipeline;

(14) temporarily crossing or entering a wetland to perform silvicultural activities, including timber harvest as part of a forest management activity, 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;

(15) permanent access for forest roads across wetlands 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 wherever possible; and there is no drainage of the wetland or public waters;

(16) activities associated with routine maintenance or repair of existing public highways, roads, streets, and bridges, provided the activities do not result in additional intrusion into the wetland outside of the existing right-of-way draining or filling up to one-half acre of wetlands for the repair, rehabilitation, or replacement of a previously authorized, currently serviceable existing public road, provided that minor deviations in the public road's configuration or filled area, including those due to changes in materials, construction techniques, or current construction codes or safety standards, that are necessary to make repairs, rehabilitation, or replacement are allowed if the wetland draining or filling resulting from the repair, rehabilitation, or replacement is minimized;

(17) emergency repair and normal maintenance and repair of existing public works, provided the activity does not result in additional intrusion of the public works into the wetland and do not result in the draining or filling, wholly or partially, of a wetland;

(18) normal maintenance and minor repair of structures causing no additional intrusion of an existing structure into the wetland, and maintenance and repair of private crossings that do not result in the draining or filling, wholly or partially, of a wetland;

(19) duck blinds;

(20) aquaculture activities, including pond excavation and construction and maintenance of associated access roads and dikes authorized under, and

conducted in accordance with, a permit issued by the United States Army Corps of Engineers under section 404 of the federal Clean Water Act, United States Code, title 33, section 1344, but not including construction or expansion of buildings;

(21) wild rice production activities, including necessary diking and other activities authorized under a permit issued by the United State Army Corps of Engineers under section 404 of the federal Clean Water Act, United States Code, title 33, section 1344;

(22) normal agricultural practices to control pests or weeds, defined by rule as either noxious or secondary weeds, in accordance with applicable requirements under state and federal law, including established best management practices;

(23) activities in a wetland that is on agricultural land annually enrolled in the federal Food, Agricultural, Conservation, and Trade Act of 1990, United States Code, title 16, section 3821, subsection (a), clauses (1) to (3), as amended, and is subject to sections 1421 to 1424 of the federal act in effect on January 1, 1991, except that land enrolled in a federal farm program is eligible for easement participation for those acres not already compensated under a federal program;

(24) 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 local site plan approval, conditional use permits, or similar official approval by a governing body or government agency, within five years before July 1, 1991. 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; and

(25) activities that result in the draining or filling of less than 400 square feet of wetlands.

(b) For the purpose of paragraph (a), clause (16), "currently serviceable" means useable as is or with some maintenance, but not so degraded as to essentially require reconstruction. Paragraph (a), clause (16), authorizes the repair, rehabilitation, or replacement of public roads destroyed by storms, floods, fire, or other discrete events, provided the repair, rehabilitation, or replacement is commenced or under contract to commence within two years of the occurrence of the destruction or damage.

(c) A person conducting an activity in a wetland under an exemption in paragraph (a) shall ensure that:

(1) appropriate erosion control measures are taken to prevent sedimentation of the water;

(2) the activity does not block fish passage in a watercourse; and

(3) the activity is conducted in compliance with all other applicable federal, state, and local requirements, including best management practices and water resource protection requirements established under chapter 103H.

Sec. 3. Minnesota Statutes 1992, section 103G.2242, subdivision 1, is amended to read:

Subdivision 1. [RULES.] (a) By July 1, 1993, the board, in consultation with the commissioner, shall adopt rules governing the approval of wetland

value replacement plans under this section. These rules must address the criteria, procedure, timing, and location of acceptable replacement of wetland values; may address the state establishment and administration of a wetland banking program for public and private projects, which may include provisions allowing monetary payment to the wetland banking program for alteration of wetlands on agricultural land; 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, the replacement 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) After the adoption of the rules, a replacement plan must be approved by a resolution of the governing body of the local government unit, consistent with the provisions of the rules.

(c) *The board may approve as an alternative to the rules adopted under this subdivision a comprehensive wetland protection and management plan developed by a local government unit, provided that the plan:*

(1) *incorporates sections 103A.201, subdivision 2, and 103G.222;*

(2) *is adopted as part of an approved local water plan under sections 103B.231 and 103B.311; and*

(3) *is adopted as part of the local government's official controls.*

(d) If the local government unit fails to apply the rules, or fails to implement a local program under paragraph (c), the government unit is subject to penalty as determined by the board.

Sec. 4. Minnesota Statutes 1992, section 103G.2242, subdivision 5, is amended to read:

Subd. 5. [PROCESSING FEE.] The local government unit may charge a processing fee of up to \$75 fees in amounts not greater than are necessary to cover the reasonable costs of implementing the rules adopted under subdivision 1.

Sec. 5. Minnesota Statutes 1992, section 103G.2242, subdivision 6, is amended to read:

Subd. 6. [NOTICE OF APPLICATION.] (a) *Except as provided in paragraph (b), within ten days of receiving an application for approval of a replacement plan under this section, a copy of the application must be submitted to the board 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.*

(b) *Within ten days of receiving an application for approval of a replacement plan under this section for an activity affecting less than 10,000 square feet of wetland, a summary of the application must be submitted for publication in the Environmental Quality Board Monitor and separate copies*

mailed to the members of the technical evaluation panel, individual members of the public who request a copy, and the managers of the watershed district, if applicable. At the same time, the local government unit must give general notice to the public in a general circulation newspaper within the area affected.

Sec. 6. Minnesota Statutes 1992, section 103G.2242, subdivision 7, is amended to read:

Subd. 7. [NOTICE OF DECISION.] *(a) Except as provided in paragraph (b), at least 30 days prior to the effective date of the approval or denial of a replacement 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 board, 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.*

(b) Within ten days of the decision approving or denying a replacement plan under this section for an activity affecting less than 10,000 square feet of wetland, a summary of the approval or denial must be submitted for publication in the Environmental Quality Board Monitor and separate copies mailed to the applicant, individual members of the public who request a copy, the members of the technical evaluation panel, and the managers of the watershed district, if applicable. At the same time, the local government unit must give general notice to the public in a general circulation newspaper within the area affected.

Sec. 7. Minnesota Statutes 1992, section 103G.2242, subdivision 8, is amended to read:

Subd. 8. [PUBLIC COMMENT PERIOD.] *Except for activities impacting less than 10,000 square feet of wetland, before approval or denial of a replacement plan under this section, comments may be made by the public to the local government unit for a period of 30 days.*

Sec. 8. Minnesota Statutes 1992, section 103G.237, subdivision 4, is amended to read:

Subd. 4. [COMPENSATION.] *(a) The board shall award compensation in an amount equal to 50 percent of the value of the wetland, calculated by multiplying the acreage of the wetland by the greater of:*

(1) the average equalized estimated market value of agricultural property in the township as established by the commissioner of revenue at the time application for compensation is made; or

(2) the assessed value per acre of the parcel containing the wetland, based on the assessed value of the parcel as stated on the most recent tax statement.

(b) A person who receives compensation under paragraph (a) shall convey to the board a permanent conservation easement as described in section 103F.515, subdivision 4. An easement conveyed under this paragraph is subject to correction and enforcement under section 103F.515, subdivisions 8 and 9.

Sec. 9. [INTERGOVERNMENTAL AGREEMENTS.]

The legislature encourages the use of intergovernmental agreements between federal, state, and local governmental entities for the purpose of further coordinating and simplifying implementation of regulatory programs relating to activities in wetlands.

Sec. 10. [PERMANENT WETLANDS PRESERVE; ELIGIBILITY OF WATER BANK PARTICIPANTS.]

Notwithstanding Minnesota Statutes, section 103F.516, subdivision 1, an owner of property that, as of July 1, 1991, was subject to an easement agreement under Minnesota Statutes, section 103F.601, is eligible for participation in the permanent wetlands preserve program under Minnesota Statutes, section 103F.516.

Sec. 11. [APPROPRIATIONS.]

(a) \$250,000 is appropriated from the bond proceeds fund to the board of water and soil resources for acquisition of permanent conservation easements under Minnesota Statutes, section 103F.516.

(b) \$500,000 is appropriated from the bond proceeds fund to the board of water and soil resources for creation and restoration of wetlands to provide credits for deposit in the state wetland bank established under Minnesota Statutes, section 103G.2242, subdivision 1. The board may enter into agreements with counties and the commissioner of transportation for wetland creation and restoration under this paragraph. An agreement with the commissioner of transportation may provide for borrowing existing wetland credits from the wetland bank established by the commissioner.

Sec. 12. [BOND SALE.]

To provide the money appropriated in this act from the bond proceeds fund, the commissioner of finance, on request of the governor, shall sell and issue bonds of the state in an amount up to \$750,000 in the manner, upon the terms, and with the effect prescribed by Minnesota Statutes, sections 16A.631 to 16A.675, and by the Minnesota Constitution, article XI, sections 4 to 7.

Sec. 13. [EFFECTIVE DATE.]

Section 8 is effective July 1, 1994, and applies to applications for compensation received by the board of water and soil resources on or after that date. Sections 10 to 12 are effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to wetlands; allowing alternative wetland regulation under county plans; expanding types of wetlands that may be used in the state wetland bank; modifying exemptions; clarifying the applicability of the wetland conservation act to the state; streamlining notice requirements for smaller wetland projects; adding an alternative compensation formula; expanding eligibility for the permanent wetlands preserve; appropriating money; authorizing the sale of state bonds; amending Minnesota Statutes 1992, sections 103G.2242, subdivisions 1, 5, 6, 7, and 8; and 103G.237, subdivision 4; Minnesota Statutes 1993 Supplement, sections 103G.222; and 103G.2241."

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Chmielewski from the Committee on Transportation and Public Transit, to which was referred

S.F. No. 1726: A bill for an act relating to traffic regulations; authorizing peace officers to stop drivers and issue citations for seat belt violations without first observing a moving violation; amending Minnesota Statutes 1993 Supplement, section 169.686, subdivision 1.

Reports the same back with the recommendation that the bill do pass.

Pursuant to Joint Rule 2.03, the bill was referred to the Committee on Rules and Administration.

Mr. Chmielewski from the Committee on Transportation and Public Transit, to which was referred

S.F. No. 2706: A bill for an act relating to motor carriers; exempt carriers; providing an exemption for transportation of potatoes; amending Minnesota Statutes 1993 Supplement, section 221.025.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Chmielewski from the Committee on Transportation and Public Transit, to which was referred

H.F. No. 524: A bill for an act relating to traffic regulations; authorizing rural postal carriers to operate rural mail delivery vehicles equipped with tires having metal studs, with restrictions; requiring permit from commissioner of transportation; providing a penalty; amending Minnesota Statutes 1992, section 169.72, by adding a subdivision.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Chmielewski from the Committee on Transportation and Public Transit, to which was referred

S.F. No. 2472: A bill for an act relating to transportation; authorizing commissioner of transportation to contract with state of Wisconsin to build and operate truck inspection station in Wisconsin.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Chmielewski from the Committee on Transportation and Public Transit, to which was referred

S.F. No. 2354: A bill for an act relating to transportation; regulating the transportation of hazardous material and hazardous waste; making technical changes; specifying that certain federal regulations do not apply to cargo tanks under 3,000 gallons used in the intrastate transportation of gasoline; establishing a uniform registration and permitting program for transporters of hazardous material and hazardous waste; defining terms; establishing requirements for applications; describing methods for calculating fees; specifying treatment of application data; establishing enforcement authority and administrative penalties; providing for suspension or revocation of registration and

permits; providing for base state agreements; preempting and suspending conflicting programs; providing for the deposit and use of fees and grants; establishing exemptions; amending Minnesota Statutes 1992, sections 13.99, by adding a subdivision; and 221.033, subdivisions 1 and 2b; proposing coding for new law in Minnesota Statutes, chapter 221; repealing Minnesota Statutes 1992, section 221.033, subdivision 4.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 28, after "Data" insert "*submitted under section 4, subdivision 9, and*"

Page 1, line 31, delete everything after "9" and insert a period

Page 1, delete lines 32 and 33

Page 2, line 15, after "paragraphs" insert "(b), (c),"

Page 2, line 16, after "(c)," insert "(d, clause (1));" and after "(f)," insert "(g)."

Page 2, line 17, strike "3,000" and insert "3,500"

Page 2, line 18, after "if" insert "*before providing transportation under this subdivision*"

Page 2, line 19, delete everything after "(1)"

Page 2, after line 28, insert:

"(b) A cargo tank operated under this subdivision must:

(1) be visually inspected annually by a person authorized to perform such inspections under Code of Federal Regulations, title 49, section 180.409, and a copy of the annual inspection must be kept in the vehicle; and

(2) be visually inspected monthly by the operator in a manner prescribed by the commissioner, and a copy of each monthly inspection must be kept at the operator's principal place of business for at least one year beyond the date of the inspection.

(c) No person may operate a cargo tank described in this subdivision that (1) violates paragraph (a) or (b), or (2) leaks gasoline from any portion of the tank that regularly contains gasoline."

Page 2, line 29, delete "(b)" and insert "(d)"

Page 6, line 15, after the period, insert "*A registration is valid for one year from the date a notice of registration form is issued and a permit is valid for three years from the date issued or until a carrier fails to renew its registration, whichever occurs first.*"

Page 6, after line 26, insert:

"(d) A permit under this subdivision becomes a license under section 221.035, subdivision 1, on August 1, 1996, and is subject to the provisions of section 221.035 until it expires."

Page 6, line 31, before "number" insert "total"

Page 6, line 32, delete "*intends to register*" and insert "*operates*"

Page 7, line 11, after the period, insert *"If a carrier operates more than one fleet under the international registration plan the carrier must add all miles traveled by all vehicles in all fleets to calculate its mileage. A Minnesota carrier who operates in an adjacent state under a reciprocal agreement with that state must include the miles operated under the agreement as miles traveled in Minnesota in calculating mileage under this clause."*

Page 8, after line 35, insert:

"Subd. 7a. [RAIL AND WATER CARRIERS.] (a) A carrier of hazardous material by rail or water who is required to comply with Code of Federal Regulations, title 49, sections 107.601 to 107.620, shall file with the commissioner a complete and accurate copy of its current registration statement, on the form described in Code of Federal Regulations, title 49, section 107.608, and a copy of its current federal certificate of registration. The fee for filing the registration statement is \$250. If the carrier is required to pay a fee under section 299K.095, the commissioner shall credit the actual amount paid by carrier during the previous 12 months toward payment of the fee required in this subdivision, not to exceed \$250 annually.

(b) Upon a carrier's compliance with this subdivision, the commissioner shall issue a certificate of registration to the carrier. A certificate of registration must bear an effective date and show the carrier's Minnesota hazardous material transportation registration number. A certificate of registration is valid for one year from the date it is issued and must be kept at the carrier's principal place of business.

(c) A carrier whose name, principal place of business, or business telephone number has changed during the time a certificate of registration is effective, shall notify the commissioner of the change by submitting an amended registration statement not later than 30 days after the change. Upon receiving an amended registration statement, the commissioner shall issue an amended certificate of registration. There is no fee for filing an amended registration statement or for issuing an amended certificate of registration."

Page 11, line 23, delete "SUSPENSION OF OTHER STATE PROGRAMS" and insert "HAZARDOUS WASTE LICENSES"

Page 11, line 27, delete everything after the period and insert *"A person who is licensed under section 221.035 need not obtain a permit under subdivision 4 or 5 until the person's license has expired."*

Page 11, delete lines 28 to 36

Page 12, delete lines 1 to 8 and insert:

"Subd. 16. [REVOLVING ACCOUNT.] (a) The commissioner shall deposit in a separate account in the trunk highway fund all federal funds received for implementing, administering, and enforcing this section. Money in the account is appropriated to the commissioner for those purposes."

Page 12, line 17, delete "or"

Page 12, line 18, after "waste" insert "jointly"

Page 12, line 19, after the first "the" insert *"commissioner of transportation and the"*

Page 12, line 20, before the period, insert *"; or"*

(3) transportation by fertilizer and agricultural chemical retailers while exclusively engaged in the delivery of fertilizer and agricultural chemicals when:

(i) the delivery is from the retailer's place of business directly to a farm within a 50-mile radius of the retailer's place of business; and

(ii) the fertilizer and agricultural chemicals are for use on the farm to which they are delivered"

Page 12, after line 20, insert:

"Sec. 5. Minnesota Statutes 1993 Supplement, section 221.036, subdivision 1, is amended to read:

Subdivision 1. [ORDERS.] The commissioner may issue an order requiring violations to be corrected and administratively assessing monetary penalties for a violation of (1) section 221.021; (2) *section 221.033, subdivision 2b*; (3) section 221.041, subdivision 3; ~~(3)~~ (4) section 221.081; ~~(4)~~ (5) section 221.151; ~~(5)~~ (6) section 221.171; ~~(6)~~ (7) section 221.141; ~~(7)~~ (8) section 221.035, a material term or condition of a license issued under that section; or rules of the board or commissioner relating to the transportation of hazardous waste, motor carrier operations, insurance, or tariffs and accounting. An order must be issued as provided in this section.

Sec. 6. Minnesota Statutes 1993 Supplement, section 221.036, subdivision 3, is amended to read:

Subd. 3. [AMOUNT OF PENALTY; CONSIDERATIONS.] (a) The commissioner may issue an order assessing a penalty of up to \$5,000 for all violations of section 221.021; 221.041, subdivision 3; 221.081; 221.141; 221.151; or 221.171, or rules of the board or commissioner relating to motor carrier operations, insurance, or tariffs and accounting, identified during a single inspection, audit, or investigation.

(b) The commissioner may issue an order assessing a penalty up to a maximum of \$10,000 for all violations of *section 221.033, subdivision 2b, or section 221.035*, and rules adopted under ~~that section~~ *those sections*, identified during a single inspection or audit.

(c) In determining the amount of a penalty, the commissioner shall 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, including the similarity of the most recent violation and the violation to be penalized, the time elapsed since the last violation, the number of previous violations, and the response of the person to the most recent violation identified;

(4) the economic benefit gained by the person by allowing or committing the violation; and

(5) other factors as justice may require, if the commissioner specifically identifies the additional factors in the commissioner's order."

Page 12, line 25, delete "5" and insert "7"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 6, delete "3,000" and insert "3,500"

Page 1, line 18, after the semicolon, insert "appropriating money;"

Page 1, line 20, after the semicolon, insert "Minnesota Statutes 1993 Supplement, section 221.036, subdivisions 1 and 3;"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Lessard from the Committee on Environment and Natural Resources, to which was referred

S.F. No. 2749: A bill for an act relating to state lands; authorizing the sale of certain tax-forfeited lands that border public water in Mower county.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 10, delete "sell" and insert "convey without consideration"

Page 1, line 12, delete "under" and insert a period

Page 1, delete line 13

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Mr. Lessard from the Committee on Environment and Natural Resources, to which was referred

S.F. No. 2757: A bill for an act relating to natural resources; authorizing the commissioner of natural resources to make subgrants of certain money; amending Minnesota Statutes 1992, section 84.085, subdivision 1; repealing Minnesota Statutes 1992, section 88.063.

Reports the same back with the recommendation that the bill be amended as follows:

Amend the title as follows:

Page 1, line 4, after the semicolon, insert "appropriating money;"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Lessard from the Committee on Environment and Natural Resources, to which was referred

H.F. No. 1186: A bill for an act relating to the environment; adding cross references for existing civil penalties for littering; amending Minnesota Statutes 1992, sections 85.20, subdivision 6; 115A.99; 169.421; 375.18, subdivision 14; and 412.221, subdivision 22.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Mr. Lessard from the Committee on Environment and Natural Resources, to which was referred

H.F. No. 2330: A bill for an act relating to Anoka county; authorizing county to sell tax-forfeited land by sealed bid.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Mr. Lessard from the Committee on Environment and Natural Resources, to which was referred

H.F. No. 2086: A bill for an act relating to local government; abandoning judicial ditch number 37 in Redwood and Lyon counties.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Mr. Metzen from the Committee on Governmental Operations and Reform, to which was re-referred

S.F. No. 2036: A bill for an act relating to human services; permitting certain providers to request a state agency hearing; modifying the conduct of state agency hearings; modifying certain requirements for prior authorization of services under medical assistance; amending Minnesota Statutes 1992, sections 256.045, subdivisions 3, 4, 5 and by adding a subdivision; and 256B.0625, subdivisions 8, 8a, 25, 31, and by adding a subdivision.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Health Care.

Pursuant to Joint Rule 2.03, the bill was referred to the Committee on Rules and Administration.

Mr. Chmielewski from the Committee on Transportation and Public Transit, to which was referred

S.F. No. 2184: A bill for an act relating to crime; traffic regulations; requiring automobile insurance identification cards to include the vehicle's registration plate number; increasing the maximum fine applicable to petty misdemeanor traffic violations; clarifying the elements of the driving after license suspension, revocation, and cancellation offenses; increasing the penalty for committing certain escapes from custody; making technical changes; amending Minnesota Statutes 1992, sections 65B.482, subdivision 1; 169.89, subdivision 2; 609.0331; 609.0332; 609.485, subdivision 4; and 626A.05, subdivision 2; Minnesota Statutes 1993 Supplement, section 171.24.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1992, section 169.89, subdivision 2, is amended to read:

Subd. 2. [PENALTY; JURY TRIAL.] A person charged with a petty misdemeanor is not entitled to a jury trial but shall be tried by a judge without a jury. If convicted, the person is not subject to imprisonment but shall be punished by a fine of not more than ~~\$100~~ \$200.

Sec. 2. Minnesota Statutes 1992, section 171.18, subdivision 1, is amended to read:

Subdivision 1. [OFFENSES.] The commissioner may suspend the license of 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;

(2) has been convicted by a court for violating a provision of chapter 169 or an ordinance regulating traffic and department records show that the violation contributed in causing an accident resulting in the death or personal injury of another, or serious property damage;

(3) is an habitually reckless or negligent driver of a motor vehicle;

(4) is an habitual violator of the traffic laws;

(5) is incompetent to drive a motor vehicle as determined in a judicial proceeding;

(6) has permitted an unlawful or fraudulent use of the license;

(7) has committed an offense in another state that, if committed in this state, would be grounds for suspension;

(8) has committed a violation of section 169.444, subdivision 2, paragraph (a);

(9) has committed a violation of section 171.22, *except that the commissioner may not suspend a person's driver's license based solely on the fact that the person possessed a fictitious or fraudulently altered Minnesota identification card;*

(10) has failed to appear in court as provided in section 169.92, subdivision 4; or

(11) has failed to report a medical condition that, if reported, would have resulted in cancellation of driving privileges.

However, an action taken by the commissioner under clause (2) or (5) must conform to the recommendation of the court when made in connection with the prosecution of the licensee.

Sec. 3. Minnesota Statutes 1993 Supplement, section 171.24, is amended to read:

171.24 [VIOLATIONS; DRIVING WITHOUT VALID LICENSE.]

~~(a)~~ *Subdivision 1. [DRIVING AFTER SUSPENSION.] Except as otherwise provided in paragraph (e) subdivision 5, any a person whose is guilty of a misdemeanor if:*

~~(1) the person's driver's license or driving privilege has been canceled, suspended, or revoked and who;~~

~~(2) the person has been given notice of, or reasonably should know of the revocation, suspension, or cancellation,; and who~~

~~(3) the person disobeys such the order by operating anywhere in this state any motor vehicle, the operation of which requires a driver's license, while~~

such the person's license or privilege is canceled, suspended, or revoked is guilty of a misdemeanor.

(b) Subd. 2. [DRIVING AFTER REVOCATION.] A person is guilty of a misdemeanor if:

- (1) the person's driver's license or driving privilege has been revoked;
- (2) the person has been given notice of or reasonably should know of the revocation; and
- (3) the person disobeys the order by operating in this state any motor vehicle, the operation of which requires a driver's license, while the person's license or privilege is revoked.

Subd. 3. [DRIVING AFTER CANCELLATION.] A person is guilty of a misdemeanor if:

- (1) the person's driver's license or driving privilege has been canceled;
- (2) the person has been given notice of or reasonably should know of the cancellation; and
- (3) the person disobeys the order by operating in this state any motor vehicle, the operation of which requires a driver's license, while the person's license or privilege is canceled.

Subd. 4. [DRIVING AFTER DISQUALIFICATION.] Any A person who is guilty of a misdemeanor if the person:

- (1) has been disqualified from holding a commercial driver's license or been denied the privilege to operate a commercial motor vehicle; who;
- (2) has been given notice of or reasonably should know of the disqualification; and who
- (3) disobeys the order by operating in this state a commercial motor vehicle while the person is disqualified to hold the license or privilege; is guilty of a misdemeanor.

(c) Subd. 5. [GROSS MISDEMEANOR.] A person is guilty of a gross misdemeanor if:

- (1) the person's driver's license or driving privileges privilege has been canceled or denied under section 171.04, subdivision 1, clause (8); and;
- (2) the person has been given notice of or reasonably should know of the cancellation or denial; and
- (2) (3) the person disobeys the order by operating in this state any motor vehicle, the operation of which requires a driver's license, while the person's license or privilege is canceled or denied.

Subd. 6. [SUFFICIENCY OF NOTICE.] (a) Notice of revocation, suspension, cancellation, or disqualification is sufficient if personally served, or if mailed by first class mail to the person's last known address or to the address listed on the person's driver's license. Notice is also sufficient if the person was informed that revocation, suspension, cancellation, or disqualification would be imposed upon a condition occurring or failing to occur, and where the condition has in fact occurred or failed to occur.

(b) It is not a defense that a person failed to file a change of address with the post office, or failed to notify the department of public safety of a change of name or address as required under section 171.11.

Sec. 4. Minnesota Statutes 1992, section 219.383, subdivision 4, is amended to read:

Subd. 4. [PENALTY.] A railway corporation violating this section is guilty of a misdemeanor and upon conviction is liable for a fine of ~~not less than \$25 nor more than \$200~~ \$700.

Sec. 5. Minnesota Statutes 1992, section 609.0331, is amended to read:

609.0331 [INCREASED MAXIMUM PENALTIES FOR PETTY MISDEMEANORS.]

~~Except as provided in this section, A law of this state that provides, on or after August 1, 1987, for a maximum penalty of \$100 for a petty misdemeanor is considered to provide for a maximum fine of \$200. However, a petty misdemeanor under chapter 168 or 169 remains subject to a maximum fine of \$100, except that a violation of chapter 168 or 169 that was originally charged as a misdemeanor and is being treated as a petty misdemeanor under section 609.131 or the rules of criminal procedure is subject to a maximum fine of \$200.~~

Sec. 6. Minnesota Statutes 1992, section 609.0332, is amended to read:

609.0332 [INCREASED MAXIMUM PENALTY FOR PETTY MISDEMEANOR ORDINANCE VIOLATIONS.]

~~Subdivision 1. [INCREASED FINE.] From August 1, 1987, if a state law or municipal charter sets a limit of \$100 or less on the fines that a statutory or home rule charter city, town, county, or other political subdivision may prescribe for an ordinance violation that is defined as a petty misdemeanor, that law or charter is considered to provide that the political subdivision has the power to prescribe a maximum fine of \$200 for the petty misdemeanor violation.~~

~~Subd. 2. [EXCEPTION.] Notwithstanding subdivision 1, no fine of more than \$100 may be imposed for a petty misdemeanor ordinance violation which conforms in substantial part to a petty misdemeanor provision contained in section 152.027, subdivision 4, or chapter 168 or 169.~~

Sec. 7. Minnesota Statutes 1992, section 609.485, subdivision 4, is amended to read:

Subd. 4. [SENTENCE.] (a) Except as otherwise provided in subdivision 3a, whoever violates this section may be sentenced as follows:

(1) if the person who escapes is in lawful custody on a charge or conviction of a felony, to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both;

(2) if the person who escapes is in lawful custody after a finding of not guilty by reason of mental illness or mental deficiency of a crime against the person, as defined in section 253B.02, subdivision 4a, 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; or

(3) if such charge or conviction is for a gross misdemeanor or misdemeanor, or if the person who escapes is in lawful custody on an allegation or adjudication of a delinquent act while 18 years of age, to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both.

(4) If such charge or conviction is for a misdemeanor, to imprisonment for not more than 90 days or to payment of a fine of not more than \$700, or both.

(5) (b) If the escape was a violation of subdivision 2, clause (1), (2), or (3), and was effected by violence or threat of violence against a person, the sentence may be increased to not more than twice those permitted in paragraph (a), clauses (1), (3), and (4).

(6) (c) Unless a concurrent term is specified by the court, a sentence under this section shall be consecutive to any sentence previously imposed or which may be imposed for any crime or offense for which the person was in custody when the person escaped.

(7) (d) Notwithstanding clause (6) paragraph (c), if a person who was committed to the commissioner of corrections under section 260.185 escapes from the custody of the commissioner while 18 years of age, the person's sentence under this section shall commence on the person's 19th birthday or on the person's date of discharge by the commissioner of corrections, whichever occurs first. However, if the person described in this clause is convicted under this section after becoming 19 years old and after having been discharged by the commissioner, the person's sentence shall commence upon imposition by the sentencing court.

(8) (e) Notwithstanding clause (6) paragraph (c), if a person who is in lawful custody on an allegation or adjudication of a delinquent act while 18 years of age escapes from a local juvenile correctional facility, the person's sentence under this section begins on the person's 19th birthday or on the person's date of discharge from the jurisdiction of the juvenile court, whichever occurs first. However, if the person described in this clause paragraph is convicted after becoming 19 years old and after discharge from the jurisdiction of the juvenile court, the person's sentence begins upon imposition by the sentencing court.

Sec. 8. Minnesota Statutes 1992, section 626A.05, subdivision 2, is amended to read:

Subd. 2. [OFFENSES FOR WHICH INTERCEPTION OF WIRE OR ORAL COMMUNICATION MAY BE AUTHORIZED.] A warrant authorizing interception of wire, electronic, or oral communications by investigative or law enforcement officers may only be issued when the interception may provide evidence of the commission of, or of an attempt or conspiracy to commit, any of the following offenses:

(1) a felony offense involving murder, manslaughter, assault in the first, second, and third degrees, aggravated robbery, kidnapping, criminal sexual conduct in the first, second, and third degrees, prostitution, bribery, perjury, escape from custody, theft, receiving stolen property, embezzlement, burglary in the first, second, and third degrees, forgery, aggravated forgery, check forgery, or financial transaction card fraud, as punishable under sections 609.185, 609.19, 609.195, 609.20, 609.221, 609.222, 609.223, 609.2231, 609.245, 609.25, 609.321 to 609.324, 609.342, 609.343, 609.344, 609.42,

609.48, 609.485, subdivision 4, *paragraph (a)*, clause (1), 609.52, 609.53, 609.54, 609.582, 609.625, 609.63, 609.631, 609.821, and 609.825;

(2) an offense relating to gambling or controlled substances, as punishable under section 609.76 or chapter 152; or

(3) an offense relating to restraint of trade defined in section 325D.53, subdivision 1 or 2, as punishable under section 325D.56, subdivision 2.

Sec. 9. [EFFECTIVE DATE.]

Sections 1 to 8 are effective August 1, 1994, and apply to offenses occurring on or after that date.

Delete the title and insert:

“A bill for an act relating to crime; traffic regulations; increasing the maximum fine applicable to petty misdemeanor traffic violations; prohibiting suspension of driver’s license for certain offenses; clarifying the elements of the driving after license suspension, revocation, and cancellation offenses; increasing penalties for unsafe operation of trains over public roads; increasing the penalty for committing certain escapes from custody; making technical changes; amending Minnesota Statutes 1992, sections 169.89, subdivision 2; 171.18, subdivision 1; 219.383, subdivision 4; 609.0331; 609.0332; 609.485, subdivision 4; and 626A.05, subdivision 2; Minnesota Statutes 1993 Supplement, section 171.24.”

And when so amended the bill do pass and be re-referred to the Committee on Crime Prevention. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 2187 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
		2187	2062		

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 2187 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2187 and insert the language after the enacting clause of S.F. No. 2062, the first engrossment; further, delete the title of H.F. No. 2187 and insert the title of S.F. No. 2062, the first engrossment.

And when so amended H.F. No. 2187 will be identical to S.F. No. 2062, and further recommends that H.F. No. 2187 be given its second reading and substituted for S.F. No. 2062, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 2675 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
		2675	2305		

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 2675 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2675 and insert the language after the enacting clause of S.F. No. 2305, the first engrossment; further, delete the title of H.F. No. 2675 and insert the title of S.F. No. 2305, the first engrossment.

And when so amended H.F. No. 2675 will be identical to S.F. No. 2305, and further recommends that H.F. No. 2675 be given its second reading and substituted for S.F. No. 2305, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 2311 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
2311	2391				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 2311 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2311 and insert the language after the enacting clause of S.F. No. 2391, the first engrossment; further, delete the title of H.F. No. 2311 and insert the title of S.F. No. 2391, the first engrossment.

And when so amended H.F. No. 2311 will be identical to S.F. No. 2391, and further recommends that H.F. No. 2311 be given its second reading and substituted for S.F. No. 2391, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Marty from the Committee on Ethics and Campaign Reform, to which was referred the following appointment as reported in the Journal for March 21, 1994:

STATE ETHICAL PRACTICES BOARD

Vanne Owens Hayes

Reports the same back with the recommendation that the appointment be confirmed.

Mr. Moe, R.D. moved that the foregoing committee report be laid on the table. The motion prevailed.

SECOND READING OF SENATE BILLS

S.F. Nos. 1735, 2005, 2577, 2180, 2394, 1680, 2588, 2731, 2309, 2060, 2706, 2472, 2354 and 2749 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 1659, 2314, 2222, 2178, 2692, 524, 1186, 2330, 2086, 2187, 2675 and 2311 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Betzold moved that his name be stricken as a co-author to S.F. No. 1717. The motion prevailed.

Mr. Laidig moved that the name of Mr. Vickerman be added as a co-author to S.F. No. 1795. The motion prevailed.

Mr. Vickerman moved that S.F. No. 2354, on General Orders, be stricken and re-referred to the Committee on Finance. The motion prevailed.

Mr. Novak moved that S.F. No. 1982 be withdrawn from the Committee on Taxes and Tax Laws and re-referred to the Committee on Finance. The motion prevailed.

Mr. Chmielewski moved that S.F. No. 2493, on the Consent Calendar, be stricken and re-referred to the Committee on Taxes and Tax Laws. The motion prevailed.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time and referred to the committees indicated.

Mr. Pogemiller introduced—

S.F. No. 2868: A bill for an act relating to employment; modifying the emergency jobs program; appropriating money; amending Minnesota Statutes 1992, sections 268.676, subdivision 1; and 268.677, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 268.

Referred to the Committee on Jobs, Energy and Community Development.

Mr. Kelly introduced—

S.F. No. 2869: A bill for an act relating to conciliation court; defining consumer credit transactions; amending Minnesota Statutes 1993 Supplement, section 491A.01, subdivision 3.

Referred to the Committee on Judiciary.

Ms. Reichgott Junge, Mrs. Adkins, Mr. Mondale, Ms. Pappas and Mrs. Pariseau introduced—

S.F. No. 2870: A bill for an act relating to taxation; sales and use; providing a tax exemption on construction materials for corrugated recycling facilities; amending Minnesota Statutes 1992, section 297A.25, by adding a subdivision.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Sams and Moe, R.D. introduced—

S.F. No. 2871: A bill for an act relating to capital improvements; appropriating money to the commissioner of transportation to construct addition to Detroit Lakes welding shop; authorizing the sale of state bonds.

Referred to the Committee on Transportation and Public Transit.

Messrs. Solon and Johnson, D.J. introduced—

S.F. No. 2872: A bill for an act relating to appropriations; appropriating money for permanent berthing of the U.S.S. Des Moines in Duluth.

Referred to the Committee on Veterans and General Legislation.

Messrs. Solon and Johnson, D.J. introduced—

S.F. No. 2873: A bill for an act relating to capital improvements; Duluth; appropriating money for Lake Superior Zoological Gardens; authorizing the sale of state bonds.

Referred to the Committee on Veterans and General Legislation.

Mr. Johnson, D.J.; Ms. Berglin, Messrs. Janezich, Hottinger and Sams introduced—

S.F. No. 2874: A bill for an act relating to health; requiring health program consolidation; expanding the MinnesotaCare program; establishing a standard benefit set; implementing insurance reforms; requiring other initiatives to assure health care access; increasing individual income tax liabilities; appropriating the proceeds of the increased tax to the health care access fund; amending Minnesota Statutes 1992, sections 62D.181, subdivision 8; 62J.03, by adding a subdivision; 256.9358, subdivision 3; 290.06, subdivision 2c; and 290.62; Minnesota Statutes 1993 Supplement, sections 62A.021, subdivision 1; 62E.11, subdivision 12; 256.9352, subdivision 3; 256.9353, by adding a subdivision; and 256.9357, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 62J; repealing Minnesota Statutes 1992, section 62E.11, subdivisions 5 and 6; Minnesota Statutes 1993 Supplement, section 256.9357, subdivision 2.

Referred to the Committee on Health Care.

Mses. Olson, Hanson, Messrs. Langseth, Knutson and Janezich introduced—

S.F. No. 2875: A bill for an act proposing an amendment to the Minnesota Constitution, article XIII, by adding a section; affirming the right of parents to direct the upbringing and education of their children.

Referred to the Committee on Education.

Mr. Pogemiller introduced—

S.F. No. 2876: A bill for an act relating to the arts; appropriating money to the city of Minneapolis for a grant to the Hennepin Center for the Arts.

Referred to the Committee on Veterans and General Legislation.

Mr. Pogemiller introduced—

S.F. No. 2877: A bill for an act relating to dangerous dogs; changing the definition of a dangerous dog; restricting the ability to license a dangerous dog; requiring the production of a dog under certain circumstances; imposing penalties; providing a civil fine for dangerous dog offenses; amending Minnesota Statutes 1992, sections 347.50, subdivisions 2, 3, and 6; 347.51, subdivision 2; and 347.54, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 347.

Referred to the Committee on Veterans and General Legislation.

Without objection, the Senate reverted to the Order of Business of Motions and Resolutions.

MOTIONS AND RESOLUTIONS

Mr. Luther moved that the name of Mr. Betzold be added as a co-author to S.F. No. 2634. The motion prevailed.

RECESS

Mr. Moe, R.D. moved that the Senate do now recess until 8:00 p.m. The motion prevailed.

The hour of 8:00 p.m. having arrived, the President called the Senate to order.

CALL OF THE SENATE

Mr. Moe, R.D. imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate reverted to the Orders of Business of Messages From the House, First Reading of House Bills, Reports of Committees and Second Reading of Senate Bills.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following

Senate Files, herewith returned: S.F. Nos. 1752, 1968, 2522, 1967, 1983 and 2415.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 30, 1994

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S.F. No. 2260: A bill for an act relating to public safety; making technical corrections; allowing special, coded license plates to be issued, following impoundment of former plates, to licensed driver identified by vehicle's registered owner; requiring department of public safety to keep records for five years of cancellations and disqualifications of drivers' licenses, unless rescinded; classifying offenses of following too closely and erratic lane change as serious traffic offenses for purposes of disqualifying driver from operating commercial motor vehicle; imposing a penalty for displaying invalid driver's license as being valid; requiring same waiting period for Minnesota limited driver's license whether offense was committed in Minnesota or in another state; amending Minnesota Statutes 1992, sections 168.042, subdivision 12; 171.12, subdivisions 1, 3, and 3a; 171.165, subdivision 4; and 260.151, subdivision 1; Minnesota Statutes 1993 Supplement, sections 171.22, subdivision 1; 171.29, subdivision 2; and 171.30, subdivision 2a.

Senate File No. 2260 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 30, 1994

Ms. Johnston moved that the Senate do not concur in the amendments by the House to S.F. No. 2260, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of 3 members of the House, on the amendments adopted by the House to the following Senate File:

S.F. No. 1512: A bill for an act relating to elections; providing uniform local election procedures; requiring regular city elections to be held in the fall; permitting town elections to be held in November; making uniform certain local government procedures; providing for the identification of judicial offices; authorizing special elections to be conducted by mail ballot; amending Minnesota Statutes 1992, sections 103C.305, subdivision 2; 123.33, subdivision 1; 204B.14, subdivision 8; 204B.36, subdivision 4; 205.02, subdivision 2; 205.065, subdivisions 1 and 2; 205.07, subdivision 1; 205.10, by adding a subdivision; 205.13, subdivision 1, and by adding a subdivision; 205.16,

subdivisions 1 and 2; 205.17, subdivision 4; 205.175; 206.90, subdivision 6; 365.51, subdivisions 1 and 3; and 367.03; proposing coding for new law in Minnesota Statutes, chapter 204D; repealing Minnesota Statutes 1992, sections 205.065, subdivision 3; 205.18; 205.20; and 410.21.

There has been appointed as such committee on the part of the House:

Osthoff, Solberg and Abrams.

Senate File No. 1512 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 30, 1994

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 2016:

H.F. No. 2016: A bill for an act relating to commerce; regulating mortgage payment services; requiring a bond or other security; amending Minnesota Statutes 1992, section 332.13, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 332.

The House respectfully requests that a Conference Committee of 3 members be appointed thereon.

Asch; Johnson, R. and Davids have been appointed as such committee on the part of the House.

House File No. 2016 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 30, 1994

Mr. Moe, R.D., for Mr. Solon, moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 2016, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 942, 1844, 1909, 1927, 1928, 2159, 2277, 2309, 2634, 2762, 2269, 2362, 2365 and 2511.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 30, 1994

FIRST READING OF HOUSE BILLS

The following bills were read the first time and referred to the committees indicated.

H.F. No. 942: A bill for an act relating to traffic regulations; requiring every driver to use due care in operating a motor vehicle; amending Minnesota Statutes 1992, section 169.14, subdivision 1.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 759.

H.F. No. 1844: A bill for an act relating to highways; designating trunk highway marked No. 212 as the Minnesota Veterans Memorial Highway; amending Minnesota Statutes 1992, section 161.14, by adding a subdivision.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1699, now on General Orders.

H.F. No. 1909: A bill for an act relating to retirement; local police and salaried firefighters relief associations and consolidation accounts; requiring continuation of surviving spouse benefits upon remarriage; amending Minnesota Statutes 1992, section 423A.17; Minnesota Statutes 1993 Supplement, section 353B.11, subdivision 6.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1723.

H.F. No. 1927: A bill for an act relating to public employment; authorizing a Medicare coverage referendum for certain city of Karlstad hospital employees.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1818.

H.F. No. 1928: A bill for an act relating to motor vehicles; authorizing special license plates for vehicles owned by volunteer ambulance drivers; amending Minnesota Statutes 1992, section 168.12, by adding a subdivision.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1807, now on General Orders.

H.F. No. 2159: A bill for an act relating to limited liability companies; providing for the application of unemployment compensation laws; amending Minnesota Statutes 1993 Supplement, section 268.04, subdivision 12.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1971.

H.F. No. 2277: A bill for an act relating to the environment; providing for the continuation of certain environmental advisory boards; amending Minnesota Statutes 1992, sections 115A.072, subdivision 1; and 115A.12.

Referred to the Committee on Environment and Natural Resources.

H.F. No. 2309: A bill for an act relating to highways; changing highway description; amending Minnesota Statutes 1992, section 161.115, subdivision 224.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2471, now on the Consent Calendar.

H.F. No. 2634: A bill for an act relating to transportation; requiring understandable notice of requirements for appealing town road damage awards; amending Minnesota Statutes 1992, section 164.07, subdivision 6.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2119, now on the Consent Calendar.

H.F. No. 2762: A bill for an act relating to traffic regulations; regulating use and operation of Head Start school buses; amending Minnesota Statutes 1992, sections 169.01, by adding a subdivision; 169.28, subdivision 1; 169.441, subdivisions 2 and 4; 169.442, subdivision 5; 169.443, subdivisions 5 and 6; 169.447; 169.448, subdivisions 1 and 3; 169.451; 169.64, subdivision 8; 169.781, subdivision 1; 169.87, subdivision 3; 171.01, by adding a subdivision; 171.3215; 221.011, subdivision 21; and 631.40, subdivision 1a; Minnesota Statutes 1993 Supplement, sections 171.321, subdivision 2; 221.025; and 221.031, subdivision 3b.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2510, now on General Orders.

H.F. No. 2269: A bill for an act relating to retirement; teachers retirement association; authorizing annuity adjustment for a certain annuitant.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2028.

H.F. No. 2362: A bill for an act relating to animals; changing the definition of a potentially dangerous dog; changing the identification tag requirements for a dangerous dog; amending Minnesota Statutes 1992, sections 347.50, subdivision 3; and 347.51, subdivision 7.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2189, now on General Orders.

H.F. No. 2365: A bill for an act relating to traffic regulations; making technical changes; removing requirement for auxiliary low beam lights to be removed or covered when snowplow blade removed; requiring seat belts for commercial motor vehicles; allowing transportation within state of raw farm and forest products exceeding maximum weight limitation by not more than ten percent; amending Minnesota Statutes 1992, sections 169.743; and 169.851, subdivision 5; Minnesota Statutes 1993 Supplement, sections 169.122, subdivision 5; 169.47, subdivision 1; 169.522, subdivision 1; 169.56, subdivision 5; and 169.686, subdivision 1.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1966, now on General Orders.

H.F. No. 2511: A bill for an act relating to railroads; authorizing rail carriers to participate in loan guarantee program; defining terms; amending eligibility requirements; amending Minnesota Statutes 1992, sections 222.55; 222.56, subdivisions 5, 6, and by adding subdivisions; 222.57; and 222.58, subdivision 2.

Referred to the Committee on Finance.

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

Mr. Metzen from the Committee on Governmental Operations and Reform, to which was referred

S.F. No. 1860: A bill for an act relating to retirement; state university and state community college individual retirement account plans; clarifying various plan provisions; providing for plan coverage for technical college teachers; providing for an optional election of plan coverage for certain state university and community college teachers; mandating the preparation of plan recodification legislation; amending Minnesota Statutes 1992, sections 354.05, subdivision 2a; 354A.011, subdivision 15, and by adding a subdivision; 354B.01, by adding a subdivision; 354B.015; and 354B.02, by adding a subdivision; Minnesota Statutes 1993 Supplement, sections 352.04, subdivision 9; and 354B.02, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 354B.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, after line 17, insert:

“ARTICLE 1

TECHNICAL COLLEGE TEACHING PERSONNEL”

Page 2, after line 9, insert:

“Sec. 2. Minnesota Statutes 1992, section 353.27, subdivision 7a, is amended to read:

Subd. 7a. [DEDUCTIONS OR CONTRIBUTIONS TRANSMITTED BY ERROR.] (a) If employee deductions and employer contributions were erroneously transmitted to the association, but should have been transmitted to another *Minnesota* public pension fund listed in section 356.30, subdivision 3 plan, the association shall transfer the erroneous employee deductions and employer contributions to the appropriate retirement fund without interest. The time limitations in subdivisions 7 and 12 do not apply.

(b) *For purposes of this subdivision, a Minnesota public pension plan means a plan specified in section 356.30, subdivision 3, or the plan governed by chapter 354B.*”

Page 2, line 16, after “unless” insert “(1)” and reinstate the stricken language

Page 2, line 17, reinstate the stricken language

Page 2, line 18, after “purposes” insert “or, (2) the person is covered by section 354B.02, subdivision 1 or 5, or 354B.035, and elects coverage by the teachers retirement association”

Pages 2 and 3, delete sections 3 and 4 and insert:

“Sec. 4. Minnesota Statutes 1992, section 354.42, subdivision 7, is amended to read:

Subd. 7. [ERRONEOUS SALARY DEDUCTIONS OR DIRECT PAYMENTS.] (a) Any deductions taken from the salary of an employee for the retirement fund in error shall be refunded to the employee upon discovery and verification by the employing unit making the deduction, and the corresponding employer contribution and additional employer contribution amounts

attributable to the erroneous salary deduction must be refunded to the employing unit.

(b) If salary deductions and employer contributions were erroneously transmitted to the retirement fund and should have been transmitted to another Minnesota public pension fund enumerated in section 356.30, subdivision 3 plan, the retirement fund must transfer these salary deductions and employer contributions to the appropriate public pension fund without interest. *For purposes of this paragraph, a Minnesota public pension plan means a plan specified in section 356.30, subdivision 3, or the plan governed by chapter 354B.*

(c) If 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 has been returned to the funds of the employing unit making the payment, a refund of the amount deducted, or any portion of it that is required to adjust the salary deductions, shall be made to the employing unit.

(d) Any erroneous direct payments of member paid contributions or erroneous salary deductions that were not refunded in the regular processing of an employing unit's annual summary report shall be refunded to the member with interest computed using the rate and method specified in section 354.49, subdivision 2.

Sec. 5. Minnesota Statutes 1993 Supplement, section 354A.011, subdivision 27, is amended to read:

Subd. 27. [TEACHER.] "Teacher" means any person who renders service in a public school district located in the corporate limits of one of the cities of the first class which was so classified on January 1, 1979, as any of the following:

(a) a full-time employee in a position for which a valid license from the state department of education is required;

(b) an employee of the teachers retirement fund association located in the city of the first class unless the employee has exercised the option pursuant to Laws 1955, chapter 10, section 1, to retain membership in the Minneapolis employees retirement fund established pursuant to chapter 422A;

(c) a part-time employee in a position for which a valid license from the state department of education is required; or

(d) a part-time employee in a position for which a valid license from the state department of education is required who also renders other nonteaching services for the school district unless the board of trustees of the teachers retirement fund association determines that the combined employment is on the whole so substantially dissimilar to teaching service that the service shall not be covered by the association.

The term shall not mean any person who renders service in the school district as any of the following:

(1) an independent contractor or the employee of an independent contractor;

(2) an employee who is a full-time teacher covered by another teachers retirement fund association established pursuant to this chapter or chapter 354;

(3) an employee holding a part-time adult supplementary technical college license who renders part-time teaching service in a technical college if (1) the service is incidental to the regular nonteaching occupation of the person; and (2) the applicable technical college stipulates annually in advance that the part-time teaching service will not exceed 300 hours in a fiscal year; and (3) the part-time teaching service actually does not exceed 300 hours in a fiscal year; or

(4) an employee exempt from licensure pursuant to section 125.031; or

(4) an employee who is a teacher in a technical college located in a city of the first class unless the person elects coverage by the applicable first class city teacher retirement fund association under section 354B.02, subdivision 1, or 354B.035."

Page 3, line 26, delete everything after the period

Page 3, delete lines 27 to 29

Page 3, line 35, after "5," insert "or 354B.035,"

Page 4, line 14, delete the new language

Page 4, line 15, delete "section 354B.01, subdivision 4a, who are" and insert "A person who was"

Page 4, line 16, after "employment" insert "or first included in coverage under section 354B.01, subdivision 4a,"

Page 4, line 20, after "employment" insert "and must be made"

Page 4, line 22, delete "this" and before the period, insert "354 or 354A"

Page 5, after line 3, insert:

"Sec. 9. Minnesota Statutes 1992, section 354B.02, subdivision 2, is amended to read:

Subd. 2. [PERSONS WITH CERTAIN PRIOR ALLOWABLE SERVICE.] A person with less than three years of prior allowable service as a member of the teachers retirement association other than in covered employment under section 354B.01, subdivision 2 or 3, and who is first employed in covered employment after June 30, 1989, remains a member of the teacher's retirement association for all purposes, but a coordinated member may elect to participate in the plan. This election to participate in the plan must be made by January 1, 1995, or within 60 days of the start of covered employment, whichever is later."

Page 5, line 14, after "transfer" insert "election"

Page 5, line 21, after "credit" insert "must"

Page 5, line 23, after "deferred" insert "retirement"

Page 5, line 24, delete "An" and insert "A transfer"

Page 5, line 28, after "prospectively" insert "only" and delete "effective" and insert ", effective on"

Page 5, line 29, after "transfer" insert "election"

Page 5, line 31, delete "must" and insert "are" and after "not" insert "eligible to"

Page 6, line 2, delete "Transfers" and insert "Transfer elections"

Page 6, line 4, delete "receives" and insert "provides"

Page 6, line 14, delete "members may" and insert "teaching personnel may either elect to" and delete the second "may"

Page 6, line 15, after "association" insert ", the Duluth teachers retirement fund association, the Minneapolis teachers retirement fund association, or the St. Paul teachers retirement fund association"

Page 6, line 23, after "association" insert "or of a first class city teachers retirement fund association"

Page 6, line 24, before "plan" insert "applicable"

Page 6, line 27, after "354.05" insert ", subdivision 13, or 354A.011, subdivision 4, whichever applies," and after the first "the" insert "applicable"

Page 6, line 28, after "deferred" insert "retirement"

Page 6, line 30, before the period, insert ", or the applicable first class city teachers retirement fund association under section 354A.37, subdivision 2"

Page 6, delete lines 31 to 36 and insert:

"Subd. 3. [EMPLOYER CONTRIBUTION AMOUNT FOR CERTAIN COVERAGE ELECTIONS.] *Employer contributions for technical college teaching personnel who elect coverage by the teachers retirement fund association are governed by section 354.42, subdivisions 3 and 5, and employer contributions for technical college teaching personnel who elect coverage by a first class city teacher retirement fund association are governed by the applicable employer contribution provisions of section 354A.12, subdivision 2a.*"

Page 7, delete section 10 and insert:

"Sec. 12. Minnesota Statutes 1993 Supplement, section 354B.05, subdivision 3, is amended to read:

Subd. 3. [SELECTION OF FINANCIAL INSTITUTIONS.] The supplemental investment fund administered by the state board of investment is one of the investment options for the plan. The state board of investment may select ~~two~~ up to five other financial institutions to provide annuity products. In making their selections, the board shall consider at least these criteria:

- (1) the experience and ability of the financial institution to provide retirement and death benefits suited to the needs of the covered employees;
- (2) the relationship of the benefits to their cost; and
- (3) the financial strength and stability of the institution.

The state board of investment must periodically review at least every three years each financial institution selected by the state board of investment. The state board of investment may retain consulting services to assist in the periodic review, may establish a budget for its costs in the periodic review

process, and may charge a proportional share of those costs to each financial institution selected by the state board of investment. All contracts must be approved by the state board of investment before execution by the state university board and the community college board. The state board of investment shall also establish policies and procedures under section 11A.04, clause (2), to carry out this subdivision.

The chancellor of the state university system and the chancellor of the state community college system shall redeem all shares in the accounts of the Minnesota supplemental investment fund held on behalf of personnel in the supplemental plan who elect an investment option other than the supplemental investment fund, except that shares in the fixed interest account must not be redeemed until the expiration dates for the guaranteed investment contracts. The chancellors shall transfer the cash realized to the financial institutions selected by the state university board and the community college board under section 354B.05.

Sec. 13. [354B.15] [TRANSFER OF CERTAIN TRA MEMBER CONTRIBUTION REFUNDS TO IRAP.]

(a) Notwithstanding any provision of law to the contrary, a former member of the teachers retirement fund association who has less than three years of allowable service and who is a member of the plan governed by this chapter may elect to transfer to the plan an amount equal to the refund that the member could otherwise receive under section 354.49, subdivision 2. The transfer must be made from the teachers retirement fund association directly to the plan and credited by the plan appropriately. No amount under this section is payable directly to an individual.

(b) The election must be made on a form prescribed by the executive director of the teachers retirement fund association, after consultation with the administrators of the plan."

Page 7, line 19, after the first comma, insert "*one representative from each employee bargaining unit covered by chapter 354B.*"

Page 8, line 8, delete "*8, 10, and 11*" and insert "*2, 4, 10, 12, and 13*"

Page 8, line 9, delete "*2 to 7 and 9*" and insert "*3, 5, 6, 7, 8, and 11*"

Renumber the sections of article 1 in sequence

Page 8, after line 9, insert:

“ARTICLE 2

INDIVIDUAL RETIREMENT ACCOUNT PLAN

Section 1. [354C.01] [DEFINITIONS.]

Subdivision 1. [TERMS.] Unless the language or context clearly indicates that a different meaning is intended, the following terms have the meanings given.

Subd. 2. [INDIVIDUAL RETIREMENT ACCOUNT PLAN OR PLAN.] “Individual retirement account plan” or “plan” means the individual retirement account plan established by sections 354B.01 to 354B.05.

Subd. 3. [COVERED EMPLOYMENT.] “Covered employment” means

employment as an eligible employee as defined under section 354C.02, subdivision 2.

Subd. 4. [PROFESSIONAL EMPLOYEE.] "Professional employee" means an employee who is engaged in work that:

(1) is predominantly intellectual and varied in character as opposed to routine mental, manual, mechanical, or physical;

(2) involves discretion and judgment in its performance;

(3) cannot be standardized in relation to a given period of time; and

(4) requires advance knowledge in a field of science or learning usually acquired by long study in an institution of higher learning or hospital.

Subd. 5. [SUPERVISORY EMPLOYEE.] "Supervisory employee" means an employee having the authority to hire, transfer, suspend, promote, discharge, assign, reward, or discipline employees, direct the work of employees, or adjust employees' grievances on behalf of the employer. To be included as a supervisory function, the exercise of the authority by the employee may not be merely routine or clerical in nature but must require the use of independent judgment.

Sec. 2. [354C.02] [PARTICIPANTS.]

Subdivision 1. [ELECTION.] An eligible employee as enumerated in subdivision 2 who is eligible for membership in the Minnesota state retirement system under chapter 352, the public employees retirement association under chapter 353, or the teachers retirement association under chapter 354 may elect to participate in the individual retirement account plan rather than in the general state retirement plan. Election to participate in the plan must be made pursuant to section 354C.04.

Subd. 2. [ELIGIBILITY.] Eligible employees are:

(1) any supervisory or professional employee of the state arts board; and

(2) any supervisory or professional employee of the Minnesota humanities commission.

Sec. 3. [354C.03] [SOCIAL SECURITY COVERAGE.]

Plan participants remain members of the general state retirement plan for purposes of social security coverage only remain covered by the applicable agreement entered into under section 355.02 but are not members of the general state retirement plan for any other purpose while employed in covered employment.

Sec. 4. [354C.04] [PLAN COVERAGE.]

Eligible employees shall elect to participate in either the individual retirement account plan or their respective retirement plan as follows:

(1) An eligible employee first employed after the effective date of this act in covered employment may elect retirement coverage under either their respective state retirement plan or the individual retirement account plan within 60 days of the start of covered employment. An election made under this subdivision is irrevocable.

(2) An eligible employee with prior allowable service as a member of the Minnesota state retirement system, the public employees retirement association, or the teachers retirement association may elect coverage by the plan. If plan coverage is elected, accumulated employer and employee contributions and allowable service credit shall remain with the applicable retirement association or system. Notwithstanding any provision of law to the contrary, an individual who has transferred coverage for the same employment to the plan is entitled to an augmented deferred retirement annuity based on the amount representing the employer and employee contributions made on the individual's behalf in the retirement association or system in which the individual was formerly enrolled without regard to whether or not the individual meets the service credit vesting requirements of the applicable retirement association or system. An election made under this subdivision must be made within 120 days and is irrevocable.

Sec. 5. [354C.05] [CONTRIBUTIONS.]

Subdivision 1. [MEMBER CONTRIBUTIONS.] Eligible employees who would otherwise be eligible to participate in the Minnesota state retirement system, the public employees retirement association, or the teachers retirement association, but who participate in the individual retirement account plan, shall make a member contribution in an amount equal to the member contribution amount required by the plan for which the individual was originally eligible for membership. The contribution must be made by payroll deduction each pay period and must be in accordance with either section 403(b) or 414(h) of the Internal Revenue Code.

Subd. 2. [EMPLOYER CONTRIBUTIONS.] The employer of eligible employees described in subdivision 1 who are eligible to participate in either the Minnesota state retirement system or the public employees retirement association shall make an employer contribution to the plan in an amount equal to the employer contribution amount required by the plan for which the individual was originally eligible for membership. The employer of eligible employees described in subdivision 1 who are eligible to participate in the teachers retirement association shall make an employer contribution to the plan in an amount equal to the employer contribution required by section 354.42, subdivision 3, and shall make an employer contribution to the teachers retirement association in an amount equal to the employer contribution required by section 354.42, subdivision 5.

Sec. 6. [354C.06] [ADMINISTRATION.]

The Minnesota state university system or its successor shall administer the individual retirement account plan for eligible employees in accordance with sections 354B.01 to 354B.05.

Sec. 7. [354C.07] [TRANSFER OF CERTAIN MSRS MEMBER CONTRIBUTION REFUND AMOUNTS TO PLAN.]

(a) Notwithstanding any provision of law to the contrary, a former member of the general state employees retirement plan of the Minnesota state retirement system who is a member of the individual retirement account plan under this chapter may elect to transfer to the individual retirement account plan an amount equal to the refund under section 352.22, subdivision 2, that the member could otherwise receive. The transfer must be made from the general state employees retirement fund directly to the individual retirement

account plan and credited by the plan appropriately. No amount under this section is payable directly to any individual.

(b) The election must be made on a form prescribed by the executive director of the Minnesota state retirement system, after consultation with the administrators of the plan.

Sec. 8. [EFFECTIVE DATE.]

This article is effective July 1, 1994."

Amend the title as follows:

Page 1, line 10, after "sections" insert "353.27, subdivision 7a;" and delete "354A.011, subdivision" and insert "354.42, subdivision 7;"

Page 1, line 11, delete everything before "354B.01"

Page 1, line 12, after the comma, insert "subdivision 2, and"

Page 1, line 14, delete "and" and insert "354A.011, subdivision 27;"

Page 1, line 15, after "1;" insert "and 354B.05, subdivision 3;"

Page 1, line 16, before the period, insert " ; proposing coding for new law as Minnesota Statutes, chapter 354C"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Crime Prevention, to which was referred

S.F. No. 2590: A bill for an act relating to criminal justice; providing for public defense services; providing for public defense of persons charged with misdemeanors; providing for a reduction in aid to counties equal to public defense costs assumed by the state; providing for certain disclosure of data; appropriating money; amending Minnesota Statutes 1992, sections 477A.012, by adding a subdivision; and 611.26, subdivision 6; Minnesota Statutes 1993 Supplement, sections 611.17; 611.20, subdivision 2; and 611.27, subdivision 4.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1992, section 477A.012, is amended by adding a subdivision to read:

Subd. 7. [AID OFFSET FOR 1995 PUBLIC DEFENDER COSTS.] (a) In the case of a county located in the first, fifth, seventh, ninth, or tenth judicial district, there shall be deducted from the payment to the county under this section an amount equal to the cost of public defense services in juvenile and misdemeanor cases, to the extent those costs are assumed by the state for the calendar year beginning on January 1, 1995.

(b) For the purpose of the aid reductions under this section, the following amounts shall be used by the commissioner of revenue as the cost of public defense services in juvenile and misdemeanor cases for each county in the

first, fifth, seventh, ninth, and tenth judicial districts, during the calendar year beginning on January 1, 1995:

COUNTY	JUDICIAL DISTRICT	AMOUNT
(1) Aitkin	9	\$126,000
(2) Anoka	10	\$634,000
(3) Becker	7	\$160,000
(4) Beltrami	9	\$130,000
(5) Benton	7	\$ 80,000
(6) Blue Earth	5	\$ 96,000
(7) Brown	5	\$ 58,000
(8) Carver	1	\$ 82,000
(9) Cass	9	\$134,000
(10) Chisago	10	\$ 66,000
(11) Clay	7	\$136,000
(12) Clearwater	9	\$ 24,000
(13) Cottonwood	5	\$ 24,000
(14) Crow Wing	9	\$128,000
(15) Dakota	1	\$644,000
(16) Douglas	7	\$ 84,000
(17) Faribault	5	\$ 34,000
(18) Goodhue	1	\$ 94,000
(19) Hubbard	9	\$ 30,000
(20) Isanti	10	\$ 56,000
(21) Itasca	9	\$ 44,000
(22) Jackson	5	\$ 30,000
(23) Kanabec	10	\$ 42,000
(24) Kittson	9	\$ 12,000
(25) Koochiching	9	\$ 32,000
(26) Lake of the Woods	9	\$ 8,000
(27) Le Sueur	1	\$ 64,000
(28) Lincoln	5	\$ 20,000
(29) Lyon	5	\$ 58,000
(30) Mahnomen	9	\$ 12,000
(31) Marshall	9	\$ 28,000
(32) Martin	5	\$ 74,000
(33) McLeod	1	\$ 66,000
(34) Mille Lacs	7	\$ 46,000
(35) Morrison	7	\$ 70,000
(36) Murray	5	\$ 14,000
(37) Nicollet	5	\$ 86,000
(38) Nobles	5	\$ 62,000
(39) Norman	9	\$ 18,000
(40) Otter Tail	7	\$172,000
(41) Pennington	9	\$ 30,000
(42) Pine	10	\$ 46,000
(43) Pipestone	5	\$ 14,000
(44) Polk	9	\$140,000
(45) Red Lake	9	\$ 10,000
(46) Redwood	5	\$ 98,000
(47) Rock	5	\$ 28,000
(48) Roseau	9	\$ 42,000
(49) Scott	1	\$164,000
(50) Sherburne	10	\$164,000

(51) Sibley	1	\$ 82,000
(52) Stearns	7	\$386,000
(53) Todd	7	\$ 66,000
(54) Wadena	7	\$ 24,000
(55) Washington	10	\$282,000
(56) Watonwan	5	\$ 38,000
(57) Wright	10	\$118,000

(c) One-fourth of the amount specified under paragraph (b) for each county shall be deducted from each local government aid payment to the county under section 477A.015 in 1994, and 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 1995, and each subsequent year. If the amount specified 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.

(d) The appropriation for the state assumption of the costs of public defender services in juvenile and misdemeanor cases in the first, fifth, seventh, ninth, and tenth judicial districts, for the time period from January 1, 1995, to June 30, 1995, shall be annualized for the 1996-1997 biennium.

Sec. 2. Minnesota Statutes 1993 Supplement, section 611.17, is amended to read:

611.17 [FINANCIAL INQUIRY; STATEMENTS.]

(a) Each judicial district must screen requests under paragraph (b).

(b) Upon a request for the appointment of counsel, the court shall make appropriate inquiry into the financial circumstances of the applicant, who shall submit a financial statement under oath or affirmation setting forth the applicant's assets and liabilities, including the value of any real property owned by the applicant, whether homestead or otherwise, less the amount of any encumbrances on the real property, the source or sources of income, and any other information required by the court. The state public defender shall furnish appropriate forms for the financial statements. The information contained in the statement shall be confidential and for the exclusive use of the court and the public defender appointed by the court to represent the applicant except for any prosecution under section 609.48. A refusal to execute the financial statement or produce financial records constitutes a waiver of the right to the appointment of a public defender.

Sec. 3. Minnesota Statutes 1993 Supplement, section 611.20, subdivision 2, is amended to read:

Subd. 2. [PARTIAL PAYMENT.] If the court determines that the defendant is able to make partial payment, the court shall direct the partial payments to the ~~governmental unit responsible for the costs of the public defender state general fund.~~ Payments directed by the court to the state shall be recorded by the court administrator who shall transfer the payments to the state treasurer.

Sec. 4. Minnesota Statutes 1992, section 611.26, subdivision 4, is amended to read:

Subd. 4. [ASSISTANT PUBLIC DEFENDERS.] 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 public 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. *A chief district public defender is authorized, subject to approval by the state board of public defense or their designee, to hire an independent contractor to perform the duties of an assistant public defender.*

Sec. 5. Minnesota Statutes 1992, section 611.26, subdivision 6, is amended to read:

Subd. 6. [PERSONS DEFENDED.] The district public defender shall represent, without charge, a defendant charged with a felony ~~or~~, a gross misdemeanor, *or 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. 6. Minnesota Statutes 1993 Supplement, section 611.27, subdivision 4, is amended to read:

Subd. 4. [COUNTY PORTION OF COSTS.] That portion of subdivision 1 directing counties to pay the costs of public defense service shall not be in effect between ~~July 1, 1993~~ *January 1, 1995*, and July 1, 1995. This subdivision only relates to costs associated with felony ~~and~~, gross misdemeanor ~~public defense services in all judicial districts and to~~, juvenile, and misdemeanor public defense services ~~in the second, third, fourth, sixth, and eighth judicial districts.~~ *Notwithstanding the provisions of this subdivision, in the first, fifth, seventh, ninth, and tenth judicial districts, the cost of juvenile and misdemeanor public defense services for cases opened prior to January 1, 1995, shall remain the responsibility of the respective counties in those districts, even though the cost of these services may occur after January 1, 1995.*

Sec. 7. [APPROPRIATION.]

§..... is appropriated from the general fund to the board of public defense for the period January 1, 1995, to June 30, 1995. This appropriation shall be annualized for the 1996-1997 biennium.

Sec. 8. [EFFECTIVE DATE.]

Sections 1, 2, and 4 are effective July 1, 1994. Sections 3 and 5 to 7 are effective January 1, 1995."

Delete the title and insert:

"A bill for an act relating to criminal justice; providing for public defense services; providing for public defense of juveniles and persons charged with misdemeanors; providing for a reduction in aid to counties equal to public defense costs assumed by the state; providing for certain disclosure of data;

appropriating money; amending Minnesota Statutes 1992, sections 477A.012, by adding a subdivision; and 611.26, subdivisions 4 and 6; Minnesota Statutes 1993 Supplement, sections 611.17; 611.20, subdivision 2; and 611.27, subdivision 4.”

And when so amended the bill do pass and be re-referred to the Committee on Taxes and Tax Laws. Amendments adopted. Report adopted.

Mr. Metzen from the Committee on Governmental Operations and Reform, to which was referred

S.F. No. 2358: A bill for an act relating to employee relations; ratifying labor agreements.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

“ARTICLE 1

Section 1. [RATIFICATIONS.]

Subdivision 1. [COUNCIL 6.] The labor agreement between the state of Minnesota and state bargaining units 2, 3, 4, 6, and 7, represented by the American Federation of State, County and Municipal Employees, council 6, approved by the legislative commission on employee relations on August 16, 1993, is ratified.

Subd. 2. [SUPERVISORS.] The labor agreement between the state of Minnesota and the Middle Management Association, approved by the legislative commission on employee relations on November 10, 1993, is ratified.

Subd. 3. [ENGINEERS.] The labor agreement between the state of Minnesota and the Minnesota Government Engineers Council, approved by the legislative commission on employee relations on November 10, 1993, is ratified.

Subd. 4. [COMMUNITY COLLEGE FACULTY.] The labor agreement between the state of Minnesota and the Minnesota Community College Faculty Association, approved by the legislative commission on employee relations on November 10, 1993, is ratified.

Subd. 5. [NURSES.] The labor agreement between the state of Minnesota and the Minnesota Nurses Association, approved by the legislative commission on employee relations on January 21, 1994, is ratified.

Subd. 6. [SPECIAL TEACHERS.] The labor agreement between the state of Minnesota and the State Residential Schools Education Association, approved by the legislative commission on employee relations on January 21, 1994, is ratified.

Subd. 7. [LAW ENFORCEMENT.] The labor agreement between the state of Minnesota and the Minnesota Law Enforcement Association, approved by the legislative commission on employee relations on January 21, 1994, is ratified.

Subd. 8. [UNREPRESENTED EMPLOYEES, HIGHER EDUCATION BOARD.] The plan for unclassified, unrepresented employees of the higher

education board, as modified and approved by the legislative commission on employee relations on January 21, 1994, is ratified.

Subd. 9. [PROFESSIONAL EMPLOYEES.] *The labor agreement between the state of Minnesota and the Minnesota Association of Professional Employees, approved by the legislative commission on employee relations on February 17, 1994, is ratified.*

Subd. 10. [MANAGERIAL PLAN.] *The plan for managerial employees, as approved by the legislative commission on employee relations on February 17, 1994, is ratified.*

Subd. 11. [UNREPRESENTED EMPLOYEES, HIGHER EDUCATION COORDINATING BOARD.] *The plan for unrepresented, unclassified employees of the higher education coordinating board, as recommended for modification by the department of employee relations and approved by the legislative commission on employee relations on February 17, 1994, is ratified.*

Subd. 12. [COMMISSIONERS PLAN.] *The plan for unrepresented non-managerial employees, as approved by the legislative commission on employee relations on March 11, 1994, is approved.*

Sec. 2. [INTERIM APPROVAL.]

After adjournment of the 1994 session, but before the 1995 session of the legislature, the legislative commission on employee relations may give interim approval to any negotiated agreement, arbitration award, salary, or compensation plan submitted to it under other law. The commission shall submit the agreement, award, salary, or plan to the entire legislature for ratification in the same manner and with the same effect as provided for agreements, awards, salaries, and plans submitted after adjournment of the legislature in an odd-numbered year.

Sec. 3. [EFFECTIVE DATE.]

Sections 1 and 2 are effective the day following final enactment.

ARTICLE 2

Section 1. Minnesota Statutes 1992, section 3.855, subdivision 2, is amended to read:

Subd. 2. [STATE EMPLOYEE NEGOTIATIONS.] (a) *The commissioner of employee relations shall regularly advise the commission on the progress of collective bargaining activities with state employees under the state public employment labor relations act. During negotiations, the commission may make recommendations to the commissioner as it deems appropriate but no recommendation shall impose any obligation or grant any right or privilege to the parties.*

(b) *The commissioner shall submit to the chair of the commission any negotiated agreements or arbitration awards for legislative approval or disapproval. Approved* Negotiated agreements shall be submitted within five days of the date of approval by the commissioner or the date of approval by the affected state employees, whichever occurs later. Arbitration awards shall be submitted within five days of their receipt by the commissioner. If the commission disapproves an agreement or award, the commission shall specify

in writing to the parties those portions with which it disagrees and its reasons. If the commission approves an agreement or award, it shall submit the matter to the legislature to be accepted or rejected under *this* section 179A.22, subdivision 4. Failure of the commission to disapprove an agreement or award within 30 days of its receipt constitutes approval. ~~Approval or disapproval by the commission is not binding on the legislature.~~

(c) ~~After adjournment of~~ *When the legislature in an odd-numbered year is not in session, the commission may give interim approval to a negotiated agreement, salary, compensation plan, or arbitration award. ~~The commission shall submit the negotiated agreement agreements, salaries, compensation plans, or arbitration award awards for which it has provided approval to the entire legislature for ratification at a special legislative session called to consider them or at its next regular legislative session as provided in this section 179A.22, subdivision 4. Approval or disapproval by the commission is not binding on the legislature.~~*

(d) *When the legislature is not in session, the proposed agreement, arbitration decision, salary, or compensation plan must be implemented upon its approval by the commission, and state employees covered by the proposed agreement or arbitration decision do not have the right to strike while the interim approval is in effect. Wages and economic fringe benefit increases provided for in the agreement or arbitration decision paid in accordance with the interim approval by the commission are not affected, but the wages or benefit increases must cease to be paid or provided effective upon the rejection of the agreement, arbitration decision, salary, or compensation plan, or upon adjournment of the legislature without acting on it.*

Sec. 2. Minnesota Statutes 1992, section 3.855, subdivision 3, is amended to read:

Subd. 3. [OTHER DUTIES SALARIES AND COMPENSATION PLANS.]
The commission shall also:

(a) review and approve, reject, or modify a plan for compensation, terms and conditions of employment prepared and submitted by the commissioner of employee relations under section 43A.18, subdivision 2, covering all state employees who are not represented by an exclusive bargaining representative and whose compensation is not provided for by chapter 43A or other law;

(b) review and approve, reject or modify a plan for total compensation and terms and conditions of employment for employees in positions identified as being managerial under section 43A.18, subdivision 3, whose salaries and benefits are not otherwise provided for in law or other plans established under chapter 43A;

(c) review and approve, reject or modify recommendations for salaries submitted by the governor under section 43A.18, subdivision 5, covering agency head positions listed in section 15A.081;

(d) ~~continually monitor the state's civil service system provided for in chapter 43A, rules of the commissioner of employee relations and the collective bargaining process provided for in chapter 179A, as applied to state employees; review and approve, reject, or modify recommendations for salaries of officials of higher education systems under section 15A.081, subdivision 7b; and~~

(e) research and analyze the need for improvements in those statutory sections;

(f) adopt rules consistent with this section relating to the scheduling and conduct of commission business and other organizational and procedural matters; and

(g) perform other related functions delegated to it by the legislature review and approve, reject, or modify plans for compensation, terms, and conditions of employment proposed under section 43A.18, subdivision 4.

Sec. 3. Minnesota Statutes 1992, section 3.855, is amended by adding a subdivision to read:

Subd. 4. [OTHER DUTIES.] The commission shall:

(1) continually monitor the state's civil service system provided for in chapter 43A, rules of the commissioner of employee relations, and the collective bargaining process provided for in chapter 179A, as applied to state employees;

(2) research and analyze the need for improvements in those statutory sections;

(3) adopt rules consistent with this section relating to the scheduling and conduct of commission business and other organizational and procedural matters; and

(4) perform other related functions delegated to it by the legislature.

Sec. 4. Minnesota Statutes 1993 Supplement, section 15A.081, subdivision 1, is amended to read:

Subdivision 1. [SALARY RANGES.] The governor shall set the salary rate within the ranges listed below for positions specified in this subdivision, upon approval of the legislative commission on employee relations and the legislature as provided by section 43A.18, subdivisions 2 and 5 3.855:

Salary Range

Effective

July 1, 1987

\$57,500-\$78,500

Commissioner of finance;

Commissioner of education;

Commissioner of transportation;

Commissioner of human services;

Commissioner of revenue;

Commissioner of public safety;

Executive director, state board of investment;

\$50,000-\$67,500

Commissioner of administration;
Commissioner of agriculture;
Commissioner of commerce;
Commissioner of corrections;
Commissioner of jobs and training;
Commissioner of employee relations;
Commissioner of health;
Commissioner of labor and industry;
Commissioner of natural resources;
Commissioner of trade and economic development;
Chief administrative law judge; office of administrative hearings;
Commissioner, pollution control agency;
Director, office of waste management;
Commissioner, housing finance agency;
Executive director, public employees retirement association;
Executive director, teacher's retirement association;
Executive director, state retirement system;
Chair, metropolitan council;
Chair, regional transit board;

\$42,500-\$60,000

Commissioner of human rights;
Commissioner, department of public service;
Commissioner of veterans affairs;
Commissioner, bureau of mediation services;
Commissioner, public utilities commission;
Member, transportation regulation board;
Ombudsman for corrections;
Ombudsman for mental health and retardation.

Sec. 5. Minnesota Statutes 1992, section 15A.081, subdivision 7, is amended to read:

Subd. 7. [METROPOLITAN OFFICERS.] The governor shall set the salary rate within the range set forth below for the following positions, upon

approval of the legislative commission on employee relations and the legislature as provided by section 43A.18, subdivisions 2 and 3.855:

Effective

July 1, 1987

Chair, metropolitan airports
commission \$15,000-\$25,000

Chair, metropolitan waste control
commission \$25,000-\$67,500

Fringe benefits for unclassified employees of the metropolitan waste control commission shall not exceed those fringe benefits received by unclassified employees of the metropolitan council.

Sec. 6. Minnesota Statutes 1992, section 15A.081, subdivision 7b, is amended to read:

Subd. 7b. [HIGHER EDUCATION OFFICERS.] The higher education board, state university board, the state board for community colleges, the state board of technical colleges, and the higher education coordinating board shall set the salary rates for, respectively, the chancellor of the higher education system, the chancellor of the state universities, the chancellor of the community colleges, the chancellor of vocational technical education, and the executive director of the higher education coordinating board. The respective board shall submit the proposed salary increase to the legislative commission on employee relations for approval, modification, or rejection in the manner provided in section 43A.18, subdivision 2.3.855. Salary rates for the positions specified in this subdivision may not exceed 95 percent of the salary of the governor under section 15A.082, subdivision 3. In deciding whether to recommend a salary increase, the governing board shall consider the performance of the chancellor or director, including the chancellor's or director's progress toward attaining affirmative action goals.

Sec. 7. Minnesota Statutes 1993 Supplement, 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 salary of the state public defender must be 95 percent of the salary of the attorney general.

Salary or Range

Effective

July 1, 1994

Board on judicial standards
executive director \$44,000-70,000 60,000

Sec. 8. Minnesota Statutes 1992, section 43A.05, subdivision 5, is amended to read:

Subd. 5. [COMPARABILITY ADJUSTMENTS.] The commissioner shall compile, subject to availability of funds and personnel, and submit to the legislative commission on employee relations by January 1 of each odd-numbered year a list showing, by bargaining unit, and by plan for executive branch employees covered by a plan established pursuant to under section 43A.18, those female-dominated classes and those male-dominated classes in state civil service for which a compensation inequity exists based on comparability of the value of the work. The commissioner shall also submit to the legislative commission on employee relations, along with the list, an estimate of the appropriation necessary for providing comparability adjustments for classes on the list. The commission shall review and approve, disapprove, or modify the list and proposed appropriation. The commission's action shall must be submitted to the full legislature in the same manner as provided in sections 3.855 and 43A.18 or 179A.22, subdivision 4, provided that. The full legislature may approve, reject, or modify the commission's action. The commission shall show the distribution of the proposed appropriation among the bargaining units and among the plans established under 43A.18. Each bargaining unit and each plan shall must be allocated that proportion of the total proposed appropriation which that equals the cost of providing adjustments for the positions in the unit or plan approved by the commission for comparability adjustments divided by the total cost of providing adjustments for all positions on the list approved by the commission for comparability adjustments. Distribution of any appropriated funds within each bargaining unit or plan shall must be determined by collective bargaining agreements or by plans.

Sec. 9. Minnesota Statutes 1992, section 43A.08, subdivision 1, is amended to read:

Subdivision 1. [UNCLASSIFIED POSITIONS.] Unclassified positions are held by employees who are:

- (1) chosen by election or appointed to fill an elective office;
- (2) heads of agencies required by law to be appointed by the governor or other elective officers, and the executive or administrative heads of departments, bureaus, divisions, and institutions specifically established by law in the unclassified service;
- (3) deputy and assistant agency heads and one confidential secretary in the agencies listed in subdivision 1a and in the office of strategic and long-range planning;
- (4) the confidential secretary to each of the elective officers of this state and, for the secretary of state, state auditor, and state treasurer, an additional deputy, clerk, or employee;
- (5) intermittent help employed by the commissioner of public safety to assist in the issuance of vehicle licenses;
- (6) employees in the offices of the governor and of the lieutenant governor and one confidential employee for the governor in the office of the adjutant general;
- (7) employees of the Washington, D.C., office of the state of Minnesota;

(8) employees of the legislature and of legislative committees or commissions; provided that employees of the legislative audit commission, except for the legislative auditor, the deputy legislative auditors, and their confidential secretaries, shall be employees in the classified service;

(9) presidents, vice-presidents, deans, other managers and professionals in academic and academic support programs, administrative or service faculty, teachers, research assistants, and student employees eligible under terms of the federal economic opportunity act work study program in the *higher education board*, the school and resource center for the arts, state universities and community colleges, but not the custodial, clerical, or maintenance employees, or any professional or managerial employee performing duties in connection with the business administration of these institutions;

(10) officers and enlisted persons in the national guard;

(11) attorneys, legal assistants, and three confidential employees appointed by the attorney general or employed with the attorney general's authorization;

(12) judges and all employees of the judicial branch, referees, receivers, jurors, and notaries public, except referees and adjusters employed by the department of labor and industry;

(13) members of the state patrol; provided that selection and appointment of state patrol troopers must be made in accordance with applicable laws governing the classified service;

(14) chaplains employed by the state;

(15) examination monitors and intermittent training instructors employed by the departments of employee relations and commerce and by professional examining boards;

(16) student workers;

(17) executive directors or executive secretaries appointed by and reporting to any policy-making board or commission established by statute;

(18) employees unclassified pursuant to other statutory authority;

(19) intermittent help employed by the commissioner of agriculture to perform duties relating to pesticides, fertilizer, and seed regulation; and

(20) the administrators and the deputy administrators at the state academies for the deaf and the blind.

Sec. 10. Minnesota Statutes 1992, 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; 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 and pollution control agencies; the state lottery board; the state board of investment; *the office of administrative hearings*; 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 board; 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, the employing statutory board or commission, 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. 11. Minnesota Statutes 1992, section 43A.18, subdivision 2, is amended to read:

Subd. 2. ~~COMMISSIONER'S UNREPRESENTED NONMANAGERIAL EMPLOYEE PLAN.~~ Except as provided in section 43A.01, the compensation, terms and conditions of employment for all classified and unclassified employees, except unclassified employees in the legislative and judicial branches, who are not covered by a collective bargaining agreement and not otherwise provided for in ~~Laws 1981, chapter 210~~ *chapter 43A* or other law ~~shall be~~ *are* governed solely by ~~the commissioner's~~ *a plan developed by the commissioner.* The legislative commission on employee relations shall review ~~and approve, reject, or modify~~ *the plan and submit it to the legislature along with any recommendations it deems appropriate under section 3.855, subdivision 2.* The plan need not be adopted in accordance with the rulemaking provisions of chapter 14.

~~The plan shall not take effect until approved by the legislature, provided that the legislative commission may give interim approval to effect the plan and subsequently submit it to the entire legislature for ratification in the same manner as provided for negotiated agreements and arbitration awards under section 179A.22, subdivision 4. If the legislature modifies or rejects the plan or adjourns without action during the following legislative session, any total compensation increases which were provided pursuant to interim approval by the commission and not ratified by the legislature shall not be affected but shall cease to be provided.~~

Sec. 12. Minnesota Statutes 1992, section 43A.18, subdivision 3, is amended to read:

Subd. 3. [MANAGERIAL PLAN.] (a) The commissioner shall identify individual positions or groups of positions in the classified and unclassified service, in the executive branch as being managerial. The list shall *must* not include positions listed in subdivision 4. ~~The commissioner shall annually submit the listing of positions to the chair of the legislative commission on employee relations for the commission's review and comment, and shall note on each listing the changes from the prior year.~~

~~(a)~~ (b) The commissioner shall periodically prepare a plan for total compensation and terms and conditions of employment for employees of those positions identified as being managerial and whose salaries and benefits are not otherwise provided for in law or other plans established under this chapter. Before becoming effective those portions of the plan establishing compensation and terms and conditions of employment shall *must* be reviewed and approved or modified by the legislative commission on employee relations and the legislature in the same manner as provided for the commissioner's plan in under section 3.855, ~~subdivision subdivisions 2 and 3.~~

~~(b)~~ (c) Incumbents of managerial positions as identified under this subdivision shall *must* be excluded from any bargaining units under the provisions of chapter ~~179~~ 179A.

~~(e)~~ (d) The management compensation plan shall *must* provide methods and levels of compensation for managers that will be generally comparable to those applicable to managers in other public and private employment. Provisions of The plan shall *must* ensure that compensation within assigned salary ranges is related to level of performance. The plan shall *must* also provide a procedure for establishment of a salary rate for a newly created position and a new appointee to an existing position and for progression through assigned salary ranges. The employee benefits established under the provisions of the managerial plan may be extended to agency heads whose salaries are established in section 15A.081, subdivision 1, and to constitutional officers, judges of the workers' compensation court of appeals, and tax court judges.

Sec. 13. Minnesota Statutes 1993 Supplement, section 43A.18, subdivision 4, is amended to read:

Subd. 4. [PLANS NOT ESTABLISHED BUT APPROVED BY COMMISSIONER.] (a) Notwithstanding any other law to the contrary, ~~total compensation terms and conditions of employment~~ 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), (d), ~~and~~ (e), and (f) must be reviewed and approved, modified, or rejected by the legislature and the legislative commission on employee relations under section 3.855, subdivision 2, before becoming effective.

~~(a)~~ (b) 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) (c) Total compensation for unclassified positions under section 43A.08, subdivision 1, clause (9), 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) (d) Total compensation for classified administrative law judges in the office of administrative hearings must be determined by the chief administrative law judge.

(d) (e) 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.

(e) (f) Total compensation for unclassified *managerial* positions not covered by a collective bargaining agreement in the higher education board must be determined by the higher education board.

Sec. 14. Minnesota Statutes 1992, section 43A.18, subdivision 5, is amended to read:

Subd. 5. [GOVERNOR TO RECOMMEND CERTAIN SALARIES.] (a) The governor shall, by July 1 of each odd-numbered year, submit to the legislative commission on employee relations recommendations for salaries within the salary range for the positions listed in section 15A.081, subdivisions 1 and 7. The governor may also propose additions or deletions of positions from those listed.

(b) Before submitting the recommendations, the governor shall consult with the commissioner of administration, the commissioner of finance, and the commissioner of employee relations concerning the recommendations.

(c) In making recommendations, the governor shall consider the criteria established in subdivision 8 and the performance of individual incumbents. The performance evaluation must include a review of an incumbent's progress toward attainment of affirmative action goals. The governor shall establish an objective system for quantifying knowledge, abilities, duties, responsibilities, and accountabilities and in determining recommendations rate each position by this system.

(d) Before the governor's recommended salaries take effect, the recommendations must be reviewed and approved, rejected, or modified by the legislative commission on employee relations and the legislature ~~in the same manner as provided for the commissioner's plan in~~ under section 3.855, subdivision 2. The governor may also at any time propose changes in the salary rate of any positions covered by this subdivision, which must be submitted and approved in the same manner as provided in this subdivision.

(e) The governor shall set the initial salary of a head of a new agency or a chair of a new metropolitan board or commission whose salary is not specifically prescribed by law after consultation with the commissioner, whose recommendation is advisory only. The amount of the new salary must be comparable to the salary of an agency head or commission chair having similar duties and responsibilities.

(f) The salary of a newly appointed head of an agency or chair of a metropolitan agency listed in section 15A.081, subdivision 1 or 7, may be increased or decreased by the governor from the salary previously set for that position within 30 days of the new appointment after consultation with the commissioner. If the governor increases a salary under this paragraph, the governor shall submit the new salary to the legislative commission on employee relations and the full legislature for approval, modification, or rejection ~~in the manner provided in under section 3.855, subdivision 2. If the legislature rejects an increased salary or adjourns without action during the following legislative session, the salary for the position reverts to the level in effect before the governor proposed the change.~~

Sec. 15. Minnesota Statutes 1992, section 179A.18, subdivision 1, is amended to read:

Subdivision 1. [WHEN AUTHORIZED.] Essential employees may not strike. Except as otherwise provided by subdivision 2 and section 179A.17, subdivision 2, other public employees may strike only under the following circumstances:

(1)(a) ~~The~~ *the* collective bargaining agreement between their exclusive representative and their employer has expired or, if there is no agreement, impasse under section 179A.17, subdivision 2, has occurred; and

(b) ~~The~~ *the* exclusive representative and the employer have participated in mediation over a period of at least 45 days, provided that the mediation period established by section 179A.17, subdivision 2, ~~shall govern~~ *governs* negotiations ~~pursuant to under that section, and provided that~~ for the purposes of this subclause the mediation period commences on the day following receipt by the commissioner of a request for mediation; or

(2) ~~The~~ *the* employer violates section 179A.13, subdivision 2, clause (9); or

(3) ~~In~~ *in* the case of state employees,

(a) ~~The~~ *the* legislative commission on employee relations has ~~not given approval during a legislative interim to rejected~~ a negotiated agreement or arbitration decision ~~under section 179A.22, subdivision 4, within 30 days after its receipt during a legislative interim; or~~

(b) ~~The~~ *the* entire legislature rejects or fails to ratify a negotiated agreement or arbitration decision, which has been approved during a legislative interim by the legislative commission on employee relations, at a special legislative session called to consider it, or at its next regular legislative session, whichever occurs first.

Sec. 16. Minnesota Statutes 1992, section 179A.22, subdivision 4, is amended to read:

Subd. 4. [AGREEMENTS.] The commissioner of employee relations is authorized to enter into agreements with exclusive representatives. The negotiated agreements and arbitration decision ~~shall~~ *must* be submitted to the legislature to be accepted or rejected in accordance with this section and section 3.855.

~~If a proposed agreement or arbitration decision is rejected or is not approved by the legislature prior to its adjournment in an odd-numbered year, the legislative commission on employee relations is authorized to give interim approval to a proposed agreement or arbitration decision. The proposed~~

agreement or arbitration decision shall be implemented upon its approval by the commission and state employees covered by the proposed agreement or arbitration decision shall not have the right to strike while the interim approval is in effect. The commission shall submit the agreement or arbitration decision to the legislature for ratification at a special legislative session called to consider it or at its next regular legislative session. Wages and economic fringe benefit increases provided for in the agreement or arbitration decision which were paid pursuant to the interim approval by the commission shall not be affected but these wages and benefit increases shall cease to be paid or provided effective upon the rejection of the agreement or arbitration decision or upon adjournment by the legislature without acting upon the agreement or arbitration decision.

Sec. 17. [SETTLEMENT FORM.]

Until the commissioner of mediation services adopts a rule under authority of Minnesota Statutes, section 179A.04, subdivision 3, paragraph (n), that provides otherwise, public employers shall use the "uniform baseline and settlement form" and accompanying instructions presented by the commissioner of mediation services to the legislative commission on employee relations on February 17, 1994. However, the commissioner shall reduce the "uniform baseline and settlement form" to a one-page document without omitting any of the current elements. A public employer shall use the form in the manner required by section 179A.04, subdivision 3, paragraph (n).

For agreements or awards that were entered into or issued before the effective date of this section, the employer shall complete the form and make it available to the public within 60 days of the effective date of this section. The state and school districts shall complete forms for agreements or awards entered into or issued after June 30, 1993. Other public employers shall complete forms for agreements or awards entered into or issued after December 31, 1993.

The commissioner shall publish the form submitted to the commission in the State Register within 30 days of the effective date of this section. The commissioner shall mail a copy of the form and instructions, free of charge, to associations of public employers, to exclusive representatives, and to any other person requesting the form and instructions.

Sec. 18. [EFFECTIVE DATE.]

Sections 7 and 17 are effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to employee relations; ratifying labor agreements; making certain positions unclassified; changing duties of the legislative commission on employee relations; revising a salary range for a certain position in the judicial branch; amending Minnesota Statutes 1992, sections 3.855, subdivisions 2, 3, and by adding a subdivision; 15A.081, subdivisions 7 and 7b; 43A.05, subdivision 5; 43A.08, subdivisions 1 and 1a; 43A.18, subdivisions 2, 3, and 5; 179A.18, subdivision 1; and 179A.22, subdivision 4; Minnesota Statutes 1993 Supplement, sections 15A.081, subdivision 1; 15A.083, subdivision 4; and 43A.18, subdivision 4."

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

SECOND READING OF SENATE BILLS

S.F. No. 1860 was read the second time.

MOTIONS AND RESOLUTIONS

Mr. Neuville moved that the name of Ms. Olson be added as a co-author to S.F. No. 2728. The motion prevailed.

Ms. Ranum introduced—

Senate Resolution No. 70: A Senate resolution congratulating the Minneapolis Washburn Millers for winning the 1994 State High School Class AA Boys Basketball Championship.

Referred to the Committee on Rules and Administration.

CALL OF THE SENATE

Mr. Moe, R.D. imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

Mr. Novak moved that S.F. No. 2592 be withdrawn from the Committee on Family Services and re-referred to the Committee on Jobs, Energy and Community Development. The motion prevailed.

Mr. Novak moved that S.F. No. 1706 be taken from the table.

The question was taken on the adoption of the motion.

The roll was called, and there were yeas 34 and nays 31, as follows:

Those who voted in the affirmative were:

Belanger	Hanson	Kroening	Metzen	Robertson
Benson, J.E.	Hottinger	Laidig	Moe, R.D.	Sams
Berg	Janezich	Langseth	Murphy	Solon
Bertram	Johnson, D.E.	Lesewski	Novak	Stevens
Chmielewski	Johnson, D.J.	Lessard	Olson	Terwilliger
Day	Kelly	McGowan	Pariseau	Vickerman
Dille	Knutson	Merriam	Riveness	

Those who voted in the negative were:

Anderson	Finn	Larson	Pappas	Spear
Beckman	Flynn	Luther	Piper	Stumpf
Benson, D.D.	Frederickson	Marty	Pogemiller	Wiener
Berglin	Johnson, J.B.	Mondale	Price	
Betzold	Johnston	Morse	Ranum	
Chandler	Kiscaden	Neuville	Reichgott Jung	
Cohen	Krentz	Oliver	Runbeck	

The motion prevailed.

S.F. No. 1706: A bill for an act relating to public utilities; providing legislative authorization of the construction of a facility for the temporary dry cask storage of spent nuclear fuel at Prairie Island nuclear generating plant; providing conditions for any future expansion of storage capacity; providing for a transfer of land; approving the continued operation of pool storage at Monticello and Prairie Island nuclear generating plants; requiring development of wind power; regulating nuclear power plants; requiring increased conservation investments; providing low-income discounted electric rates; regulating certain advertising expenses related to nuclear power; appropriating

money; amending Minnesota Statutes 1992, sections 216B.16, subdivision 8, and by adding a subdivision; 216B.241, subdivision 1a; and 216B.243, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 216B.

Ms. Johnson, J.B. moved to amend S.F. No. 1706 as follows:

Page 5, delete lines 32 to 36 and insert:

"A public utility, as defined in section 216B.02, subdivision 4, that operates a nuclear powered electric generating plant within this state must, by December 31, 1999, purchase the power generated by a biomass fueled electric generating plant within this state of at least 200,000 kilowatts, having a thermal efficiency of at least 33 percent, and using biomass supplies from farm-grown crops. Such a facility is qualified for a competitive bidding process if the technology is ready for commercial demonstration."

Page 6, delete lines 1 and 2

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 32 and nays 33, as follows:

Those who voted in the affirmative were:

Anderson	Finn	Kelly	Pappas	Runbeck
Beckman	Flynn	Krentz	Piper	Spear
Benson, D.D.	Frederickson	Luther	Pogemiller	Stumpf
Berglin	Hottinger	Marty	Price	Wiener
Betzold	Johnson, D.E.	Mondale	Ranum	
Chandler	Johnson, J.B.	Morse	Reichgott Junge	
Cohen	Johnston	Neuville	Riveness	

Those who voted in the negative were:

Belanger	Hanson	Larson	Murphy	Samuelson
Benson, J.E.	Janezich	Lesewski	Novak	Solon
Berg	Johnson, D.J.	Lessard	Oliver	Stevens
Bertram	Kiscaden	McGowan	Olson	Terwilliger
Chmielewski	Knutson	Merriam	Pariseau	Vickerman
Day	Laidig	Metzen	Robertson	
Dille	Langseth	Moe, R.D.	Sams	

The motion did not prevail. So the amendment was not adopted.

Mr. Stumpf moved to amend S.F. No. 1706 as follows:

Page 5, line 26, delete "*construct and operate*" and insert "*have operational*"

Page 5, line 27, after "*of*" insert "*effective capacity*"

Page 5, line 28, after "*kilowatts*" insert "*of effective capacity*"

Mr. Novak moved to amend the Stumpf amendment to S.F. No. 1706 as follows:

Page 1, line 6, after "*capacity*" insert "*and before the period, insert 'if the commission determines that it is the least cost supply option in the utility's resource plan pursuant to Minnesota Statutes, section 216B.2422'*"

The question was taken on the adoption of the Novak amendment to the Stumpf amendment.

The roll was called, and there were yeas 37 and nays 29, as follows:

Those who voted in the affirmative were:

Belanger	Hanson	Langseth	Murphy	Samuelson
Benson, D.D.	Janezich	Larson	Neuville	Solon
Benson, J.E.	Johnson, D.E.	Lesewski	Novak	Stevens
Berg	Johnson, D.J.	Lessard	Oliver	Terwilliger
Bertram	Kelly	McGowan	Olson	Vickerman
Chmielewski	Knutson	Merriam	Pariseau	
Day	Kroening	Metzen	Robertson	
Dille	Laidig	Moe, R.D.	Runbeck	

Those who voted in the negative were:

Anderson	Finn	Kiscaden	Pappas	Riveness
Beckman	Flynn	Krentz	Piper	Sams
Berglin	Frederickson	Luther	Pogemiller	Spear
Betzold	Höttinger	Marty	Price	Stumpf
Chandler	Johnson, J.B.	Mondale	Ranum	Wiener
Cohen	Johnston	Morse	Reichgott Junge	

The motion prevailed. So the amendment to the amendment was adopted.

Mr. Stumpf withdrew his amendment.

Mr. Morse moved to amend S.F. No. 1706 as follows:

Page 7, after line 18, insert:

“ARTICLE 5

INTERVENOR COMPENSATION

Section 1. [216B.035] [INTERVENOR COMPENSATION.]

Subdivision 1. [DEFINITIONS.] For the purposes of this section, the following terms have the meanings given them:

(1) “administrative law judge” means the administrative law judge assigned to a proceeding before the public utilities commission or, when a proceeding has not been assigned to the office of administrative hearings, the chief administrative law judge; and

(2) “intervenor” means a party in any of the following proceedings related to gas or electric utilities or service before the public utilities commission or in any proceeding reviewing a commission decision or order issued in any of the following proceedings, excluding a participant that provides gas or electric services:

(1) a proceeding referred to the office of administrative hearings;

(2) a proceeding related to rates under section 216B.16;

(3) a proceeding related to competitive rates under sections 216B.162 or 216B.163;

(4) a proceeding related to energy conservation improvements under 216B.241;

(5) a proceeding related to issuance of a certificate of need under section 216B.243;

(6) a proceeding related to resource planning under section 216B.2422; or

(7) any rulemaking proceeding.

Subd. 2. [ACCOUNT; ASSESSMENT; APPROPRIATION.] (a) A separate account in the state treasury is established for the purpose of compensating intervenors as provided in this section. The commissioner, under section 216B.62, shall annually assess gas and electric utilities an amount that, in aggregate, provides not less than \$100,000 nor more than \$200,000 per year in revenue for the account, based on the commissioner's evaluation of potential claims against the account.

(b) One-half of the annual amount assessed under paragraph (a) must be apportioned among all public utilities in proportion to their respective gross operating revenues under section 216B.62, subdivision 3. The remaining half of the assessment must be apportioned among each of the gas and electric utilities, including cooperatively and municipally owned utilities, who were primary parties during the most recent calendar year in proportion to the amount of intervenor compensation disbursed from the account for proceedings in which each of the utilities were primary parties.

(c) The amount assessed each year by the commissioner must be deposited in the account.

Subd. 3. [COMPENSATION.] The commissioner shall remit from the intervenor compensation account payment to an intervenor to reimburse the intervenor for reasonable attorney fees, expert witness fees, transcript fees, and other reasonable costs, including fees and costs of obtaining judicial review, provided:

(1) the administrative law judge determines that the intervenor's participation is necessary to provide for the record an adequate presentation of a significant position in which the intervenor has a substantial interest; and

(2) the administrative law judge determines that the intervenor cannot without undue hardship afford to pay the costs of participation or that, in the case of a group or organization, the economic interest of the individual members of the group or organization is small in comparison to the costs of effective participation in the proceeding.

Subd. 4. [PROCEDURE; SUPPLEMENTAL COMPENSATION; PAYMENT.] (a) An intervenor seeking compensation under this section shall file an application for compensation with the administrative law judge within 14 days after a notice of hearing is issued or on the same date initial comments are due in a noncontested matter. The judge may grant leave to file a late application if the applicant provides a reasonable justification for delay.

(b) The administrative law judge shall decide whether and in what amount to authorize compensation within 30 days of receipt of an application for compensation and shall notify the commissioner of the authorization. The administrative law judge may authorize partial payments to be disbursed as an intervenor's work progresses.

(c) The administrative law judge may authorize supplemental compensation for an intervenor for whom compensation is authorized if, for legitimate reasons, the costs of participation were underestimated or if additional funds would substantially improve the ability of the intervenor to contribute to the proceeding.

(d) Within 30 days of receipt of notice from the administrative law judge of an approved application for compensation, the commissioner shall provide the authorized compensation to the intervenor.

Subd. 5. [ACCOUNTING; REPORT.] Within 30 days of issuance of the final order in the proceeding for which compensation was paid under this section, the intervenor who received the compensation shall file with the administrative law judge and the commissioner a report itemizing the fees paid and expenses actually incurred by the intervenor. The report must include full documentation of fees and expenses, including the cost of studies, engineering reports, tests, or projects related to the proceeding. Documentation must also include an affidavit from each attorney, agent, or expert witness that represented or appeared on behalf of the intervenor that states the specific services rendered, the actual time spent for each service, and the rate at which fees were computed for providing each service.

Subd. 6. [REIMBURSEMENT.] The administrative law judge shall review each report filed under subdivision 5, along with any other relevant material submitted. An intervenor shall reimburse the commissioner for any amount the administrative law judge determines was not compensable under this section. Reimbursement received by the commissioner under this section must be deposited in the intervenor compensation account.

Sec. 2. [INITIAL REVENUE; INTERVENOR COMPENSATION.]

The commissioner of the department of public service shall increase the aggregate assessment for fiscal year 1995 made against gas and electric utilities under section 216B.62 by \$200,000 and that amount shall be deposited in the intervenor compensation account established in section 1, subdivision 2."

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Hottinger moved to amend S.F. No. 1706 as follows:

Page 7, after line 16, insert:

"Sec. 3. Minnesota Statutes 1992, section 216B.241, is amended by adding a subdivision to read:

Subd. 1c. [ENERGY-SAVING GOALS.] The commissioner shall establish energy-savings goals for energy conservation improvement expenditures and shall evaluate an energy conservation improvement program on how well it meets the goals set."

Renumber the sections of article 4 in sequence

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Ms. Anderson moved to amend S.F. No. 1706 as follows:

Page 7, after line 18, insert:

"ARTICLE 5

SUSTAINABLE ENERGY AND JOBS SUPERFUND

Section 1. Minnesota Statutes 1993 Supplement, section 216B.2422, subdivision 5, is amended to read:

Subd. 5. [BIDDING.] A utility may select resources to meet its projected energy demand through a bidding process approved or established by the commission. A utility shall use the environmental cost estimates determined under subdivision 3 in evaluating bids submitted in a process established under this subdivision.

The commission may not approve or establish a bidding process for a utility that operates a nuclear power electric generating plant unless the process awards points based on the jobs that will be retained or created by the resource selected. Points must be awarded based on the number and type of jobs created with permanent, full-time, high-paying prevailing wage jobs receiving more points than temporary, part-time, or low-paying jobs.

Sec. 2. [216E.01] [NUCLEAR TRANSITION; JOBS; FINDINGS.]

The policy of the state is to support and encourage the creation of well-paying permanent jobs in an indigenous renewable electric generating industry and to provide support to those unemployed due to the closing or phasing out of nuclear power plants. The legislature further finds that it is reasonable and fair for the encouragement and support to be funded by a charge on the production of energy by nuclear reactors, since the true cost of producing nuclear energy is not reflected in the rates charged for nuclear-produced electric energy due in part to the uncertain cost of disposing of nuclear waste.

Sec. 3. [216E.02] [DEFINITIONS.]

Subdivision 1. [SCOPE.] For the purpose of this chapter, the terms defined in this section have the meanings given them.

Subd. 2. [ACCOUNT.] "Account" means the sustainable energy and jobs superfund account.

Subd. 3. [BOARD.] "Board" means the sustainable energy and jobs board.

Sec. 4. [216E.03] [SUSTAINABLE ENERGY AND JOBS BOARD.]

Subdivision 1. [ESTABLISHMENT OF BOARD.] The sustainable energy and jobs board is established. The board consists of nine members who will serve part time and who will be appointed by the governor with the advice and consent of the senate. Three members must represent labor, including one member representing organized union employees and one member representing unorganized employees at nuclear power plants in this state; three members representing the electric utility industry, including one representing cooperative electric utilities; and three members representing alternative energy researchers, developers, and producers. The board shall annually elect a member to serve as chair for a term of one year. Filling of vacancies, removal of members, and compensation of members are governed by section 15.0575.

Subd. 2. [MEMBERSHIP TERMS.] The initial members shall be appointed to terms as follows:

- (1) three members appointed for six years;*
- (2) three members appointed for four years; and*
- (3) three members appointed for two years.*

At the end of each member's term, the successor shall be appointed for six years and each successor thereafter shall be appointed for six years.

Subd. 3. [DUTIES.] In addition to performing duties specified in sections 6 and 7 or in other law, the board shall:

- (1) publicize the availability of grants and loans on a statewide basis; and*
- (2) collect, analyze, and make available to the public, data on renewable electric energy production.*

Subd. 4. [POWERS.] The board may contract for consultant or other services necessary to carry out the board's duties. The board may adopt rules necessary to carry out its duties.

Subd. 5. [ADMINISTRATIVE PERSONNEL AND SERVICES.] The board may appoint an executive director who is not a member of the board. The executive director is in the unclassified service. The commissioner of trade and economic development shall provide staff assistance, administrative services, and office space under a contract with the board. The board shall reimburse the commissioner for the staff, services, and space provided. In order to perform its duties, the board may request information from the supervising officer of any state agency or state institution of higher education.

Sec. 5. [216E.04] [SUSTAINABLE ENERGY AND JOBS SUPERFUND.]

Subdivision 1. [CREATED.] The sustainable energy and jobs superfund account is created in the special revenue fund in the state treasury. The superfund is created for the purpose of funding a transition from nuclear power to a sustainable state energy future; protecting displaced nuclear industry workers; investing in rapid economic development of indigenous, renewable energy, and conservation industries; creating prevailing wage quality jobs; protecting the state's environment; and protecting electricity ratepayers by making an orderly transition to non-nuclear electric generation sources.

Subd. 2. [FUNDING.] The account shall be funded by a fee of \$.01 per kilowatt hour of electricity produced in the state by nuclear power. The fee is payable monthly to the commissioner of finance by the owner of the nuclear power plant. The commissioner shall deposit the payments in the account. The commissioner and the public utilities commission are authorized to inspect and audit the records of the owners of nuclear power plants to ensure that the fee is properly paid. The public utilities commission may permit a public utility to file rate schedules providing for annual recovery of the costs of the fee.

Subd. 3. [USE OF ACCOUNT.] The money in the account, including earnings thereon, is annually appropriated to the board. The money may be used to make loans and grants to persons under section 6, to provide for extended unemployment benefits for nuclear plant employees under section 7, to pay for a worker retraining program run by affected unions, to pay for the expenses of the board, and for other purposes authorized by law. A deficiency in the superfund is not the obligation of the general fund.

Sec. 6. [216E.05] [RENEWABLE ENERGY; LOANS AND GRANTS.]

The board shall make low-interest loans and grants to assist proposals that reduce electric energy use through energy conservation and efficiency or that generate electricity through sustainable energy sources indigenous to the

state. The loans and grants may be used for projects and programs for which technological and economic feasibility have been demonstrated and that have the following purposes:

- (1) creating and maintaining productive, permanent, skilled employment; and
- (2) promoting the development of sustainable energy sources utilizing indigenous fuels.

The board shall give preference to proposals that create high-paying prevailing wage, permanent jobs within the state.

A grant shall only be made in response to requests for proposals prepared by the board.

Sec. 7. [216E.06] [EXTENDED UNEMPLOYMENT BENEFITS; NUCLEAR PLANT EMPLOYEE.]

Subdivision 1. [DEFINITION.] For the purpose of this section, "employee" means an employee of a public utility working at a nuclear-powered electric generating plant in this state who becomes unemployed because the plant is permanently shut down or in the process of being permanently shut down.

Subd. 2. [EXTENDED BENEFITS.] After an employee has been determined eligible to receive and has exhausted entitlement to all regular and extended unemployment benefits under chapter 268, and any federal extended unemployment benefits, the employee is eligible for 52 weeks of additional benefits payable weekly from the account subject to the same eligibility requirements as the regular benefit. The amount of the benefit shall be the lesser of twice the regular benefit or two-thirds of the employee's weekly wage used to determine the regular benefit.

Subd. 3. [DEPARTMENT OF JOBS AND TRAINING.] The board shall contract with the department of jobs and training to administer the extended benefit program created by this section. The department of jobs and training shall enter into an agreement to administer this section and may do all things necessary to carry out its obligations under this section and under any agreement it enters into with the board. Payments to the department of jobs and training to administer this section cannot exceed five percent of the benefits paid under this section.

Sec. 8. [HEALTH COVERAGE NOTICE.]

A public utility that terminates an employee due to the planned shutdown of a nuclear power plant shall, in addition to any other notices required by law, provide written notices to the employee, two weeks before and after termination, of the employee's right to continue health coverage through the employer under state and federal law.

Sec. 9. [RED WING MODEL JOBS AND ENERGY TRANSITION PLAN.]

The sustainable energy and jobs board shall evaluate the impact of closing the Prairie Island nuclear power plant in the Red Wing area. The evaluation shall include a study of the potential for energy savings and energy generation in the Red Wing area through the use of renewable energy sources, conservation, and cogeneration. The evaluation shall estimate the money that can be saved, the jobs that could be created, and the investment required to achieve this potential.

Based on the evaluation, the board shall give a preference for a low-interest loan or grant to proposals for projects that would be located in the Red Wing area.

Sec. 10. [METRO STATE BUILDING TRADES PROJECT; APPROPRIATION.]

\$100,000 is appropriated from the general fund to the state university board for the biennium ending June 30, 1995, for the purpose of operating a program at metropolitan state university to retrain building trades workers who are unemployed or underemployed."

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 32 and nays 34, as follows:

Those who voted in the affirmative were:

Anderson	Finn	Krentz	Oliver	Riveness
Beckman	Flynn	Laidig	Pappas	Runbeck
Benson, D.D.	Frederickson	Luther	Piper	Spear
Berglin	Hottinger	Marty	Pogemiller	Stumpf
Betzold	Johnson, J.B.	Mondale	Price	
Chandler	Johnston	Morse	Ranum	
Cohen	Kiscaden	Neuville	Reichgott Junge	

Those who voted in the negative were:

Belanger	Hanson	Langseth	Moe, R.D.	Samuelson
Benson, J.E.	Janezich	Larson	Murphy	Solon
Berg	Johnson, D.E.	Lesewski	Novak	Stevens
Bertram	Johnson, D.J.	Lessard	Olson	Terwilliger
Chmielewski	Kelly	McGowan	Pariseau	Vickerman
Day	Knutson	Merriam	Robertson	Wiener
Dille	Kroening	Metzen	Sams	

The motion did not prevail. So the amendment was not adopted.

S.F. No. 1706 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

The roll was called, and there were yeas 42 and nays 24, as follows:

Those who voted in the affirmative were:

Belanger	Hottinger	Laidig	Murphy	Sams
Benson, D.D.	Janezich	Langseth	Neuville	Samuelson
Benson, J.E.	Johnson, D.E.	Larson	Novak	Solon
Berg	Johnson, D.J.	Lesewski	Oliver	Stevens
Bertram	Johnston	Lessard	Olson	Terwilliger
Chmielewski	Kelly	McGowan	Pariseau	Vickerman
Day	Kiscaden	Merriam	Riveness	
Dille	Knutson	Metzen	Robertson	
Hanson	Kroening	Moe, R.D.	Runbeck	

Those who voted in the negative were:

Anderson	Cohen	Krentz	Pappas	Reichgott Junge
Beckman	Finn	Luther	Piper	Spear
Berglin	Flynn	Marty	Pogemiller	Stumpf
Betzold	Frederickson	Mondale	Price	Wiener
Chandler	Johnson, J.B.	Morse	Ranum	

So the bill, as amended, was passed and its title was agreed to.

MOTIONS AND RESOLUTIONS – CONTINUED

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate reverted to the Orders of Business of Reports of Committees and Second Reading of Senate Bills.

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred under Rule 35, together with the committee report thereon,

S.F. No. 1948: A bill for an act relating to agriculture; providing for family farm limited liability companies and authorized farm limited liability companies; removing limitation on number of shareholders or partners for authorized farm corporations and partnerships; amending Minnesota Statutes 1992, section 500.24, subdivision 2.

Reports the same back with the recommendation that the report from the Committee on Judiciary, shown in the Journal for March 30, 1994, be adopted; that committee recommendation being:

“the bill be amended and when so amended the bill do pass”. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred under Joint Rule 2.03, together with the committee report thereon,

S.F. No. 2036: A bill for an act relating to human services; permitting certain providers to request a state agency hearing; modifying the conduct of state agency hearings; modifying certain requirements for prior authorization of services under medical assistance; amending Minnesota Statutes 1992, sections 256.045, subdivisions 3, 4, 5 and by adding a subdivision; and 256B.0625, subdivisions 8, 8a, 25, 31, and by adding a subdivision.

Reports the same back with the recommendation that the report from the Committee on Governmental Operations and Reform, shown in the Journal for March 30, 1994, be adopted; that committee recommendation being:

“the bill do pass and be re-referred to the Committee on Health Care”. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred under Rule 35, together with the committee report thereon,

S.F. No. 2824: A bill for an act relating to ethanol; increasing the cap on ethanol development payments to ethanol producers; extending expiration of payments for ethanol development; increasing minimum oxygen content of gasoline; eliminating tax credit for agricultural alcohol gasoline; amending Minnesota Statutes 1992, sections 41A.09, subdivision 5; and 296.02, subdivision 7; Minnesota Statutes 1993 Supplement, section 41A.09, subdivision 3; and 239.791, subdivision 1.

Reports the same back with the recommendation that the report from the Committee on Transportation and Public Transit, shown in the Journal for March 29, 1994, be amended to read:

“the bill be amended and when so amended the bill do pass and be re-referred to the Committee on Environment and Natural Resources”. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred under Rule 35, together with the committee report thereon,

S.F. No. 2357: A bill for an act relating to retirement; waiving the annuity reduction for certain faculty in the state university system who return to teaching part-time after retirement; mandating employer-paid health insurance for these faculty; proposing coding for new law in Minnesota Statutes, chapters 136 and 354.

Reports the same back with the recommendation that the report from the Committee on Governmental Operations and Reform, shown in the Journal for March 29, 1994, be amended to read:

“the bill be amended and when so amended the bill do pass and be re-referred to the Committee on Finance”. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred under Rule 35, together with the committee report thereon,

S.F. No. 2316: A bill for an act relating to the state board of investment; management of funds under the board's control; amending Minnesota Statutes 1992, sections 11A.17, subdivisions 1, 4, 9, 10a, and 14; 11A.18, subdivision 9; 11A.24, subdivisions 3, 5, and 6; 353D.05, subdivision 2; and 354B.07, subdivision 2; Minnesota Statutes 1993 Supplement, sections 11A.24, subdivisions 1 and 4; 352D.04, subdivision 1; and 354B.05, subdivision 3.

Reports the same back with the recommendation that the report from the Committee on Governmental Operations and Reform, shown in the Journal for March 29, 1994, be amended to read:

“the bill be amended and when so amended the bill do pass and be re-referred to the Committee on Finance”. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred under Joint Rule 2.03, together with the committee report thereon,

S.F. No. 2395: A bill for an act relating to elections; providing for a local government election for election of county, municipal, and school district officers, and officers of all other political subdivisions except towns; superseding inconsistent general and special laws and home rule charter provisions; amending Minnesota Statutes 1992, sections 103C.301, subdivision 1; 103C.305, subdivisions 1, 2, and 6; 103C.311; 103C.315, subdivision 2; 122.23, subdivision 11; 122.25, subdivision 2; 123.34, subdivision 1; 128.01, subdivision 3; 200.01; 200.02, subdivision 10, and by adding a subdivision; 203B.05, subdivision 2; 204B.09; 204B.135, subdivision 4; 204B.14, by adding a subdivision; 204B.18, by adding a subdivision; 204B.19, subdivision

6; 204B.27, subdivisions 3 and 5; 204B.28, subdivision 1; 204B.32; 204B.34, subdivisions 2 and 4; 204B.35, subdivision 5; 204C.03, subdivision 4; 204C.28, subdivision 5; 204D.02; 204D.05, subdivisions 2 and 3; 204D.08; subdivision 6; 204D.09; 204D.10, subdivision 3; 205.02; 205.065, subdivisions 1, 2, 3, and 5; 205.07, subdivision 1; 205.13, subdivisions 1, 2, and 6; 205.175, subdivision 1; 205.185, subdivisions 2 and 3; 205A.03, subdivisions 2 and 4; 205A.04, subdivision 1; 205A.06, subdivisions 1, 2, and 5; 205A.09; 205A.10, subdivision 2; 205A.11; 375.101, by adding a subdivision; 382.01; 397.06; 397.07; 398.04; 412.02, subdivision 2; 412.021, subdivision 2; 412.571, subdivision 5; and 447.32, subdivisions 1 and 2; Minnesota Statutes 1993 Supplement, sections 122.23, subdivision 18; and 206.90, subdivision 6; proposing coding for new law in Minnesota Statutes, chapter 205; proposing coding for new law as Minnesota Statutes, chapter 204E; repealing Minnesota Statutes 1992, sections 205.07, subdivision 3; 205.18; 205.20; 205A.04, subdivision 2; 375.101, subdivisions 1 and 2; 410.21; and 447.32, subdivision 4.

Reports the same back with the recommendation that the report from the Committee on Ethics and Campaign Reform, shown in the Journal for March 29, 1994, be amended to read:

“the bill do pass”. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred under Rule 35, together with the committee report thereon,

S.F. No. 2593: A bill for an act relating to state government; permitting employees of Minnesota Project Innovation, Inc. to participate in certain state employee benefit programs; amending Minnesota Statutes 1992, section 116O.04, subdivision 2.

Reports the same back with the recommendation that the report from the Committee on Governmental Operations and Reform, shown in the Journal for March 29, 1994, be amended to read:

“the bill be amended and when so amended the bill do pass and be re-referred to the Committee on Finance”. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred under Rule 35, together with the committee report thereon,

S.F. No. 2130: A bill for an act relating to health; establishing a health insurance counseling and assistance program; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 256.

Reports the same back with the recommendation that the report from the Committee on Judiciary, shown in the Journal for March 24, 1994, be adopted; that committee recommendation being:

“the bill be amended and when so amended the bill do pass and be re-referred to the Committee on Health Care”. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred under Rule 35, together with the committee report thereon,

S.F. No. 2117: A bill for an act relating to commerce; regulating certain insurance and real property licensing terms and fees; providing for two-year licensing; amending Minnesota Statutes 1992, sections 60A.14, subdivision 1; 60A.19, subdivision 4; 60A.21, subdivision 2; 60K.03, subdivisions 1, 5, and 6; 60K.06; 60K.19, subdivision 8; 82.20, subdivisions 7 and 8; 82.21, by adding a subdivision; 82B.08, subdivisions 4 and 5; 82B.09, subdivision 1; 83.25; Minnesota Statutes 1993 Supplement, sections 60A.198, subdivision 3; 82.21, subdivision 1; 82.22, subdivisions 6 and 13; 82.34, subdivision 3.

Reports the same back with the recommendation that the report from the Committee on Commerce and Consumer Protection, shown in the Journal for March 28, 1994, be amended to read:

“the bill be amended and when so amended the bill do pass and be re-referred to the Committee on Finance”. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred under Rule 35, together with the committee report thereon,

S.F. No. 2346: A bill for an act relating to securities; face-amount certificate companies, open-end management companies, and unit investment trusts; providing for the calculation of registration fees and uniform expiration, renewal, and reporting provisions; amending Minnesota Statutes 1992, sections 80A.12, subdivisions 2, 9, 10, and by adding a subdivision; 80A.13, subdivision 1; and 80A.28, subdivision 1, and by adding a subdivision; repealing Minnesota Statutes 1992, section 80A.12, subdivision 9.

Reports the same back with the recommendation that the report from the Committee on Commerce and Consumer Protection, shown in the Journal for March 28, 1994, be amended to read:

“the bill be amended and when so amended the bill do pass and be re-referred to the Committee on Finance”. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred under Rule 35, together with the committee report thereon,

S.F. No. 2381: A bill for an act relating to health; giving the commissioner of administration authority to negotiate contracts for all prescription drugs sold in Minnesota; allowing correction orders to be issued; establishing a cause of action; establishing a formulary and a drug technology assessment committee; requiring price disclosure and cost savings; requiring a study of a statewide list of covered drugs; proposing coding for new law in Minnesota Statutes, chapters 16B; and 144.

Reports the same back with the recommendation that the report from the Committee on Health Care, shown in the Journal for March 28, 1994, be adopted; that committee recommendation being:

“the bill be amended and when so amended the bill do pass and be re-referred to the Committee on Finance”. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred under Rule 35, together with the committee report thereon,

S.F. No. 1801: A bill for an act relating to retirement; increasing employee contribution rates and benefit computation formulas for the teachers retirement fund; revising the salary growth assumption for certain public pension funds; amending Minnesota Statutes 1992, sections 354.42, subdivision 2; 354.44, subdivision 6; and 356.215, subdivision 4d; Minnesota Statutes 1993 Supplement, section 356.215, subdivision 4g.

Reports the same back with the recommendation that the report from the Committee on Governmental Operations and Reform, shown in the Journal for March 29, 1994, be amended to read:

“the bill be amended and when so amended the bill do pass and be re-referred to the Committee on Finance”. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred under Rule 35, together with the committee report thereon,

S.F. No. 2220: A bill for an act relating to water; providing for duties of the legislative water commission; providing for a sustainable agriculture advisory committee; requiring plans relating to sustainable agriculture and integrated pest management; changing disclosures and fees related to dewatering wells; establishing groundwater policy and education; changing water well permit requirements; requiring reports to the legislature; appropriating money; amending Minnesota Statutes 1992, sections 3.887, subdivisions 5, 6, and 8; 17.114, subdivisions 1, 3, 4, and by adding a subdivision; 18B.045, subdivision 1; 103A.43; 103B.151, subdivision 1; 103G.271, subdivision 5; 103H.175, by adding a subdivision; 103H.201, subdivisions 1 and 4; 103I.101, subdivision 5; 103I.205, subdivision 1; 103I.208; 103I.235, subdivision 1; 103I.331, subdivision 6; and 103I.401, subdivision 1; Minnesota Statutes 1993 Supplement, sections 18E.06; and 115B.20, subdivision 6; proposing coding for new law in Minnesota Statutes, chapters 103A; and 103F; repealing Minnesota Statutes 1992, section 103F.460.

Reports the same back with the recommendation that the report from the Committee on Governmental Operations and Reform, shown in the Journal for March 29, 1994, be amended to read:

“the bill do pass and be re-referred to the Committee on Finance”. Report adopted.

Mr. Novak from the Committee on Jobs, Energy and Community Development, to which was referred

S.F. No. 2800: A bill for an act relating to unemployment compensation; changing its name; modifying provisions relating to reporting requirements, eligibility conditions, and liability for benefits; amending Minnesota Statutes 1992, sections 268.03; 268.08, subdivision 1; and 268.10, subdivision 1; Minnesota Statutes 1993 Supplement, sections 268.08, subdivision 6; 268.09, subdivision 1; 268.10, subdivision 2; and 268.161, subdivision 9.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred under Rule 35, together with the committee report thereon,

S.F. No. 2447: A bill for an act relating to state government; permitting state employees to donate vacation leave for the benefit of a certain state employee.

Reports the same back with the recommendation that the report from the Committee on Governmental Operations and Reform, shown in the Journal for March 30, 1994, be amended to read:

“the bill do pass and be re-referred to the Committee on Finance”. Report adopted.

SECOND READING OF SENATE BILLS

S.F. Nos. 1948, 2395 and 2800 were read the second time.

MOTIONS AND RESOLUTIONS – CONTINUED

Mr. Belanger moved that S.F. No. 1736 be withdrawn from the Committee on Taxes and Tax Laws, given a second reading and placed on General Orders. The motion prevailed.

S.F. No. 1736 was read the second time.

Mr. Novak moved that H.F. No. 2064 be withdrawn from the Committee on Taxes and Tax Laws and re-referred to the Committee on Finance. The motion prevailed.

MEMBERS EXCUSED

Mrs. Adkins was excused from the Session of today.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 8:30 a.m., Thursday, March 31, 1994. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

EIGHTY-FIRST DAY

St. Paul, Minnesota, Thursday, March 31, 1994

The Senate met at 8:30 a.m. and was called to order by the President.

CALL OF THE SENATE

Mr. Betzold imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

Prayer was offered by the Chaplain, Rev. Nancy L. Anderson.

The roll was called, and the following Senators answered to their names:

Anderson	Dille	Knutson	Moe, R.D.	Ranum
Beckman	Finn	Krentz	Mondale	Reichgott Junge
Belanger	Flynn	Kroening	Morse	Riveness
Benson, D.D.	Frederickson	Laidig	Murphy	Robertson
Benson, J.E.	Hanson	Langseth	Neuville	Runbeck
Berg	Hottinger	Larson	Novak	Sams
Berglin	Janezich	Lesewski	Oliver	Solon
Bertram	Johnson, D.E.	Lessard	Olson	Spear
Betzold	Johnson, D.J.	Luther	Pappas	Stevens
Chandler	Johnson, J.B.	Marty	Pariseau	Stumpf
Chmielewski	Johnston	McGowan	Piper	Terwilliger
Cohen	Kelly	Merriam	Pogemiller	Vickerman
Day	Kiscaden	Metzen	Price	Wiener

The President declared a quorum present.

The reading of the Journal was dispensed with and the Journal, as printed and corrected, was approved.

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 2248 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
				2248	1999

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 2248 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2248 and insert the language after the enacting clause of S.F. No. 1999, the first engrossment; further, delete the title of H.F. No. 2248 and insert the title of S.F. No. 1999, the first engrossment.

And when so amended H.F. No. 2248 will be identical to S.F. No. 1999, and further recommends that H.F. No. 2248 be given its second reading and substituted for S.F. No. 1999, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 2373 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
2373	2038				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 2373 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2373 and insert the language after the enacting clause of S.F. No. 2038, the first engrossment; further, delete the title of H.F. No. 2373 and insert the title of S.F. No. 2038, the first engrossment.

And when so amended H.F. No. 2373 will be identical to S.F. No. 2038, and further recommends that H.F. No. 2373 be given its second reading and substituted for S.F. No. 2038, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 1915 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1915	1734				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1915 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1915 and insert the language after the enacting clause of S.F. No. 1734, the first engrossment; further, delete the title of H.F. No. 1915 and insert the title of S.F. No. 1734, the first engrossment.

And when so amended H.F. No. 1915 will be identical to S.F. No. 1734, and further recommends that H.F. No. 1915 be given its second reading and substituted for S.F. No. 1734, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 2622 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
		2622		2561	

and that the above Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 2665 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
		2665		2451	

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 2665 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2665 and insert the language after the enacting clause of S.F. No. 2451, the first engrossment; further, delete the title of H.F. No. 2665 and insert the title of S.F. No. 2451, the first engrossment.

And when so amended H.F. No. 2665 will be identical to S.F. No. 2451, and further recommends that H.F. No. 2665 be given its second reading and

substituted for S.F. No. 2451, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

SECOND READING OF HOUSE BILLS

H.F. Nos. 2248, 2373, 1915, 2622 and 2665 were read the second time.

CALENDAR

S.F. No. 1483: A bill for an act relating to elections; changing certain requirements and procedures for voter registration and absentee voting; imposing a penalty; amending Minnesota Statutes 1992, sections 201.12, subdivision 2; 201.121, subdivision 1; 201.171; 203B.02, subdivision 1a; 203B.03, subdivision 1; 203B.04, subdivision 1; 203B.06, subdivision 3; 203B.07, subdivision 2; 203B.08, subdivision 1; 203B.11, by adding a subdivision; 203B.12, subdivision 2, and by adding a subdivision; 203B.13, subdivisions 1 and 2; 203B.16, by adding a subdivision; and 203B.19; Minnesota Statutes 1993 Supplement, sections 201.071, subdivision 1; 201.081; and 201.13, subdivisions 1 and 2; proposing coding for new law in Minnesota Statutes, chapter 203B.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 54 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Day	Kelly	Marty	Ranun
Beckman	Dille	Kiscaden	McGowan	Riveness
Belanger	Finn	Knutson	Metzen	Robertson
Benson, D.D.	Flynn	Krentz	Moe, R.D.	Sams
Benson, J.E.	Frederickson	Kroening	Morse	Solon
Berg	Hottinger	Laidig	Neuville	Spear
Berglin	Janezich	Langseth	Oliver	Stevens
Bertram	Johnson, D.E.	Larson	Olson	Stumpf
Betzold	Johnson, D.J.	Lesewski	Pariseau	Vickerman
Chandler	Johnson, J.B.	Lessard	Piper	Wiener
Chmielewski	Johnston	Luther	Price	

So the bill passed and its title was agreed to.

H.F. No. 1964: A bill for an act relating to insurance; solvency; regulating reinsurance, loss reserve certifications and annual audits, and annual statements; regulating certain guaranty association coverages; modifying the incorporation requirements of domestic mutuals; amending Minnesota Statutes 1992, sections 60A.092, subdivision 7; 60A.206, subdivision 6; 60C.02, subdivision 1; 62E.10, subdivision 2; and 66A.03; Minnesota Statutes 1993 Supplement, sections 60A.129, subdivisions 3, 5, and 7; 60A.13, subdivision 1; and 61B.19, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 60A; repealing Minnesota Statutes 1992, sections 60A.80; 60A.801; and 60A.802.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 53 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Day	Kiscaden	McGowan	Riveness
Beckman	Dille	Knutson	Metzen	Robertson
Belanger	Finn	Krentz	Moe, R.D.	Sams
Benson, D.D.	Flynn	Kroening	Morse	Solon
Benson, J.E.	Frederickson	Laidig	Neuville	Spear
Berg	Hottinger	Langseth	Oliver	Stevens
Berglin	Janezich	Larson	Olson	Stumpf
Bertram	Johnson, D.J.	Lesewski	Pariseau	Vickerman
Betzold	Johnson, J.B.	Lessard	Piper	Wiener
Chandler	Johnston	Luther	Price	
Chmielewski	Kelly	Marty	Ranum	

So the bill passed and its title was agreed to.

H.F. No. 1914: A bill for an act relating to financial institutions; reciprocal interstate banking; reciprocal interstate savings and loan acquisitions and branching; removing the geographical limitation contained in the definition of reciprocating state; amending Minnesota Statutes 1992, sections 48.92, subdivision 7; 51A.58.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 55 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Day	Kelly	Marty	Ranum
Beckman	Dille	Kiscaden	McGowan	Riveness
Belanger	Finn	Knutson	Metzen	Robertson
Benson, D.D.	Flynn	Krentz	Moe, R.D.	Sams
Benson, J.E.	Frederickson	Kroening	Morse	Solon
Berg	Hottinger	Laidig	Neuville	Spear
Berglin	Janezich	Langseth	Oliver	Stevens
Bertram	Johnson, D.E.	Larson	Olson	Stumpf
Betzold	Johnson, D.J.	Lesewski	Pariseau	Terwilliger
Chandler	Johnson, J.B.	Lessard	Piper	Vickerman
Chmielewski	Johnston	Luther	Price	Wiener

So the bill passed and its title was agreed to.

H.F. No. 1934: A bill for an act relating to corporations; modifying provisions for the organization and operation of business corporations; amending Minnesota Statutes 1992, sections 302A.135, subdivision 4; 302A.405, subdivision 1; 302A.471, subdivision 1; 302A.661, subdivision 1; 302A.725, subdivision 3; and 302A.751, subdivisions 1, 2, and 3a; Minnesota Statutes 1993 Supplement, sections 302A.401, subdivision 1; 302A.435, subdivision 1; and 302A.673, subdivision 3.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 56 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Dille	Knutson	Moe, R.D.	Sams
Beckman	Finn	Krentz	Morse	Solon
Belanger	Flynn	Kroening	Neuville	Spear
Benson, D.D.	Frederickson	Laidig	Oliver	Stevens
Benson, J.E.	Hanson	Langseth	Olson	Stumpf
Berg	Hottinger	Larson	Pariseau	Terwilliger
Berglin	Janezich	Lesewski	Piper	Vickerman
Bertram	Johnson, D.J.	Lessard	Price	Wiener
Betzold	Johnson, J.B.	Luther	Ranum	
Chandler	Johnston	Marty	Reichgott Junge	
Chmielewski	Kelly	McGowan	Riveness	
Day	Kiscaden	Metzen	Robertson	

So the bill passed and its title was agreed to.

H.F. No. 1886: A bill for an act relating to insurance; regulating insurers, investments, rehabilitations and liquidations, policy loans, and alternative coverage mechanisms; amending Minnesota Statutes 1992, sections 60A.052, subdivision 2; 60A.11, subdivision 13; 60A.111, subdivision 2; 60A.13, subdivision 8; 60B.60, subdivisions 2 and 3; 61A.28, subdivisions 11 and 12; 62F.02, subdivision 1; and 62F.03, by adding a subdivision; Minnesota Statutes 1993 Supplement, sections 60A.23, subdivision 4; 60D.20, subdivision 2; and 62B.12; repealing Minnesota Statutes 1992, section 60D.19, subdivision 5.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 57 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Dille	Kiscaden	Metzen	Robertson
Beckman	Finn	Knutson	Moe, R.D.	Sams
Belanger	Flynn	Krentz	Morse	Solon
Benson, D.D.	Frederickson	Kroening	Neuville	Spear
Benson, J.E.	Hanson	Laidig	Oliver	Stevens
Berg	Hottinger	Langseth	Olson	Stumpf
Berglin	Janezich	Larson	Pariseau	Terwilliger
Bertram	Johnson, D.E.	Lesewski	Piper	Vickerman
Betzold	Johnson, D.J.	Lessard	Price	Wiener
Chandler	Johnson, J.B.	Luther	Ranum	
Chmielewski	Johnston	Marty	Reichgott Junge	
Day	Kelly	McGowan	Riveness	

So the bill passed and its title was agreed to.

S.F. No. 2262: A bill for an act relating to local government; removing notice requirements for on-site inspections by town boards; amending Minnesota Statutes 1992, section 366.01, subdivision 11.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 57 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Benson, J.E.	Betzold	Dille	Hottinger
Beckman	Berg	Chandler	Finn	Janezich
Belanger	Berglin	Chmielewski	Flynn	Johnson, D.E.
Benson, D.D.	Bertram	Day	Frederickson	Johnson, D.J.

Johnson, J.B.	Langseth	Metzen	Price	Stevens
Johnston	Larson	Moe, R.D.	Ranum	Stumpf
Kelly	Lesewski	Morse	Reichgott Junge	Terwilliger
Kiscaden	Lessard	Neuville	Riveness	Vickerman
Knutson	Luther	Oliver	Robertson	Wiener
Krentz	Marty	Olson	Sams	
Kroening	McGowan	Pariseau	Solon	
Laidig	Merriam	Piper	Spear	

So the bill passed and its title was agreed to.

S.F. No. 1832: A bill for an act relating to traffic regulations; authorizing immediate towing after 12 hours advance notice of restricted parking in cities under 50,000; amending Minnesota Statutes 1992, section 169.041, subdivision 4.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 48 and nays 10, as follows:

Those who voted in the affirmative were:

Anderson	Flynn	Krentz	Morse	Sams
Beckman	Frederickson	Kroening	Novak	Solon
Belanger	Hottinger	Langseth	Oliver	Spear
Benson, J.E.	Janezich	Lesewski	Olson	Stevens
Berglin	Johnson, D.E.	Lessard	Pariseau	Stumpf
Bertram	Johnson, D.J.	Luther	Piper	Terwilliger
Betzold	Johnson, J.B.	McGowan	Price	Vickerman
Chandler	Johnston	Merriam	Ranum	Wiener
Chmielewski	Kelly	Metzen	Reichgott Junge	
Finn	Knutson	Moe, R.D.	Riveness	

Those who voted in the negative were:

Benson, D.D.	Day	Kiscaden	Larson	Neuville
Berg	Dille	Laidig	Marty	Robertson

So the bill passed and its title was agreed to.

S.F. No. 1662: A bill for an act relating to family; adopting the uniform interstate family support act; repealing the revised uniform reciprocal enforcement of support act; proposing coding for new law in Minnesota Statutes, chapter 518C; repealing Minnesota Statutes 1992, sections 518C.01 to 518C.36.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 59 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Day	Kelly	Merriam	Reichgott Junge
Beckman	Dille	Kiscaden	Metzen	Riveness
Belanger	Finn	Knutson	Moe, R.D.	Robertson
Benson, D.D.	Flynn	Krentz	Morse	Sams
Benson, J.E.	Frederickson	Kroening	Neuville	Solon
Berg	Hanson	Laidig	Novak	Spear
Berglin	Hottinger	Langseth	Oliver	Stevens
Bertram	Janezich	Larson	Olson	Stumpf
Betzold	Johnson, D.E.	Lesewski	Pariseau	Terwilliger
Chandler	Johnson, D.J.	Lessard	Piper	Vickerman
Chmielewski	Johnson, J.B.	Marty	Price	Wiener
Cohen	Johnston	McGowan	Ranum	

So the bill passed and its title was agreed to.

S.F. No. 1702: A bill for an act relating to commerce; directing the commissioner of commerce to conduct a study of the Minnesota pawnbroker industry.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 58 and nays 2, as follows:

Those who voted in the affirmative were:

Anderson	Day	Kelly	Merriam	Reichgott Junge
Beckman	Dille	Knutson	Metzen	Riveness
Belanger	Finn	Krentz	Moe, R.D.	Sams
Benson, D.D.	Flynn	Kroening	Morse	Solon
Benson, J.E.	Frederickson	Laidig	Neuville	Spear
Berg	Hanson	Langseth	Novak	Stevens
Berglin	Hottinger	Larson	Oliver	Stumpf
Bertram	Janezich	Lesewski	Olson	Terwilliger
Betzold	Johnson, D.E.	Lessard	Pariseau	Vickerman
Chandler	Johnson, D.J.	Luther	Piper	Wiener
Chmielewski	Johnson, J.B.	Marty	Price	
Cohen	Johnston	McGowan	Ranum	

Mses. Kiscaden and Robertson voted in the negative.

So the bill passed and its title was agreed to.

S.F. No. 1774: A bill for an act relating to traffic regulations; permitting white strobe lights on rural mail carrier vehicles; amending Minnesota Statutes 1992, sections 169.01, by adding a subdivision; and 169.64, subdivision 8; Minnesota Statutes 1993 Supplement, section 169.64, subdivision 3.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Day	Kelly	McGowan	Ranum
Beckman	Dille	Kiscaden	Merriam	Reichgott Junge
Belanger	Finn	Knutson	Metzen	Riveness
Benson, D.D.	Flynn	Krentz	Moe, R.D.	Robertson
Benson, J.E.	Frederickson	Kroening	Morse	Sams
Berg	Hanson	Laidig	Neuville	Solon
Berglin	Hottinger	Langseth	Novak	Spear
Bertram	Janezich	Larson	Oliver	Stevens
Betzold	Johnson, D.E.	Lesewski	Olson	Stumpf
Chandler	Johnson, D.J.	Lessard	Pariseau	Terwilliger
Chmielewski	Johnson, J.B.	Luther	Piper	Vickerman
Cohen	Johnston	Marty	Price	Wiener

So the bill passed and its title was agreed to.

CONSENT CALENDAR

H.F. No. 2487: A bill for an act relating to local government; authorizing towns in Olmsted county to adopt and enforce the state building code.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Dille	Knutson	Moe, R.D.	Robertson
Beckman	Finn	Krentz	Morse	Sams
Belanger	Flynn	Kroening	Neuville	Solon
Benson, D.D.	Frederickson	Laidig	Novak	Spear
Benson, J.E.	Hanson	Langseth	Oliver	Stevens
Berg	Hottinger	Larson	Olson	Stumpf
Berglin	Janezich	Lesewski	Pappas	Terwilliger
Bertram	Johnson, D.E.	Lessard	Pariseau	Vickerman
Betzold	Johnson, D.J.	Luther	Piper	Wiener
Chandler	Johnson, J.B.	Marty	Price	
Chmielewski	Johnston	McGowan	Ranum	
Cohen	Kelly	Merriam	Reichgott Junge	
Day	Kiscaden	Metzen	Riveness	

So the bill passed and its title was agreed to.

S.F. No. 1918: A bill for an act relating to crime; making it murder in the first degree to cause the death of a local correctional guard; amending Minnesota Statutes 1992, section 609.185.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Dille	Knutson	Moe, R.D.	Robertson
Beckman	Finn	Krentz	Morse	Sams
Belanger	Flynn	Kroening	Neuville	Solon
Benson, D.D.	Frederickson	Laidig	Novak	Spear
Benson, J.E.	Hanson	Langseth	Oliver	Stevens
Berg	Hottinger	Larson	Olson	Stumpf
Berglin	Janezich	Lesewski	Pappas	Terwilliger
Bertram	Johnson, D.E.	Lessard	Pariseau	Vickerman
Betzold	Johnson, D.J.	Luther	Piper	Wiener
Chandler	Johnson, J.B.	Marty	Price	
Chmielewski	Johnston	McGowan	Ranum	
Cohen	Kelly	Merriam	Reichgott Junge	
Day	Kiscaden	Metzen	Riveness	

So the bill passed and its title was agreed to.

S.F. No. 1616: A bill for an act relating to environmental law; establishing a private cause of action for abandonment of hazardous waste; proposing coding for new law in Minnesota Statutes, chapter 116.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Day	Kelly	McGowan	Price
Beckman	Dille	Kiscaden	Merriam	Ranum
Belanger	Finn	Knutson	Metzen	Riveness
Benson, D.D.	Flynn	Krentz	Moe, R.D.	Robertson
Benson, J.E.	Frederickson	Kroening	Morse	Sams
Berg	Hanson	Laidig	Neuville	Solon
Berglin	Hottinger	Langseth	Novak	Spear
Bertram	Janezich	Larson	Oliver	Stevens
Betzold	Johnson, D.E.	Lesewski	Olson	Stumpf
Chandler	Johnson, D.J.	Lessard	Pappas	Terwilliger
Chmielewski	Johnson, J.B.	Luther	Pariseau	Vickerman
Cohen	Johnston	Marty	Piper	Wiener

So the bill passed and its title was agreed to.

S.F. No. 2345: A bill for an act relating to health; modifying provisions relating to foreign medical school graduates; amending Minnesota Statutes 1993 Supplement, section 147.037, subdivision 1.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 59 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Dille	Kiscaden	Merriam	Reichgott Junge
Beckman	Finn	Knutson	Metzen	Riveness
Benson, D.D.	Flynn	Krentz	Moe, R.D.	Robertson
Benson, J.E.	Frederickson	Kroening	Morse	Sams
Berg	Hanson	Laidig	Novak	Solon
Berglin	Hottinger	Langseth	Oliver	Spear
Bertram	Janezich	Larson	Olson	Stevens
Betzold	Johnson, D.E.	Lesewski	Pappas	Stumpf
Chandler	Johnson, D.J.	Lessard	Pariseau	Terwilliger
Chmielewski	Johnson, J.B.	Luther	Piper	Vickerman
Cohen	Johnston	Marty	Price	Wiener
Day	Kelly	McGowan	Ranum	

So the bill passed and its title was agreed to.

S.F. No. 2135: A bill for an act relating to community social services; modifying certain provisions regarding county community social service plans; amending Minnesota Statutes 1992, section 256E.09, subdivision 1.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 58 and nays 1, as follows:

Those who voted in the affirmative were:

Anderson	Dille	Knutson	Moe, R.D.	Robertson
Beckman	Finn	Krentz	Morse	Runbeck
Belanger	Flynn	Kroening	Novak	Sams
Benson, D.D.	Frederickson	Laidig	Oliver	Solon
Benson, J.E.	Hanson	Langseth	Olson	Spear
Berg	Hottinger	Larson	Pappas	Stevens
Berglin	Johnson, D.E.	Lessard	Pariseau	Stumpf
Bertram	Johnson, D.J.	Luther	Piper	Terwilliger
Betzold	Johnson, J.B.	Marty	Price	Vickerman
Chandler	Johnston	McGowan	Ranum	Wiener
Cohen	Kelly	Merriam	Reichgott Junge	
Day	Kiscaden	Metzen	Riveness	

Mr. Chmielewski voted in the negative.

So the bill passed and its title was agreed to.

H.F. No. 2210: A bill for an act relating to data practices; regulating the classification and release of certain department of commerce data; amending Minnesota Statutes 1992, section 13.71, by adding subdivisions.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Dille	Krentz	Neuville	Runbeck
Beckman	Finn	Kroening	Novak	Sams
Belanger	Flynn	Laidig	Oliver	Solon
Benson, D.D.	Frederickson	Langseth	Olson	Spear
Benson, J.E.	Hanson	Larson	Pappas	Stevens
Berg	Hottinger	Lesewski	Pariseau	Stumpf
Berglin	Janezich	Lessard	Piper	Terwilliger
Bertram	Johnson, D.E.	Luther	Pogemiller	Vickerman
Betzold	Johnson, D.J.	Marty	Price	Wiener
Chandler	Johnston	Merriam	Ranum	
Chmielewski	Kelly	Metzen	Reichgott Junge	
Cohen	Kiscaden	Moe, R.D.	Riveness	
Day	Knutson	Morse	Robertson	

So the bill passed and its title was agreed to.

S.F. No. 2255: A bill for an act relating to insurance; requiring the commissioner of commerce to conduct a study of pollution coverage in Minnesota farm liability policies and report to the legislature.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 1, as follows:

Those who voted in the affirmative were:

Anderson	Dille	Knutson	Moe, R.D.	Riveness
Beckman	Finn	Krentz	Morse	Runbeck
Belanger	Flynn	Kroening	Neuville	Sams
Benson, D.D.	Frederickson	Laidig	Novak	Solon
Benson, J.E.	Hanson	Langseth	Oliver	Spear
Berg	Hottinger	Larson	Olson	Stevens
Berglin	Janezich	Lesewski	Pappas	Stumpf
Bertram	Johnson, D.E.	Lessard	Pariseau	Terwilliger
Betzold	Johnson, D.J.	Luther	Piper	Vickerman
Chandler	Johnson, J.B.	Marty	Pogemiller	Wiener
Chmielewski	Johnston	McGowan	Price	
Cohen	Kelly	Merriam	Ranum	
Day	Kiscaden	Metzen	Reichgott Junge	

Ms. Robertson voted in the negative.

So the bill passed and its title was agreed to.

S.F. No. 1930: A bill for an act relating to human services; mental health grants; rules concerning psychopathic personalities; treatment for alcohol, drug abuse, and chemical dependency; stepparent income standards under aid to families with dependent children; child support incentives; medical assistance for needy persons; state and county social service plans; organ and tissue transplants; family preservation; commissioner's reports; group residential housing payments and agreements; and paternity proceedings; amending Minnesota Statutes 1992, sections 245.696, subdivision 2; 254A.02, subdivision 11; 254B.04, subdivision 1; 254B.05, subdivision 1; 256.74, subdivision 1a; 256B.69, subdivision 4; 256E.04; 256E.09, subdivision 3; 256H.24; and 257.60; Minnesota Statutes 1993 Supplement, sections 246B.04; 256.979, subdivision 8; 256B.0629, subdivisions 3 and 4; 256F.11, subdivision 3; and 256I.04, subdivisions 1a and 2a; repealing Minnesota Statutes 1992, section 254A.16, subdivisions 3 and 4; Laws 1993, chapter 337, section 16.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Dille	Knutson	Morse	Robertson
Beckman	Finn	Krentz	Neuville	Runbeck
Belanger	Flynn	Kroening	Novak	Sams
Benson, D.D.	Frederickson	Laidig	Oliver	Solon
Benson, J.E.	Hanson	Langseth	Olson	Spear
Berg	Hottinger	Lesewski	Pappas	Stevens
Berglin	Janezich	Lessard	Pariseau	Stumpf
Bertram	Johnson, D.E.	Luther	Piper	Terwilliger
Betzold	Johnson, D.J.	Marty	Pogemiller	Vickerman
Chandler	Johnson, J.B.	McGowan	Price	Wiener
Chmielewski	Johnston	Merriam	Ranum	
Cohen	Kelly	Metzen	Reichgott Junge	
Day	Kiscaden	Moe, R.D.	Riveness	

So the bill passed and its title was agreed to.

H.F. No. 2435: A bill for an act relating to animals; changing procedures concerning certain abandoned animals; amending Minnesota Statutes 1992, section 346.37, subdivision 1.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Dille	Knutson	Moe, R.D.	Riveness
Beckman	Finn	Krentz	Morse	Robertson
Belanger	Flynn	Kroening	Neuville	Sams
Benson, D.D.	Frederickson	Laidig	Novak	Solon
Benson, J.E.	Hanson	Langseth	Oliver	Spear
Berg	Hottinger	Larson	Olson	Stevens
Berglin	Janezich	Lesewski	Pappas	Stumpf
Bertram	Johnson, D.E.	Lessard	Pariseau	Terwilliger
Betzold	Johnson, D.J.	Luther	Piper	Vickerman
Chandler	Johnson, J.B.	Marty	Pogemiller	Wiener
Chmielewski	Johnston	McGowan	Price	
Cohen	Kelly	Merriam	Ranum	
Day	Kiscaden	Metzen	Reichgott Junge	

So the bill passed and its title was agreed to.

H.F. No. 2679: A bill for an act relating to boilers and engines; modifying provisions relating to hobby boilers and show engines; amending Minnesota Statutes 1992, section 183.411, subdivision 2; repealing Minnesota Statutes 1992, section 183.411, subdivision 1a.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Berg	Chmielewski	Flynn	Johnson, D.E.
Beckman	Berglin	Cohen	Frederickson	Johnson, D.J.
Belanger	Bertram	Day	Hanson	Johnson, J.B.
Benson, D.D.	Betzold	Dille	Hottinger	Johnston
Benson, J.E.	Chandler	Finn	Janezich	Kelly

Kiscaden	Lessard	Neuville	Price	Spear
Knutson	Luther	Novak	Ranum	Stevens
Krentz	Marty	Oliver	Reichgott Junge	Stumpf
Kroening	McGowan	Olson	Rivenness	Terwilliger
Laidig	Merriam	Pappas	Robertson	Vickerman
Langseth	Metzen	Pariseau	Runbeck	Wiener
Larson	Moe, R.D.	Piper	Sams	
Lesewski	Morse	Pogemiller	Solon	

So the bill passed and its title was agreed to.

S.F. No. 1764: A bill for an act relating to data privacy; allowing probation and parole agencies and child support enforcement agencies access to vehicle registration and certain identification information; amending Minnesota Statutes 1992, section 171.12, subdivision 7; Minnesota Statutes 1993 Supplement, section 168.346.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Finn	Krentz	Morse	Robertson
Beckman	Flynn	Kroening	Neuville	Runbeck
Belanger	Frederickson	Laidig	Novak	Sams
Benson, D.D.	Hanson	Langseth	Oliver	Solon
Benson, J.E.	Hottinger	Larson	Olson	Spear
Bérg	Janezich	Lesewski	Pappas	Stevens
Berglin	Johnson, D.E.	Lessard	Pariseau	Stumpf
Bertram	Johnson, D.J.	Luther	Piper	Terwilliger
Betzold	Johnson, J.B.	Marty	Pogemiller	Vickerman
Chandler	Johnston	McGowan	Price	
Cohen	Kelly	Merriam	Ranum	
Day	Kiscaden	Metzen	Reichgott Junge	
Dille	Knutson	Moe, R.D.	Rivenness	

So the bill passed and its title was agreed to.

S.F. No. 2671: A bill for an act relating to Itasca county; permitting the county board to submit a question to nonbinding referendum.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 1, as follows:

Those who voted in the affirmative were:

Anderson	Dille	Knutson	Morse	Robertson
Beckman	Finn	Krentz	Neuville	Runbeck
Belanger	Flynn	Kroening	Novak	Sams
Benson, D.D.	Frederickson	Laidig	Oliver	Solon
Benson, J.E.	Hanson	Langseth	Olson	Spear
Berg	Hottinger	Larson	Pappas	Stevens
Berglin	Janezich	Lesewski	Pariseau	Stumpf
Bertram	Johnson, D.E.	Lessard	Piper	Terwilliger
Betzold	Johnson, D.J.	Luther	Pogemiller	Vickerman
Chandler	Johnson, J.B.	Marty	Price	Wiener
Chmielewski	Johnston	McGowan	Ranum	
Cohen	Kelly	Metzen	Reichgott Junge	
Day	Kiscaden	Moe, R.D.	Rivenness	

Mr. Merriam voted in the negative.

So the bill passed and its title was agreed to.

S.F. No. 2011: A bill for an act relating to elections; providing for simulated elections for minors; proposing coding for new law in Minnesota Statutes, chapter 204B.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 2, as follows:

Those who voted in the affirmative were:

Anderson	Day	Kiscaden	Merriam	Price
Beckman	Dille	Knutson	Metzen	Ranum
Belanger	Finn	Krentz	Moe, R.D.	Reichgott Junge
Benson, D.D.	Flynn	Kroening	Morse	Riveness
Benson, J.E.	Frederickson	Laidig	Neuville	Sams
Berg	Hanson	Langseth	Novak	Solon
Berglin	Hottinger	Larson	Oliver	Spear
Bertram	Janezich	Lesewski	Olson	Stevens
Betzold	Johnson, D.E.	Lessard	Pappas	Stumpf
Chandler	Johnson, D.J.	Luther	Pariseau	Terwilliger
Chmielewski	Johnson, J.B.	Marty	Piper	Vickerman
Cohen	Kelly	McGowan	Pogemiller	Wiener

Mses. Johnston and Robertson voted in the negative.

So the bill passed and its title was agreed to.

S.F. No. 2464: A bill for an act relating to retirement; authorizing the purchase of prior service credit in the public employees retirement association by an employee of the city of Minneapolis.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 58 and nays 5, as follows:

Those who voted in the affirmative were:

Anderson	Day	Kiscaden	Moe, R.D.	Reichgott Junge
Beckman	Dille	Knutson	Morse	Riveness
Belanger	Finn	Krentz	Neuville	Runbeck
Benson, D.D.	Flynn	Kroening	Novak	Sams
Benson, J.E.	Frederickson	Laidig	Oliver	Solon
Berg	Hanson	Langseth	Olson	Spear
Berglin	Hottinger	Larson	Pappas	Stevens
Bertram	Janezich	Lessard	Pariseau	Stumpf
Betzold	Johnson, D.E.	Luther	Piper	Vickerman
Chandler	Johnson, D.J.	Marty	Pogemiller	Wiener
Chmielewski	Johnson, J.B.	McGowan	Price	
Cohen	Kelly	Metzen	Ranum	

Those who voted in the negative were:

Johnston	Lesewski	Merriam	Robertson	Terwilliger
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So the bill passed and its title was agreed to.

S.F. No. 2572: A bill for an act relating to human services; clarifying the effect of a record of conviction of certain crimes on disqualification in connection with certain human services licenses; strengthening provisions concerning residential treatment programs; modifying certain child abuse reporting requirements; amending Minnesota Statutes 1992, sections

245A.04, subdivision 3a; 245A.12, subdivision 8; 245A.13, subdivisions 1, 3c, and by adding a subdivision; 626.556, subdivisions 3 and 7; Minnesota Statutes 1993 Supplement, sections 245A.04, subdivisions 3 and 3b; 626.556, subdivision 10; and Laws 1993, chapter 171, section 6.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Dille	Knutson	Moe, R.D.	Riveness
Beckman	Finn	Krentz	Morse	Robertson
Belanger	Flynn	Kroening	Neuville	Runbeck
Benson, D.D.	Frederickson	Laidig	Novak	Sams
Benson, J.E.	Hanson	Langseth	Oliver	Solon
Berg	Hottinger	Larson	Olson	Spear
Berglin	Janezich	Lesewski	Pappas	Stevens
Bertram	Johnson, D.E.	Lessard	Pariseau	Stumpf
Betzold	Johnson, D.J.	Luther	Piper	Terwilliger
Chandler	Johnson, J.B.	Marty	Pogemiller	Vickerman
Chmielewski	Johnston	McGowan	Price	Wiener
Cohen	Kelly	Merriam	Ranum	
Day	Kiscaden	Metzen	Reichgott Junge	

So the bill passed and its title was agreed to.

S.F. No. 2468: A bill for an act relating to beaver control; allowing local road authorities to remove beaver dams and lodges near public roads; proposing coding for new law in Minnesota Statutes, chapter 97B.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Day	Kiscaden	Metzen	Reichgott Junge
Beckman	Dille	Knutson	Moe, R.D.	Riveness
Belanger	Finn	Krentz	Morse	Robertson
Benson, D.D.	Flynn	Kroening	Neuville	Runbeck
Benson, J.E.	Frederickson	Laidig	Novak	Sams
Berg	Hanson	Langseth	Oliver	Solon
Berglin	Hottinger	Larson	Olson	Spear
Bertram	Janezich	Lesewski	Pariseau	Stevens
Betzold	Johnson, D.J.	Luther	Piper	Stumpf
Chandler	Johnson, J.B.	Marty	Pogemiller	Terwilliger
Chmielewski	Johnston	McGowan	Price	Vickerman
Cohen	Kelly	Merriam	Ranum	Wiener

So the bill passed and its title was agreed to.

H.F. No. 2178: A bill for an act relating to state lands; authorizing private sale of certain tax-forfeited land that borders public water in Meeker county.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 3, as follows:

Those who voted in the affirmative were:

Anderson	Day	Kelly	Merriam	Price
Beckman	Dille	Kiscaden	Metzen	Ranum
Belanger	Finn	Knutson	Moe, R.D.	Reichgott Junge
Benson, D.D.	Flynn	Krentz	Morse	Riveness
Benson, J.E.	Frederickson	Kroening	Neuville	Sams
Berg	Hanson	Laidig	Novak	Solon
Berglin	Hottinger	Langseth	Oliver	Spear
Bertram	Janezich	Lesewski	Olson	Stevens
Betzold	Johnson, D.E.	Lessard	Pappas	Stumpf
Chandler	Johnson, D.J.	Luther	Pariseau	Terwilliger
Chmielewski	Johnson, J.B.	Marty	Piper	Vickerman
Cohen	Johnston	McGowan	Pogemiller	Wiener

Mr. Larson, Mses. Robertson and Runbeck voted in the negative.

So the bill passed and its title was agreed to.

S.F. No. 2672: A bill for an act relating to coroners; providing for exemption from educational requirements in certain circumstances; amending Minnesota Statutes 1992, section 390.005, subdivision 3.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 2, as follows:

Those who voted in the affirmative were:

Anderson	Day	Kelly	McGowan	Ranum
Beckman	Dille	Kiscaden	Metzen	Reichgott Junge
Belanger	Finn	Knutson	Morse	Riveness
Benson, D.D.	Flynn	Krentz	Neuville	Robertson
Benson, J.E.	Frederickson	Kroening	Novak	Runbeck
Berg	Hanson	Laidig	Oliver	Solon
Berglin	Hottinger	Langseth	Olson	Spear
Bertram	Janezich	Larson	Pappas	Stevens
Betzold	Johnson, D.E.	Lesewski	Pariseau	Stumpf
Chandler	Johnson, D.J.	Lessard	Piper	Terwilliger
Chmielewski	Johnson, J.B.	Luther	Pogemiller	Vickerman
Cohen	Johnston	Marty	Price	Wiener

Messrs. Merriam and Sams voted in the negative.

So the bill passed and its title was agreed to.

S.F. No. 1959: A bill for an act relating to state lands; authorizing public sale of certain tax-forfeited land that borders public water in Roseau county.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Dille	Knutson	Moe, R.D.	Reichgott Junge
Beckman	Finn	Krentz	Morse	Riveness
Belanger	Flynn	Kroening	Murphy	Robertson
Benson, D.D.	Frederickson	Laidig	Neuville	Runbeck
Benson, J.E.	Hanson	Langseth	Novak	Sams
Berg	Hottinger	Larson	Oliver	Solon
Berglin	Janezich	Lesewski	Olson	Spear
Bertram	Johnson, D.E.	Lessard	Pappas	Stevens
Betzold	Johnson, D.J.	Luther	Pariseau	Stumpf
Chandler	Johnson, J.B.	Marty	Piper	Terwilliger
Chmielewski	Johnston	McGowan	Pogemiller	Vickerman
Cohen	Kelly	Merriam	Price	Wiener
Day	Kiscaden	Metzen	Ranum	

So the bill passed and its title was agreed to.

S.F. No. 2491: A bill for an act relating to state lands; authorizing public sale of certain tax-forfeited land that borders public water in Stearns county.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Dille	Knutson	Morse	Robertson
Beckman	Finn	Krentz	Neuville	Runbeck
Belanger	Flynn	Kroening	Novak	Sams
Benson, D.D.	Frederickson	Laidig	Oliver	Solon
Benson, J.E.	Hanson	Langseth	Olson	Spear
Berg	Hottinger	Larson	Pappas	Stevens
Berglin	Janezich	Lesewski	Pariseau	Stumpf
Bertram	Johnson, D.E.	Luther	Piper	Terwilliger
Betzold	Johnson, D.J.	Marty	Pogemiller	Vickerman
Chandler	Johnson, J.B.	McGowan	Price	Wiener
Chmielewski	Johnson	Merriam	Ranum	
Cohen	Kelly	Metzen	Reichgott Junge	
Day	Kiscaden	Moe, R.D.	Riveness	

So the bill passed and its title was agreed to.

S.F. No. 1757: A bill for an act relating to solid waste management; postponing the prohibition on disposing of unprocessed mixed municipal solid waste at substandard landfills under specific circumstances; amending Minnesota Statutes 1993 Supplement, section 115A.415.

Pursuant to Rule 9, there being three objectors, S.F. No. 1757 was stricken from the Consent Calendar and placed on General Orders.

S.F. No. 2246: A bill for an act relating to natural resources; authorizing the exchange of certain state lands in Wabasha and Fillmore counties under certain conditions.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 57 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Dille	Knutson	Morse	Riveness
Belanger	Finn	Krentz	Murphy	Robertson
Benson, D.D.	Flynn	Laidig	Neuville	Runbeck
Benson, J.E.	Frederickson	Lesewski	Oliver	Spear
Berg	Hanson	Lessard	Olson	Stevens
Berglin	Hottinger	Luther	Pappas	Stumpf
Bertram	Janezich	Marty	Pariseau	Terwilliger
Betzold	Johnson, D.E.	McGowan	Piper	Vickerman
Chandler	Johnson, D.J.	Merriam	Pogemiller	Wiener
Chmielewski	Johnson, J.B.	Metzen	Price	
Cohen	Johnston	Moe, R.D.	Ranum	
Day	Kelly	Mondale	Reichgott Junge	

So the bill passed and its title was agreed to.

S.F. No. 2071: A bill for an act relating to the department of revenue; providing for the coordination of sales tax schedules for the state and the city of Saint Paul.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 57 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Day	Kelly	Moe, R.D.	Riveness
Beckman	Dille	Knutson	Mondale	Robertson
Belanger	Finn	Krentz	Morse	Sams
Benson, D.D.	Flynn	Kroening	Neuville	Spear
Benson, J.E.	Frederickson	Laidig	Novak	Stevens
Berg	Hanson	Larson	Pappas	Stumpf
Berglin	Hottinger	Lesewski	Pariseau	Terwilliger
Bertram	Janezich	Lessard	Piper	Vickerman
Betzold	Johnson, D.E.	Luther	Pogemiller	Wiener
Chandler	Johnson, D.J.	Marty	Price	
Chmielewski	Johnson, J.B.	Merriam	Ranum	
Cohen	Johnston	Metzen	Reichgott Junge	

So the bill passed and its title was agreed to.

S.F. No. 2579: A bill for an act relating to commerce; restraint of trade; providing a civil remedy for injury to business reputation or dilution of quality of a mark; providing grounds for injunctive relief; proposing coding for new law in Minnesota Statutes, chapter 325D.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Dille	Krentz	Mondale	Reichgott Junge
Beckman	Finn	Kroening	Morse	Riveness
Belanger	Flynn	Laidig	Murphy	Robertson
Benson, D.D.	Frederickson	Langseth	Neuville	Runbeck
Benson, J.E.	Hanson	Larson	Novak	Sams
Berg	Hottinger	Lesewski	Oliver	Solon
Berglin	Janezich	Lessard	Olson	Spear
Bertram	Johnson, D.E.	Luther	Pappas	Stevens
Betzold	Johnson, D.J.	Marty	Pariseau	Stumpf
Chandler	Johnson, J.B.	McGowan	Piper	Terwilliger
Chmielewski	Johnston	Merriam	Pogemiller	Vickerman
Cohen	Kelly	Metzen	Price	Wiener
Day	Knutson	Moe, R.D.	Ranum	

So the bill passed and its title was agreed to.

S.F. No. 2582: A bill for an act relating to insurance; extending to contract for deed vendors the protections contained in the mortgage clause of the standard fire insurance policy; amending Minnesota Statutes 1992, section 65A.01, subdivision 3.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Berg	Chmielewski	Flynn	Johnson, D.J.
Beckman	Berglin	Cohen	Hanson	Johnson, J.B.
Belanger	Bertram	Day	Hottinger	Johnston
Benson, D.D.	Betzold	Dille	Janezich	Kelly
Benson, J.E.	Chandler	Finn	Johnson, D.E.	Knutson

Krentz	Marty	Neuville	Ranum	Stevens
Kroening	McGowan	Novak	Reichgott Junge	Stumpf
Laidig	Merriam	Oliver	Riveness	Terwilliger
Langseth	Metzen	Olson	Robertson	Vickerman
Larson	Moe, R.D.	Pappas	Runbeck	Wiener
Lesewski	Mondale	Pariseau	Sams	
Lessard	Morse	Piper	Solon	
Luther	Murphy	Pogemiller	Spear	

So the bill passed and its title was agreed to.

S.F. No. 1862: A bill for an act relating to economic development; increasing the membership of the job skills partnership board; amending Minnesota Statutes 1993 Supplement, section 116L.03, subdivisions 1 and 2.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Dille	Krentz	Mondale	Reichgott Junge
Beckman	Finn	Kroening	Morse	Riveness
Belanger	Flynn	Laidig	Murphy	Robertson
Benson, D.D.	Frederickson	Langseth	Neuville	Runbeck
Benson, J.E.	Hanson	Larson	Novak	Sams
Berg	Hottinger	Lesewski	Oliver	Solon
Berglin	Janezich	Lessard	Olson	Spear
Bertram	Johnson, D.E.	Luther	Pappas	Stevens
Betzold	Johnson, D.J.	Marty	Pariseau	Stumpf
Chandler	Johnson, J.B.	McGowan	Piper	Terwilliger
Chmielewski	Johnston	Merriam	Pogemiller	Vickerman
Cohen	Kelly	Metzen	Price	Wiener
Day	Knutson	Moe, R.D.	Ranum	

So the bill passed and its title was agreed to.

S.F. No. 2503: A bill for an act relating to highways; conforming powers held by counties over county highways to those powers held by counties over county state-aid highways; amending Minnesota Statutes 1992, section 163.11, subdivision 3.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Dille	Krentz	Mondale	Riveness
Beckman	Finn	Kroening	Morse	Robertson
Belanger	Flynn	Laidig	Murphy	Runbeck
Benson, D.D.	Frederickson	Langseth	Neuville	Sams
Benson, J.E.	Hanson	Larson	Novak	Solon
Berg	Hottinger	Lesewski	Oliver	Spear
Berglin	Janezich	Lessard	Olson	Stevens
Bertram	Johnson, D.E.	Luther	Pappas	Stumpf
Betzold	Johnson, D.J.	Marty	Pariseau	Terwilliger
Chandler	Johnson, J.B.	McGowan	Piper	Vickerman
Chmielewski	Johnston	Merriam	Pogemiller	Wiener
Cohen	Kelly	Metzen	Price	
Day	Knutson	Moe, R.D.	Ranum	

So the bill passed and its title was agreed to.

H.F. No. 2187: A bill for an act relating to state lands; authorizing the sale of certain lands in Mille Lacs county to resolve a trespass situation.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Dille	Kroening	Neuville	Runbeck
Beckman	Finn	Laidig	Novak	Sams
Belanger	Flynn	Langseth	Oliver	Solon
Benson, D.D.	Frederickson	Larson	Olson	Spear
Benson, J.E.	Hanson	Lesewski	Pappas	Stevens
Berg	Hottinger	Lessard	Pariseau	Stumpf
Berglin	Johnson, D.E.	Luther	Piper	Terwilliger
Bertram	Johnson, D.J.	Marty	Pogemiller	Vickerman
Betzold	Johnson, J.B.	McGowan	Price	Wiener
Chandler	Johnston	Merriam	Ranum	
Chmielewski	Kelly	Metzen	Reichgott Junge	
Cohen	Knutson	Moe, R.D.	Riveness	
Day	Krentz	Mondale	Robertson	

So the bill passed and its title was agreed to.

H.F. No. 2675: A bill for an act relating to state lands; authorizing public sale of certain tax-forfeited land that borders public waters in Aitkin county.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Dille	Kroening	Morse	Robertson
Beckman	Finn	Laidig	Neuville	Runbeck
Belanger	Flynn	Langseth	Novak	Sams
Benson, D.D.	Frederickson	Larson	Oliver	Solon
Benson, J.E.	Hanson	Lesewski	Olson	Spear
Berg	Hottinger	Lessard	Pappas	Stevens
Berglin	Johnson, D.E.	Luther	Pariseau	Stumpf
Bertram	Johnson, D.J.	Marty	Piper	Terwilliger
Betzold	Johnson, J.B.	McGowan	Pogemiller	Vickerman
Chandler	Johnston	Merriam	Price	Wiener
Chmielewski	Kelly	Metzen	Ranum	
Cohen	Knutson	Moe, R.D.	Reichgott Junge	
Day	Krentz	Mondale	Riveness	

So the bill passed and its title was agreed to.

S.F. No. 2431: A bill for an act relating to the county attorney; modifying administrative subpoena requirements; amending Minnesota Statutes 1993 Supplement, section 388.23, subdivision 1.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Berg	Cohen	Frederickson	Johnson, J.B.
Beckman	Berglin	Day	Hanson	Johnston
Belanger	Bertram	Dille	Hottinger	Kelly
Benson, D.D.	Betzold	Finn	Johnson, D.E.	Knutson
Benson, J.E.	Chandler	Flynn	Johnson, D.J.	Krentz

Kroening	McGowan	Oliver	Reichgott Junge	Stumpf
Laidig	Merriam	Olson	Riveness	Terwilliger
Langseth	Metzen	Pappas	Robertson	Vickerman
Larson	Moe, R.D.	Pariseau	Runbeck	Wiener
Lesewski	Mondale	Piper	Sams	
Lessard	Morse	Pogemiller	Solon	
Luther	Neuville	Price	Spear	
Marty	Novak	Ranum	Stevens	

So the bill passed and its title was agreed to.

S.F. No. 2422: A bill for an act relating to burial grounds; modifying provisions for enforcement of certain civil actions; amending Minnesota Statutes 1993 Supplement, section 307.082.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Dille	Kroening	Morse	Robertson
Beckman	Finn	Laidig	Murphy	Runbeck
Belanger	Flynn	Langseth	Neuville	Sams
Benson, D.D.	Frederickson	Larson	Novak	Solon
Benson, J.E.	Hanson	Lesewski	Oliver	Spear
Berg	Hottinger	Lessard	Olson	Stevens
Berglin	Johnson, D.E.	Luther	Pappas	Stumpf
Bertram	Johnson, D.J.	Marty	Pariseau	Terwilliger
Betzold	Johnson, J.B.	McGowan	Piper	Vickerman
Chandler	Johnston	Merriam	Pogemiller	Wiener
Chmielewski	Kelly	Metzen	Price	
Cohen	Knutson	Moe, R.D.	Ranum	
Day	Krentz	Mondale	Riveness	

So the bill passed and its title was agreed to.

S.F. No. 2462: A bill for an act relating to state departments and agencies; department of employee relations; providing for implementation of management training programs, authorizing the use of facsimile machines; abolishing the career executive service; amending Minnesota Statutes 1992, sections 13.67; 43A.21, subdivision 3; and 43A.32, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 16B; repealing Minnesota Statutes 1992, section 43A.21, subdivision 5.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Dille	Kroening	Murphy	Runbeck
Beckman	Finn	Laidig	Neuville	Sams
Belanger	Flynn	Langseth	Novak	Solon
Benson, D.D.	Frederickson	Larson	Oliver	Spear
Benson, J.E.	Hanson	Lesewski	Olson	Stevens
Berg	Hottinger	Lessard	Pariseau	Stumpf
Berglin	Johnson, D.E.	Luther	Piper	Terwilliger
Bertram	Johnson, D.J.	Marty	Pogemiller	Vickerman
Betzold	Johnson, J.B.	Merriam	Price	Wiener
Chandler	Johnston	Metzen	Ranum	
Chmielewski	Kelly	Moe, R.D.	Reichgott Junge	
Cohen	Knutson	Mondale	Riveness	
Day	Krentz	Morse	Robertson	

So the bill passed and its title was agreed to.

H.F. No. 2035: A bill for an act relating to commerce; residential building contractors and remodelers; clarifying legislative intent to require maintenance of bonds until license renewal; requiring recovery fund fee proration in certain circumstances; amending Minnesota Statutes 1993 Supplement, section 326.975, subdivision 1.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Dille	Krentz	Moe, R.D.	Ranum
Beckman	Finn	Kroening	Mondale	Reichgott Junge
Belanger	Flynn	Laidig	Morse	Robertson
Benson, D.D.	Frederickson	Langseth	Murphy	Runbeck
Benson, J.E.	Hanson	Larson	Neuville	Sams
Berg	Hottinger	Lesewski	Novak	Solon
Berglin	Johnson, D.E.	Lessard	Oliver	Spear
Bertram	Johnson, D.J.	Luther	Olson	Stevens
Betzold	Johnson, J.B.	Marty	Pariseau	Stumpf
Chmielewski	Johnston	McGowan	Piper	Terwilliger
Cohen	Kelly	Merriam	Pogemiller	Vickerman
Day	Knutson	Metzen	Price	Wiener

So the bill passed and its title was agreed to.

S.F. No. 2710: A bill for an act relating to health; modifying provisions relating to lead abatement; amending Minnesota Statutes 1992, sections 144.871, subdivision 3; and 144.874, subdivision 12, and by adding a subdivision; Minnesota Statutes 1993 Supplement, sections 16B.61, subdivision 3; 144.871, subdivision 2; 144.872, subdivision 2; 144.874, subdivisions 1, 3, 9, and 11a; 144.878, subdivisions 2 and 5; and 326.71, subdivision 4; repealing Minnesota Statutes 1993 Supplement, section 144.877.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Dille	Kroening	Mondale	Reichgott Junge
Beckman	Finn	Laidig	Morse	Riveness
Belanger	Flynn	Langseth	Murphy	Robertson
Benson, D.D.	Frederickson	Larson	Neuville	Runbeck
Benson, J.E.	Hanson	Lesewski	Oliver	Sams
Berglin	Hottinger	Lessard	Olson	Solon
Bertram	Johnson, D.J.	Luther	Pappas	Spear
Betzold	Johnson, J.B.	Marty	Pariseau	Stevens
Chandler	Johnston	McGowan	Piper	Stumpf
Chmielewski	Kelly	Merriam	Pogemiller	Terwilliger
Cohen	Knutson	Metzen	Price	Vickerman
Day	Krentz	Moe, R.D.	Ranum	Wiener

So the bill passed and its title was agreed to.

S.F. No. 2455: A bill for an act relating to health and human services; requiring payment rates paid to community health clinics by a prepaid health plan to equal the medical assistance rates that would be paid directly to the

clinics by the commissioner of human services; amending Minnesota Statutes 1992, section 256B.031, subdivision 10; Minnesota Statutes 1993 Supplement, section 256.9363, subdivision 9.

Ms. Berglin moved to amend S.F. No. 2455 as follows:

Page 2, line 18, before the period, insert “, *provided that the prepaid health plan may reduce payment rates to a community health clinic or a community health services agency to reflect discounts established in a contract between the commissioner and the prepaid health plan*”

The motion prevailed. So the amendment was adopted.

S.F. No. 2455 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

The roll was called, and there were yeas 60 and nays 1, as follows:

Those who voted in the affirmative were:

Anderson	Dille	Krentz	Mondale	Ranum
Beckman	Finn	Kroening	Morse	Reichgott Junge
Belanger	Flynn	Laidig	Murphy	Riveness
Benson, D.D.	Frederickson	Larson	Neuville	Robertson
Benson, J.E.	Hanson	Lesewski	Novak	Runbeck
Berglin	Hottinger	Lessard	Oliver	Sams
Bertram	Johnson, D.E.	Luther	Olson	Solon
Betzold	Johnson, D.J.	Marty	Pappas	Spear
Chandler	Johnson, J.B.	McGowan	Pariseau	Stumpf
Chmielewski	Johnston	Merriam	Piper	Terwilliger
Cohen	Kelly	Metzen	Pogemiller	Vickerman
Day	Knutson	Moe, R.D.	Price	Wiener

Mr. Stevens voted in the negative.

So the bill, as amended, was passed and its title was agreed to.

S.F. No. 2598: A bill for an act relating to local government; authorizing the park and recreation board of the city of Minneapolis to transfer conveyed land to the Minnesota department of transportation.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Finn	Laidig	Neuville	Runbeck
Beckman	Flynn	Larson	Novak	Sams
Belanger	Frederickson	Lesewski	Oliver	Solon
Benson, D.D.	Hanson	Lessard	Olson	Spear
Benson, J.E.	Hottinger	Luther	Pappas	Stevens
Berglin	Johnson, D.E.	Marty	Pariseau	Stumpf
Bertram	Johnson, D.J.	McGowan	Piper	Terwilliger
Betzold	Johnson, J.B.	Merriam	Pogemiller	Vickerman
Chandler	Johnston	Metzen	Price	Wiener
Chmielewski	Kelly	Moe, R.D.	Ranum	
Cohen	Knutson	Mondale	Reichgott Junge	
Day	Krentz	Morse	Riveness	
Dille	Kroening	Murphy	Robertson	

So the bill passed and its title was agreed to.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time and referred to the committees indicated.

Mr. Dille introduced—

S.F. No. 2878: A bill for an act relating to taxation; sales and use; exempting certain sales to veterinarians; amending Minnesota Statutes 1992, section 297A.25, subdivision 9.

Referred to the Committee on Taxes and Tax Laws.

Mr. Dille introduced—

S.F. No. 2879: A bill for an act relating to game and fish; providing a small game hunting license exemption for disabled veterans; amending Minnesota Statutes 1992, sections 97A.441, subdivision 6; and 97B.601, subdivision 4.

Referred to the Committee on Environment and Natural Resources.

Mr. Dille introduced—

S.F. No. 2880: A bill for an act relating to traffic regulations; allowing implements of husbandry to travel to the left of the roadway center during daylight hours while displaying a flashing amber lamp as an alternative to an escort vehicle; amending Minnesota Statutes 1993 Supplement, section 169.18, subdivision 5.

Referred to the Committee on Transportation and Public Transit.

Mr. Laidig introduced—

S.F. No. 2881: A bill for an act relating to snowmobiles; clarifying restrictions on operation by certain minors and responsibilities of owners; amending Minnesota Statutes 1993 Supplement, section 84.872.

Referred to the Committee on Environment and Natural Resources.

Mr. Finn introduced—

S.F. No. 2882: A bill for an act relating to employment; appropriating money for opportunities industrialization centers.

Referred to the Committee on Jobs, Energy and Community Development.

Mr. Finn, Ms. Flynn, Messrs. Mondale, Marty and Ms. Piper introduced—

S.F. No. 2883: A bill for an act relating to health; requiring health program consolidation; expanding the MinnesotaCare program; establishing a standard benefit set; implementing insurance reforms; requiring other initiatives to assure health care access; increasing individual income tax liabilities; appropriating the proceeds of the increased tax to the health care access fund; amending Minnesota Statutes 1992, sections 62D.181, subdivision 8; 62J.03, by adding a subdivision; 256.9358, subdivision 3; 290.06, subdivision 2c; and 290.62; Minnesota Statutes 1993 Supplement, sections 62A.021, subdivision 1; 62E.11, subdivision 12; 256.9352, subdivision 3; 256.9353, by adding a subdivision; and 256.9357, subdivision 1; proposing coding for new law in

Minnesota Statutes, chapter 62J; repealing Minnesota Statutes 1992, section 62E.11, subdivisions 5 and 6; Minnesota Statutes 1993 Supplement, section 256.9357, subdivision 2.

Referred to the Committee on Health Care.

Mr. Pogemiller introduced—

S.F. No. 2884: A bill for an act relating to public finance; providing conditions and requirements for the issuance of debt; authorizing the use of revenue recapture by certain housing agencies; clarifying a property tax exemption; providing procedures for use of obligations to satisfy unfunded pension liabilities; authorizing use of special assessments for on-site water contamination improvements; authorizing an increase in the membership of county housing and redevelopment authorities; amending Minnesota Statutes 1992, sections 270A.03, subdivision 2; 353A.09, subdivision 5; 383.06, subdivision 2; 423A.02, subdivision 1; 429.011, by adding a subdivision; 429.031, subdivision 3; 469.006, subdivision 1; 469.157; 469.158; 469.184, by adding a subdivision; 471.56, subdivision 5, and by adding a subdivision; 471.562, subdivision 3, and by adding a subdivision; 475.51, subdivision 4; 475.52, subdivisions 1 and 6; 475.53, subdivision 5; 475.54, subdivision 16; 475.60, by adding a subdivision; and 475.79; Minnesota Statutes 1993 Supplement, sections 272.02, subdivision 1; and 469.033, subdivision 6; proposing coding for new law in Minnesota Statutes, chapter 469.

Referred to the Committee on Taxes and Tax Laws.

Mses. Lesewski, Hanson, Runbeck and Johnston introduced—

S.F. No. 2885: A bill for an act relating to employment; establishing the governor's workforce development council to replace the governor's job training council; proposing coding for new law in Minnesota Statutes, chapter 268; repealing Minnesota Statutes 1993 Supplement, section 268.9755.

Referred to the Committee on Jobs, Energy and Community Development.

Mrs. Pariseau, Messrs. Neuville, Stevens, Vickerman and Sams introduced—

S.F. No. 2886: A bill for an act relating to taxation; requiring voter approval to increase local government property tax levies at a rate greater than the growth in state personal income; proposing coding for new law in Minnesota Statutes, chapter 275.

Referred to the Committee on Taxes and Tax Laws.

Mrs. Benson, J.E.; Messrs. Bertram, Stevens, Frederickson and Johnson, D.E. introduced—

S.F. No. 2887: A bill for an act relating to capital improvements; St. Cloud; appropriating money for historic renovation of the Paramount Theater; authorizing the sale of state bonds.

Referred to the Committee on Veterans and General Legislation.

Ms. Pappas introduced—

S.F. No. 2888: A bill for an act relating to public administration; authorizing expenditures of a capital nature; requiring the commissioner of human services to establish two pilot neighborhood family services centers; authorizing the issuance of state bonds; appropriating money; amending Minnesota Statutes 1992, section 256.01, by adding a subdivision.

Referred to the Committee on Family Services.

Ms. Pappas introduced—

S.F. No. 2889: A bill for an act relating to taxation; providing for the application of certain taxation and exemption provisions; amending Minnesota Statutes 1992, sections 60A.02, by adding a subdivision; and 290.01, by adding a subdivision.

Referred to the Committee on Taxes and Tax Laws.

Ms. Ranum introduced—

S.F. No. 2890: A bill for an act relating to capital improvements; appropriating money to the commissioner of jobs and training to construct facilities for Head Start or other early intervention education programs; authorizing the sale of state bonds; proposing coding for new law in Minnesota Statutes, chapter 268.

Referred to the Committee on Jobs, Energy and Community Development.

Messrs. Langseth and Stumpf introduced—

S.F. No. 2891: A bill for an act relating to taxation; increasing the acreage of agricultural homestead property subject to the lower class rate; amending Minnesota Statutes 1993 Supplement, section 273.13, subdivision 23.

Referred to the Committee on Taxes and Tax Laws.

Without objection, the Senate reverted to the Orders of Business of Reports of Committees, Second Reading of Senate Bills and Second Reading of House Bills.

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was re-referred

S.F. No. 1899: A bill for an act relating to the city of Eagan; providing for the establishment of a special service district.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was re-referred

S.F. No. 2476: A bill for an act relating to local government; authorizing establishment of Nashwauk area ambulance district.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Mr. Metzen from the Committee on Governmental Operations and Reform, to which was re-referred

S.F. No. 1879: A bill for an act relating to occupations and professions; requiring that concrete and masonry contractors be licensed as residential contractors; amending Minnesota Statutes 1993 Supplement, sections 326.83, subdivisions 7, 19, and by adding a subdivision; 326.842; and 326.94, subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Page 4, after line 29, insert:

“Sec. 6. [EFFECTIVE DATE.]

Sections 1 to 5 are effective August 1, 1995.”

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Metzen from the Committee on Governmental Operations and Reform, to which was referred

S.F. No. 2185: A bill for an act relating to the state building code; providing for the disposition of certain receipts from permit surcharges; appropriating money; amending Minnesota Statutes 1992, section 16B.70, subdivision 1.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Finance. Report adopted.

Mr. Lessard from the Committee on Environment and Natural Resources, to which was referred

S.F. No. 2277: A bill for an act relating to metropolitan waste control commission; authorizing the commission to enter into agreements to implement total watershed management; proposing coding for new law in Minnesota Statutes, chapter 473.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 20, after “*Carver*,” insert “*Dakota*,”

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 1913 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
		1913		2394	

and that the above Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 2360 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
2360	2472				

and that the above Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 1881 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
		1881	1680		

and that the above Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 1844 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1844	1679				

and that the above Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 2365 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
2365	1966				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 2365 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2365 and insert the language after the enacting clause of S.F. No. 1966, the first engrossment; further, delete the title of H.F. No. 2365 and insert the title of S.F. No. 1966, the first engrossment.

And when so amended H.F. No. 2365 will be identical to S.F. No. 1966, and further recommends that H.F. No. 2365 be given its second reading and substituted for S.F. No. 1966, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 1928 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1928	1807				

and that the above Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the

Secretary of the Senate on behalf of the Committee on Rules and Administration. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 2762 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
2762	2510				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 2762 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2762 and insert the language after the enacting clause of S.F. No. 2510; further, delete the title of H.F. No. 2762 and insert the title of S.F. No. 2510.

And when so amended H.F. No. 2762 will be identical to S.F. No. 2510, and further recommends that H.F. No. 2762 be given its second reading and substituted for S.F. No. 2510, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 2309 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
		2309	2471		

and that the above Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 2362 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
2362	2189				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 2362 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2362 and insert the language after the enacting clause of S.F. No. 2189, the first engrossment; further, delete the title of H.F. No. 2362 and insert the title of S.F. No. 2189, the first engrossment.

And when so amended H.F. No. 2362 will be identical to S.F. No. 2189, and further recommends that H.F. No. 2362 be given its second reading and substituted for S.F. No. 2189, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 2634 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
		2634	2119		

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 2634 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2634 and insert the language after the enacting clause of S.F. No. 2119; further, delete the title of H.F. No. 2634 and insert the title of S.F. No. 2119.

And when so amended H.F. No. 2634 will be identical to S.F. No. 2119, and further recommends that H.F. No. 2634 be given its second reading and substituted for S.F. No. 2119, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

SECOND READING OF SENATE BILLS

S.F. Nos. 1899, 2476, 1879 and 2277 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 1913, 2360, 1881, 1844, 2365, 1928, 2762, 2309, 2362 and 2634 were read the second time.

MEMBERS EXCUSED

Mrs. Adkins and Mr. Samuelson were excused from the Session of today. Ms. Kiscaden was excused from the Session of today at 9:40 a.m. Mr. Novak was excused from the Session of today from 8:30 to 9:00 a.m. Ms. Runbeck was excused from the Session of today from 8:30 to 9:10 a.m. Mr. Pogemiller was excused from the Session of today from 8:30 to 9:15 a.m. Mr. Murphy was excused from the Session of today from 8:30 to 9:30 a.m. Mr. Mondale was excused from the Session of today from 8:30 to 9:45 a.m.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 9:00 a.m., Tuesday, April 5, 1994. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

EIGHTY-SECOND DAY

St. Paul, Minnesota, Monday, April 4, 1994

The House of Representatives met on Monday, April 4, 1994, which was the Eighty-Second Legislative Day of the Seventy-Eighth Session of the Minnesota State Legislature. The Senate did not meet on this date.

EIGHTY-THIRD DAY

St. Paul, Minnesota, Tuesday, April 5, 1994

The Senate met at 9:00 a.m. and was called to order by the President.

CALL OF THE SENATE

Mr. Betzold imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

Prayer was offered by the Chaplain, Rev. Dennis E. Hier.

The members of the Senate gave the pledge of allegiance to the flag of the United States of America.

The roll was called, and the following Senators answered to their names:

Adkins	Dille	Krentz	Morse	Robertson
Anderson	Finn	Kroening	Murphy	Runbeck
Beckman	Flynn	Laidig	Neuville	Sams
Belanger	Frederickson	Langseth	Novak	Samuelson
Benson, D.D.	Hanson	Larson	Oliver	Solon
Benson, J.E.	Hottinger	Lesewski	Olson	Spear
Berg	Janezich	Lessard	Pappas	Stevens
Berglin	Johnson, D.E.	Luther	Pariseau	Stumpf
Bertram	Johnson, D.J.	Marty	Piper	Terwilliger
Betzold	Johnson, J.B.	McGowan	Pogemiller	Vickerman
Chandler	Johnston	Merriam	Price	Wiener
Chmielewski	Kelly	Metzen	Ranum	
Cohen	Kiscaden	Moe, R.D.	Reichgott Junge	
Day	Knutson	Mondale	Riveness	

The President declared a quorum present.

The reading of the Journal was dispensed with and the Journal, as printed and corrected, was approved.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communications were received.

March 31, 1994

The Honorable Allan H. Spear
President of the Senate

Dear President Spear:

It is my honor to inform you that I have received, approved, signed and deposited in the Office of the Secretary of State, S.F. Nos. 1709 and 1750.

Warmest regards,
Arne H. Carlson, Governor

March 31, 1994

The Honorable Irv Anderson
Speaker of the House of Representatives

The Honorable Allan H. Spear
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1994 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

S.F. No.	H.F. No.	Session Laws Chapter No.	Time and Date Approved 1994	Date Filed 1994
1709		383	9:14 a.m. March 31	March 31
	2130	384	9:12 a.m. March 31	March 31
1750		385	9:17 a.m. March 31	March 31

Sincerely,
Joan Anderson Growe
Secretary of State

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted, with the exception of the reports on S.F. Nos. 2816, 1795 and 2657. The motion prevailed.

Mr. Spear from the Committee on Crime Prevention, to which was referred

S.F. No. 2392: A bill for an act relating to crime prevention; requiring law enforcement agencies to adopt policies for investigating cases involving children who are missing and endangered; requiring that all cases of children who are missing and endangered be reported to the bureau of criminal apprehension, which may assist local law enforcement agencies; restricting access to data involving juvenile witnesses; requiring pretrial evaluations in felony and certain other cases; requiring mandated reporters to report instances of kidnapping; requiring the commissioner of public safety to develop a plan for a criminal alert network; appropriating money; amending Minnesota Statutes 1992, sections 299C.52, subdivision 1; 299C.53, subdivision 1, and by adding a subdivision; 299D.07; 626.556, subdivision 3a; and 629.73; Minnesota Statutes 1993 Supplement, sections 13.82, subdivision 10; 299C.065, subdivision 1; and 480.30; proposing coding for new law in Minnesota Statutes, chapters 626; and 629.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

“ARTICLE 1

MISSING AND ENDANGERED CHILDREN

Section 1. Minnesota Statutes 1993 Supplement, 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;

(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: (1) the agency determines that revealing the identity may threaten the personal safety or property of any person; or (2) the object of the call is to receive help in a mental health emergency. 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; *or*

(g) when access to the data would reveal the identity of a juvenile witness and the agency reasonably determines that the subject matter of the investigation justifies protecting the identity of the witness.

Data concerning individuals whose identities are protected by this subdivision are private data about those individuals. Law enforcement agencies shall establish procedures to acquire the data and make the decisions necessary to protect the identity of individuals described in ~~clause~~ clauses (d) and (g).

Sec. 2. Minnesota Statutes 1993 Supplement, section 299C.065, subdivision 1, is amended to read:

Subdivision 1. [GRANTS.] The commissioner of public safety shall make grants to local officials for the following purposes:

(1) the cooperative investigation of cross jurisdictional criminal activity relating to the possession and sale of controlled substances;

(2) receiving or selling stolen goods;

(3) participating in gambling activities in violation of section 609.76;

(4) violations of section 609.322, 609.323, or any other state or federal law

prohibiting the recruitment, transportation, or use of juveniles for purposes of prostitution;

(5) witness assistance services in cases involving criminal gang activity in violation of section 609.229, or domestic assault, as defined in section 611A.0315; and

(6) for partial reimbursement of local costs associated with unanticipated, intensive, long-term, multijurisdictional criminal investigations that exhaust available local resources, *except that the commissioner may not reimburse the costs of a local investigation involving a child who is reported to be missing and endangered unless the law enforcement agency complies with section 299C.53 and the agency's own investigative policy.*

Sec. 3. Minnesota Statutes 1992, section 299C.52, subdivision 1, is amended to read:

Subdivision 1. [DEFINITIONS.] As used in sections 299C.52 to 299C.56, 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; *and*

(e) "Endangered" means that a law enforcement official has received sufficient evidence that the child is with a person who presents a threat of immediate physical injury to the child or physical or sexual abuse of the child.

Sec. 4. Minnesota Statutes 1992, section 299C.53, subdivision 1, is amended to read:

Subdivision 1. [INVESTIGATION AND ENTRY OF INFORMATION.] Upon receiving a report of a child believed to be missing, a law enforcement agency shall conduct a preliminary investigation to determine whether the child is missing. *If the child is initially determined to be missing and endangered, the agency shall immediately consult the bureau of criminal apprehension during the preliminary investigation, in recognition of the fact that the first two hours are critical.* If the child is determined to be missing, the agency shall immediately enter identifying and descriptive information about the child through the CJIS into the NCIC computer. Law enforcement agencies having direct access to the CJIS and the NCIC computer shall enter and retrieve the data directly and shall cooperate in the entry and retrieval of data on behalf of law enforcement agencies which do not have direct access to the systems.

Sec. 5. Minnesota Statutes 1992, section 299C.53, is amended by adding a subdivision to read:

Subd. 3. [MISSING AND ENDANGERED CHILDREN.] If the bureau of criminal apprehension receives a report from a law enforcement agency indicating that a child is missing and endangered, the superintendent may assist the law enforcement agency in conducting the preliminary investigation,

offer resources, and assist the agency in helping implement the investigation policy with particular attention to the need for immediate action.

Sec. 6. Minnesota Statutes 1992, section 299D.07, is amended to read:

299D.07 [HELICOPTERS AND FIXED WING AIRCRAFT.]

The commissioner of public safety is hereby authorized to retain, acquire, maintain and operate helicopters and fixed wing aircraft for the purposes of *the highway patrol and the bureau of criminal apprehension* and to employ state patrol officer pilots as required.

Sec. 7. Minnesota Statutes 1993 Supplement, section 480.30, is amended to read:

480.30 [JUDICIAL TRAINING ON DOMESTIC ABUSE, HARASSMENT, AND STALKING.]

The supreme court's judicial education program must include ongoing training for district court judges on *child and adolescent sexual abuse, domestic abuse, harassment, and stalking laws*, and related civil and criminal court issues. *The program must include information about the specific needs of victims.* The program must include education on the causes of *sexual abuse and family violence* and culturally responsive approaches to serving victims. The program must emphasize the need for the coordination of court and legal victim advocacy services and include education on *sexual abuse and domestic abuse programs and policies* within law enforcement agencies and prosecuting authorities as well as the court system.

Sec. 8. Minnesota Statutes 1992, section 626.556, subdivision 3a, is amended to read:

Subd. 3a. **[REPORT OF DEPRIVATION OF PARENTAL RIGHTS OR KIDNAPPING.]** A person mandated to report under subdivision 3, who knows or has reason to know of a violation of section 609.25 or 609.26, shall report the information to the local police department or the county sheriff. Receipt by a local welfare agency of a report or notification of a report of a violation of section 609.25 or 609.26 shall not be construed to invoke the duties of subdivision 10, 10a, or 10b.

Sec. 9. [626.8454] **[MANUAL AND POLICY FOR INVESTIGATING CASES INVOLVING CHILDREN WHO ARE MISSING AND ENDANGERED.]**

Subdivision 1. [MANUAL.] By July 1, 1994, the superintendent of the bureau of criminal apprehension shall transmit to law enforcement agencies a training and procedures manual on child abduction investigations.

Subd. 2. [MODEL INVESTIGATION POLICY.] By January 1, 1995, the peace officer standards and training board shall develop a model investigation policy for cases involving children who are missing and endangered as defined in section 299C.52. The model policy shall describe the procedures for the handling of cases involving children who are missing and endangered. In developing the policy, the board shall consult with representatives of the bureau of criminal apprehension, Minnesota police chiefs association, Minnesota sheriff's association, Minnesota police and peace officers association, Minnesota association of women police, Minnesota county attorneys association, and victims advocacy groups. The manual on child abduction investi-

gation shall serve as a basis for defining the specific actions to be taken during the early investigation.

Subd. 3. [LOCAL POLICY.] By August 1, 1995, each chief of police and sheriff shall establish and implement a written policy governing the investigation of cases involving children who are missing and endangered as defined in section 299C.52. The policy shall be based on the model policy developed under subdivision 2. The policy shall include specific actions to be taken during the initial two-hour period.

Sec. 10. Minnesota Statutes 1992, section 629.73, is amended to read:

629.73 [NOTICE TO ~~SEXUAL ASSAULT~~ CRIME VICTIM REGARDING RELEASE OF ARRESTED OR DETAINED PERSON.]

Subdivision 1. [ORAL NOTICE.] When a person arrested or a juvenile detained for ~~criminal sexual conduct~~ or ~~attempted criminal sexual conduct~~ a crime of violence or an attempted crime of violence is about to be released from pretrial detention, the agency having custody of the arrested or detained person or its designee shall make a reasonable and good faith effort before release to inform orally the victim or, if the victim is incapacitated, the same or next of kin, or if the victim is a minor, the victim's parent or guardian of the following matters:

- (1) the conditions of release, if any;
- (2) the time of release;
- (3) the time, date, and place of the next scheduled court appearance of the arrested or detained person and, where applicable, the victim's right to be present at the court appearance; and
- (4) the location and telephone number of the area sexual assault program as designated by the commissioner of corrections.

Subd. 2. [WRITTEN NOTICE.] As soon as practicable after the arrested or detained person is released, the agency having custody of the arrested or detained person or its designee must personally deliver or mail to the alleged victim written notice of the information contained in subdivision 1, clauses (2) and (3).

Sec. 11. [629.74] [PRETRIAL BAIL EVALUATION.]

The local corrections department or its designee shall conduct a pretrial bail evaluation of each defendant arrested and detained for committing a crime of violence as defined in section 624.712, subdivision 5, or for a nonfelony violation of section 518B.01, 609.2231, 609.224, 609.3451, 609.748, or 609.749. In cases where the defendant requests appointed counsel, the evaluation shall include completion of the financial statement required by section 611.17. The local corrections department shall be reimbursed \$25 by the department of corrections for each evaluation performed. The conference of chief judges, in consultation with the department of corrections, shall approve the pretrial evaluation form to be used in each county.

Sec. 12. [CRIMINAL ALERT NETWORK.]

Subdivision 1. [PLAN.] The commissioner of public safety, in cooperation with the commissioner of administration, shall develop a plan for an

integrated criminal alert network to facilitate the communication of crime prevention information by electronic means among state agencies, law enforcement officials, and the private sector. The plan shall identify ways to disseminate data regarding the commission of crime, including information on missing and endangered children. In addition, the plan shall consider methods of reducing theft and other crime by the use of electronic transmission of information. In developing the plan, the commissioner shall consider the efficacy of existing means of transmitting information about crime and evaluate the following means of information transfer: existing state computer networks, INTERNET, and fax machines, including broadcast fax procedures.

Subd. 2. [REPORT.] The commissioner shall report to the legislature by January 1, 1995, concerning the details of the plan.

Sec. 13. [PRETRIAL SERVICES.]

The conference of chief judges shall consider including within the pretrial services checklist:

(1) an evaluation of the proximity of the residences of the alleged offender and the victim, including whether the victim and defendant cohabit or are close neighbors if the case involves criminal sexual conduct or domestic violence; and

(2) an attempt to contact the victim or victim's family to verify information on which the bail decision is based.

Sec. 14. [EFFECTIVE DATE.]

Section 11 is effective October 1, 1994.

ARTICLE 2

FUNDING

TOTAL GENERAL FUND APPROPRIATION

\$

Section 1. [APPROPRIATION; COMMISSIONER OF CORRECTIONS.]

\$..... is appropriated from the general fund to the commissioner of corrections for pretrial services for counties.

Sec. 2. [APPROPRIATION; COMMISSIONER OF PUBLIC SAFETY.]

Total General Fund Appropriation

\$490,000

\$200,000 is appropriated from the general fund to the commissioner of public safety for the fund established by Minnesota Statutes, section 299C.065, subdivision 1, for grants to local officials under subdivision 1, clause (6).

\$275,000 is appropriated from the general fund to the commissioner of public safety to develop the plan as specified in article

1, section 12, subdivision 1; to conduct a pilot crime-fax project to test the usefulness of broadcast fax for crime alert and crime prevention communications to private businesses and other entities; to evaluate the appropriateness of using various existing state computer networks and the Internet as an alert network to disseminate information about crime and criminal suspects; and for a network coordinator position to facilitate the development of the plan, the crime-fax pilot project, and the evaluation of the networks for use as a crime alert network.

\$15,000 is appropriated from the general fund to the commissioner of public safety for the production and distribution of the manual described in article 1, section 9, subdivision 1."

Delete the title and insert:

"A bill for an act relating to crime prevention; requiring law enforcement agencies to adopt policies for investigating cases involving children who are missing and endangered; requiring that all cases of children who are missing and endangered be reported to the bureau of criminal apprehension, which may assist local law enforcement agencies; restricting access to data involving juvenile witnesses; requiring pretrial evaluations in felony and certain other cases; requiring mandated reporters to report instances of kidnapping; requiring the commissioner of public safety to develop a plan for a criminal alert network; appropriating money; amending Minnesota Statutes 1992, sections 299C.52, subdivision 1; 299C.53, subdivision 1, and by adding a subdivision; 299D.07; 626.556, subdivision 3a; and 629.73; Minnesota Statutes 1993 Supplement, sections 13.82, subdivision 10; 299C.065, subdivision 1; and 480.30; proposing coding for new law in Minnesota Statutes, chapters 626; and 629."

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Metzen from the Committee on Governmental Operations and Reform, to which was referred

S.F. No. 2624: A bill for an act relating to state government; requiring use of state lottery terminals to provide citizens with electronic access to state agencies for the purpose of obtaining certain licenses and permits; proposing coding for new law in Minnesota Statutes, chapter 16B.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Mr. Metzen from the Committee on Governmental Operations and Reform, to which was re-referred

S.F. No. 1760: A bill for an act relating to human services; providing monitoring and evaluation of emergency health services on a pilot project basis; authorizing an advisory committee.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Mr. Solon from the Committee on Commerce and Consumer Protection, to which was re-referred

S.F. No. 2093: A bill for an act relating to agriculture; establishing certification and labeling program to identify milk and milk products free of recombinant bovine growth hormone; removing and clarifying regulations concerning veterinary use of recombinant bovine growth hormone; amending Minnesota Statutes 1992, sections 32.103; 151.01, subdivision 28; 151.15, subdivision 3; and 151.25; proposing coding for new law in Minnesota Statutes, chapter 32.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was re-referred

S.F. No. 1857: A bill for an act relating to taxation; property; extending the agricultural homestead provisions of a relative to the father or mother or to certain children by marriage; amending Minnesota Statutes 1993 Supplement, section 273.124, subdivision 1.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was referred

H.F. No. 2306: A bill for an act relating to the city of Minneapolis; providing that a levy for a contribution to the Minneapolis teachers retirement fund association is a special taxing district levy for property tax purposes; amending Minnesota Statutes 1993 Supplement, section 354A.12, subdivision 3b.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was re-referred

S.F. No. 2205: A bill for an act relating to the city of Duluth; authorizing the issuance of general obligation bonds to finance improvements to the Duluth entertainment convention center.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was referred

S.F. No. 1976: A bill for an act relating to taxation; property; clarifying certain homestead eligibility for trust property; amending Minnesota Statutes 1993 Supplement, section 273.124, subdivision 1.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Chmielewski from the Committee on Transportation and Public Transit, to which was re-referred

S.F. No. 2816: A bill for an act relating to metropolitan government; increasing the amount of obligations the metropolitan council may issue for certain transit purposes; amending Minnesota Statutes 1992, section 473.39, subdivision 1b.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 12, delete "\$135,400,000" and insert "\$133,500,000"

And when so amended the bill do pass and be re-referred to the Committee on Taxes and Tax Laws.

Pursuant to Joint Rule 2.03, the bill was referred to the Committee on Rules and Administration.

Mr. Chmielewski from the Committee on Transportation and Public Transit, to which was referred

S.F. No. 1795: A bill for an act relating to traffic regulations; establishing Minnesota child passenger restraint and education account to assist families in financial need to obtain child passenger restraint systems; amending Minnesota Statutes 1992, section 169.685, by adding a subdivision; Minnesota Statutes 1993 Supplement, section 169.685, subdivision 5.

Reports the same back with the recommendation that the bill do pass. Mr. Merriam questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Mr. Chmielewski from the Committee on Transportation and Public Transit, to which was referred

S.F. No. 2660: A bill for an act relating to Ramsey county; providing for funding the maintenance of turnback roads in Ramsey county; amending Minnesota Statutes 1992, section 383A.16, subdivision 2, and by adding subdivisions; repealing Minnesota Statutes 1992, section 383A.16, subdivision 1.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was re-referred

S.F. No. 2097: A bill for an act relating to transportation; establishing annual gasoline excise tax rate adjustment; increasing the transfer of motor vehicle excise tax receipts to the transit assistance fund; providing for distribution of money from the transit assistance fund; requiring study of

electric vehicle transportation technology; requiring high-speed rail study; requiring action on environmental impact statement for Wakota Bridge; authorizing the sale of state bonds; appropriating money; amending Minnesota Statutes 1992, sections 296.02, by adding a subdivision; and 297B.09, subdivision 1; Minnesota Statutes 1993 Supplement, section 174.32, subdivision 2; Laws 1993, chapter 373, section 25, subdivision 5.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, after line 30, insert:

“General Fund000”

Page 2, after line 8, insert:

“This appropriation is added to the appropriation for fiscal year 1995 in Laws 1993, chapter 266, section 2, subdivision 3, paragraph (a).

Up to \$1,500,000 of unencumbered funds provided in Laws 1993, chapter 266, section 2, subdivision 3, paragraph (a), may be carried forward from fiscal year 1994 to fiscal year 1995.”

Page 2, after line 11, insert:

“This appropriation is added to the appropriation for fiscal year 1995 in Laws 1993, chapter 266, section 2, subdivision 3, paragraph (b).”

Page 2, line 13, after “appropriation” insert “for fiscal year 1995”

Page 2, line 32, after “recommendations” insert “to the transportation committees of the Minnesota senate and house of representatives”

Page 2, after line 47, insert:

“This appropriation is from the general fund.”

Page 3, after line 30, insert:

“This appropriation is added to the appropriation for fiscal year 1995 in Laws 1993, chapter 266, section 2, subdivision 6, paragraph (a).”

Page 3, after line 33, insert:

“This appropriation is added to the appropriation for fiscal year 1995 in Laws 1993, chapter 266, section 2, subdivision 6, paragraph (b).”

Page 3, lines 36 and 42, after “appropriation” insert “for fiscal year 1995”

Page 3, after line 40, insert:

“The commissioner of transportation shall spend \$1,000,000 of money previously appropriated toward the completion of an environmental impact statement for the Wakota bridge on Interstate Highway marked No. 494, in Dakota and Washington counties.”

Page 3, delete lines 48 to 50

Page 4, delete lines 1 to 5

Page 4, line 6, delete “Operation” and insert “Operations”

Page 4, line 7, after “appropriation” insert “for fiscal year 1995”

Page 4, line 9, delete “8” and insert “9”

Page 5, delete lines 42 to 50 and insert:

“(d) Construct, furnish, and equip a truck station and maintenance facility in Hutchinson on a new site to replace the current facility

897,000

This project shall be exempt from Minnesota Statutes, section 16B.33, requirements relating to the selection of a consultant by the state designer selection board, provided that it proceeds as a joint agency project.”

Page 6, line 49, delete “19,000,000” and insert “.....”

Page 6, line 51, after “fund” insert “to the regional transit board”

Page 6, line 52, after “appropriation” insert “for fiscal year 1995”

Page 7, line 6, delete “\$37,320,000” and insert “\$26,555,000”

Page 7, line 19, after the period, insert “*Bonds issued under this subdivision must be repaid by June 30, 1997.*”

Page 9, line 5, delete “*proposed*” and insert “*imposed*”

Page 9, line 9, after “*year*” insert “, *provided that the resulting total increase imposed the following year would not exceed one cent*”

Page 10, after line 26, insert:

“Sec. 9. Minnesota Statutes 1992, section 360.305, subdivision 4, is amended to read:

Subd. 4. (1) Except as otherwise provided in this subdivision, the commissioner of transportation shall require as a condition of assistance by the state that the political subdivision, municipality, or public corporation make a substantial contribution to the cost of the construction, improvement, maintenance, or operation, these costs are referred to as project costs, in connection with which the assistance of the state is sought.

(2) For any airport, whether key, intermediate or landing strip, where only state and local funds are to be used, the contribution shall be not less than one-fifth of the sum of:

- (a) the project costs,
- (b) acquisition costs of the land and clear zones, "acquisition costs."

Where federal, state and local funds are to be used, the contribution shall not be less than one-tenth of the sum.

(3) The commissioner may pay the total cost of radio and navigational aids.

(4) Notwithstanding clause (2), the commissioner may pay all of the project costs of a new landing strip, but not an intermediate airport or key airport, or may pay an amount equal to the federal funds granted and used for a new landing strip plus all of the remaining project costs; but the total amount paid by the commissioner for the project costs of a new landing strip, unless specifically authorized by an act appropriating funds for the new landing strip, shall not exceed \$200,000.

(5) Notwithstanding clause (2), the commissioner may pay all the project costs for research and development projects, including, but not limited to noise abatement; provided that in no event shall the sums expended under this clause exceed five percent of the amount appropriated for construction grants.

(6) To receive aid under this section for acquisition costs the municipality must enter into an agreement with the commissioner giving assurance that the airport will be operated and maintained in a safe, serviceable manner for aeronautical purposes only for the use and benefit of the public for a period of 20 years after the date that the state funds are received by the municipality. The agreement may contain other conditions as the commissioner deems reasonable.

(7) The commissioner shall establish a hangar construction revolving account which shall be used for the purpose of financing the construction of hangar buildings to be constructed by municipalities owning airports. All municipalities owning airports are authorized to enter into contracts for the construction of hangars, and contracts with the commissioner for the financing of hangar construction for an amount and period of time as may be determined by the commissioner and municipality. All receipts from the financing contracts shall be deposited in the hangar construction revolving account and are reappropriated for the purpose of financing construction of hangar buildings. The commissioner may pay from the hangar construction revolving account 80 percent of the cost of financing construction of hangar buildings. For purposes of this clause, the "construction" of hangars shall include their design. *The commissioner shall transfer up to \$4,100,000 from the state airports fund to the hangar construction revolving account.*

(8) The commissioner may pay a portion of the purchase price of any airport maintenance and safety equipment and of the actual airport snow removal costs incurred by any municipality. The portion to be paid by the state shall not exceed two-thirds of the cost of the purchase price or snow removal. To receive aid a municipality must enter into an agreement of the type referred to in clause (6).

(9) This subdivision shall apply only to project costs or acquisition costs of municipally owned airports which are incurred after June 1, 1971."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 12, delete "and"

Page 1, line 13, after the semicolon, insert "and 360.305, subdivision 4;"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Metzen from the Committee on Governmental Operations and Reform, to which was re-referred

S.F. No. 2362: A bill for an act relating to statewide comprehensive land use planning coordination; providing for a sustainable economic development and environmental protection task force; providing membership, duties, and public involvement; requiring a report; appropriating money.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 16, delete "15" and insert "17"

Page 1, line 18, delete "four" and insert "six" and delete "two" and insert "three"

Page 1, line 20, delete "two" and insert "three"

Page 1, line 26, delete "and"

Page 2, line 1, before the period, insert ", and one shall represent regional development commissions"

Page 2, after line 1, insert:

"At least one legislator from each house appointed under clause (1) must be a member of the minority caucus."

Page 2, line 5, delete "nine" and insert "11"

Page 2, line 9, delete "January" and insert "June"

Page 2, line 10, delete "1" and insert "30" and before the period, insert ", at which time a final report and recommendation are due"

Page 2, line 31, delete "a" and insert "an initial"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Metzen from the Committee on Governmental Operations and Reform, to which was re-referred

S.F. No. 1339: 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 1992, section 214.04, subdivision 3; Minnesota Statutes 1993 Supplement, section 214.01, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 148.

Reports the same back with the recommendation that the bill be amended as follows:

Page 3, line 16, delete everything after the period

Page 3, delete lines 17 and 18

Page 3, line 19, delete everything before "Three"

Page 3, line 26, delete everything after the period

Page 3, delete lines 27 to 29

Page 3, line 30, delete everything before "Members"

Page 7, line 14, delete from "Within" through page 7, line 15, to "13,"

Page 13, after line 12, insert:

"Sec. 16. [QUALIFICATION; INITIAL PROFESSIONAL BOARD MEMBERS.]

Notwithstanding Minnesota Statutes, section 148.622, subdivision 2, the initial professional board members appointed under that subdivision need not be licensed under this chapter for appointment to their first terms on the board, but must possess the qualifications necessary for licensure under this chapter.

Sec. 17. [INITIAL APPOINTMENTS TO BOARD.]

Notwithstanding Minnesota Statutes, section 148.622, subdivision 3, the terms of the initial board members appointed under that subdivision must be determined by lot as follows: three members must be appointed for terms that expire August 1, 2001; two members must be appointed for terms that expire August 1, 1999; and two members must be appointed for terms that expire August 1, 1997."

Page 13, line 18, delete "16" and insert "18" and after the period, insert "Section 6 is effective July 1, 1998."

Renumber the sections in sequence

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Novak from the Committee on Jobs, Energy and Community Development, to which was referred

S.F. No. 2360: A bill for an act relating to housing; providing for deposit and use of certain revenues in the housing development fund; providing an addition to federal taxable income for certain taxpayers for certain residence interest; appropriating money; amending Minnesota Statutes 1992, sections 290.62; and 462A.20, subdivision 2, and by adding a subdivision; Minnesota Statutes 1993 Supplement, section 290.01, subdivision 19a.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Taxes and Tax Laws. Report adopted.

Mr. Novak from the Committee on Jobs, Energy and Community Development, to which was referred

H.F. No. 2562: A bill for an act relating to employment; modifying experience requirements for the labor and industry boiler inspection division chief; amending Minnesota Statutes 1992, section 183.375, subdivision 2.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Mr. Novak from the Committee on Jobs, Energy and Community Development, to which was referred

S.F. No. 2699: A bill for an act relating to unemployment compensation; extending benefits for certain employees; proposing coding for new law in Minnesota Statutes, chapter 268.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Novak from the Committee on Jobs, Energy and Community Development, to which was referred

S.F. No. 2836: A bill for an act relating to public finance; changing procedures for allocating bonding authority; amending Minnesota Statutes 1992, sections 474A.02, subdivisions 8a, 13a, and 23a; 474A.03, subdivision 1; 474A.04, subdivision 1a; 474A.061, subdivision 4; 474A.091, subdivisions 3 and 5; and 474A.131, subdivision 3, and by adding a subdivision; Minnesota Statutes 1993 Supplement, sections 474A.047, subdivision 1; and 474A.061, subdivision 2a.

Reports the same back with the recommendation that the bill be amended as follows:

Page 5, line 24, strike "median"

Page 5, line 25, strike "purchase" and insert "*federal*" and strike "in the city for which the bonds are to be sold" and insert "*limits for existing housing*"

Page 12, delete line 26 and insert "*date of the filing of the election not to issue bonds as provided under section 25, paragraph (c), of the Internal Revenue Code*"

Page 12, delete lines 31 and 32 and insert "*days of the date of the filing of the election not to issue bonds is considered not to*"

And when so amended the bill do pass and be re-referred to the Committee on Taxes and Tax Laws. Amendments adopted. Report adopted.

Mr. Lessard from the Committee on Environment and Natural Resources, to which was referred

S.F. No. 2410: A bill for an act relating to recreational vehicles; authorizing off-road vehicle decal registration system for those off-road vehicles not operated on highways; imposing misdemeanor penalty for violation of rules; amending Minnesota Statutes 1993 Supplement, sections 84.798, subdivision 3; and 84.805; repealing Minnesota Statutes 1993 Supplement, section 84.798, subdivision 5.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1993 Supplement, section 84.797, is amended by adding a subdivision to read:

Subd. 5a. [NONPUBLIC ROAD.] “Nonpublic road” means a state forest road, county forest road, or other road that is not operated by a public road authority as defined in section 160.02, subdivision 9.

Sec. 2. Minnesota Statutes 1993 Supplement, section 84.797, subdivision 6, is amended to read:

Subd. 6. [OFF-ROAD.] “Off-road” means on trails or nonpublic roads or for cross-country travel on natural terrain. For purposes of sections 84.797 to 84.805, nonpublic roads include state forest roads, county forest roads, and other roads and trails that are not operated by a public road authority as defined in section 160.02, subdivision 9.

Sec. 3. Minnesota Statutes 1993 Supplement, section 84.798, subdivision 1, is amended to read:

Subdivision 1. [GENERAL REQUIREMENTS.] Unless exempted under subdivision 2, after January 1, 1995, a person may not operate and an owner may not give permission for another to operate a vehicle off road, nor may a person have an off-road vehicle not registered under chapter 168 in possession at an off-road vehicle staging area, or designated trail or area, unless the vehicle has been registered under this section:

(1) on a nonpublic road or at a designated off-road vehicle staging area unless it is registered under chapter 168 or under this section; or

(2) on a designated trail or area unless it is registered under this section.”

Delete the title and insert:

“A bill for an act relating to recreational vehicles; modifying registration requirements for off-road vehicles; amending Minnesota Statutes 1993 Supplement, sections 84.797, subdivision 6, and by adding a subdivision; and 84.798, subdivision 1.”

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Mr. Lessard from the Committee on Environment and Natural Resources, to which was referred

S.F. No. 1986: A bill for an act relating to wetlands; changing provisions relating to compensation required when a wetland replacement plan is not approved; amending Minnesota Statutes 1992, section 103G.237, subdivision 4.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1992, section 103G.237, subdivision 4, is amended to read:

Subd. 4. [COMPENSATION.] (a) The board shall award compensation in an amount equal to 50 percent of the value of the wetland, calculated by multiplying the acreage of the wetland by the greater of:

(1) the average equalized estimated market value of agricultural property in the township as established by the commissioner of revenue at the time application for compensation is made; or

(2) the assessed value per acre of the parcel containing the wetland, based on the assessed value of the parcel as stated on the most recent tax statement.

(b) A person who receives compensation under paragraph (a) shall convey to the board a permanent conservation easement as described in section 103F.515, subdivision 4. The easement is subject to correction and enforcement under section 103F.515, subdivisions 8 and 9.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective July 1, 1994, and applies to applications for compensation received by the board of water and soil resources on or after that date.”

Delete the title and insert:

“A bill for an act relating to wetlands; changing provisions relating to compensation required when a wetland replacement plan is not approved; amending Minnesota Statutes 1992, section 103G.237, subdivision 4.”

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Lessard from the Committee on Environment and Natural Resources, to which was referred

S.F. No. 2236: A bill for an act relating to natural resources; sale of native tree seed and tree planting stock; terms and conditions governing the leasing of state timber lands; amending Minnesota Statutes 1992, sections 89.36, subdivision 3; 89.37, by adding a subdivision; 90.101, subdivision 2; 90.151, subdivision 1; 90.161, subdivisions 1 and 2; 90.191, subdivision 2; and 90.193; Minnesota Statutes 1993 Supplement, sections 90.101, subdivision 1; and 90.121; repealing Minnesota Statutes 1992, section 90.151, subdivisions 13 and 14.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 7, before the period, insert “when supplies of seed from geographically adapted sources are not available from private seed dealers in this state”

Page 3, lines 15 and 16, delete “once not less than” and insert “at least”

Page 3, line 17, strike the first “the” and insert “each” and delete “or counties”

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Metzen from the Committee on Governmental Operations and Reform, to which was referred

S.F. No. 2657: A bill for an act relating to state and local government; establishing a process for increasing public access to government information and services through information technology; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 15.

Reports the same back with the recommendation that the bill be amended as follows:

Page 4, line 29, delete "*The legislature determines that*"

Page 4, delete lines 30 and 31

Page 4, line 32, delete everything before "*The*"

Page 5, line 22, delete "*legislature*" and insert "*chairs of the committee on governmental operations and reform of the senate and the committee on governmental operations and gambling of the house of representatives*"

And when so amended the bill do pass and be re-referred to the Committee on Finance.

Pursuant to Joint Rule 2.03, the bill was referred to the Committee on Rules and Administration.

Mr. Lessard from the Committee on Environment and Natural Resources, to which was referred

S.F. No. 2066: 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.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [CONVEYANCE OF TAX-FORFEITED LAND BORDERING ON PUBLIC WATER OR NATURAL WETLANDS, ANOKA COUNTY, TO THE CITY OF ANOKA.]

Subdivision 1. [SALE REQUIREMENTS.] (a) Notwithstanding Minnesota Statutes, sections 92.45, 103F.535, and 282.018, subdivision 1, and the public sale provisions of Minnesota Statutes, chapter 282, Anoka county may convey without consideration to the city of Anoka the tax-forfeited lands bordering public water or natural wetlands in the city of Anoka that are described in subdivision 2.

(b) The county has determined that the county's land management interests would best be served if the lands were retained in public ownership.

(c) The conveyances must be in a form approved by the attorney general and must provide that the land reverts to the state of Minnesota if it is not used for open space purposes under applicable laws, ordinances, and regulations.

Subd. 2. [DESCRIPTIONS.] The lands that may be conveyed are located in Anoka county and, as set forth in each of the following clauses, are designated by the parcel number contained within the parentheses, and are legally described as specified:

(1) City of Anoka, (PIN No. 35-32-25-34-0003) the south 120.00 feet of Government Lot 2, Section 35, Township 32, Range 25, said land also being known as the south 120.00 feet of Lot 27, Auditor's Subdivision No. 96, according to the plat on file in the office of the Anoka county recorder;

(2) City of Anoka, (PIN No. 35-32-25-34-0002) all that part of Government Lot 2, Section 35, Township 32, Range 25, described as follows: Commencing at the northeast corner of Lot 7, Dickenson's Mississippi Estate, according to the plat on file in the office of the Anoka county recorder, said corner being the point of beginning of a line hereinafter referred to as line "A"; thence South 67 degrees 00 minutes 00 seconds East along the southeasterly extension of the north line of said Lot 7 and along line "A" 75.00 feet; thence South 85 degrees 41 minutes 00 seconds East 195.00 feet; thence South 4 degrees 19 minutes 00 seconds East 310.00 feet to the point of beginning of the land to be described; thence South 33 degrees 07 minutes 00 seconds East 213.10 feet; thence South 44 degrees 42 minutes 00 seconds East 300.00 feet; thence South 51 degrees 15 minutes 00 seconds East 230.80 feet; thence South 37 degrees 53 minutes 00 seconds East 300.00 feet; thence South 44 degrees 55 minutes 00 seconds East 300 feet, more or less, to the north line of the south 210.00 feet of said Government Lot 2, and said line "A" there terminating; thence easterly along said north line to a point on a line parallel with and 66.00 feet easterly of said line "A", as measured at right angles to said line "A"; thence northwesterly along said parallel line to a point on line "B" described as follows: Beginning at the intersection of the southwesterly line of Lot 14, said Auditor's Subdivision No. 96 and a line parallel with and 150.00 feet northwesterly of the southeasterly line of said Lot 14; thence southwesterly along said parallel line and its southwesterly extension 500.00 feet; thence southwesterly deflecting to the right 45 degrees 00 minutes 00 seconds 900 feet, more or less, to the thread of the Mississippi River and said line "B" there terminating; thence southwesterly along said line "B" to a point on said line "A"; thence southerly along said line "A" to the point of beginning;

(3) City of Anoka, (PIN No. 35-32-25-34-0005) Lot 29, Auditor's Subdivision No. 96, according to the plat on file in the office of the Anoka county recorder; and

(4) City of Anoka, (PIN No. 35-32-25-34-0004) Lot 28, Auditor's Subdivision No. 96, according to the plat on file in the office of the Anoka county recorder.

Sec. 2. [PUBLIC SALE OF TAX-FORFEITED LAND BORDERING ON PUBLIC WATER OR NATURAL WETLANDS; ANOKA COUNTY; SCENIC EASEMENT RESERVED.]

Subdivision 1. [SALE REQUIREMENTS.] (a) Notwithstanding Minnesota Statutes, sections 92.45, 103F.535, and 282.018, subdivision 1, Anoka county may sell the tax-forfeited lands bordering public water or natural wetlands that are described in subdivision 2, under the remaining provisions of Minnesota Statutes, chapter 282.

(b) *The county has determined that the county's land management interests would best be served if the lands were returned to private ownership.*

(c) *The conveyances must be in a form approved by the attorney general and must reserve to the state of Minnesota a scenic easement in a form prescribed by the department of natural resources.*

Subd. 2. [DESCRIPTIONS.] The lands that may be conveyed are located in Anoka county and, as set forth in each of the following clauses, are designated by the parcel number contained within the parentheses, and are legally described as specified:

(1) City of St. Francis, (PIN No. 29-34-24-11-0009) Outlot 2, King's Ranch Addition, according to the plat on file in the office of the Anoka county recorder;

(2) City of Oak Grove, (PIN No. 05-33-24-42-0002) the Northwest Quarter of the Southeast Quarter of Section 5, Township 33, Range 24, EXCEPT that part thereof lying westerly of the Rum River; and

(3) City of St. Francis, (PIN No. 05-33-24-13-0009) Outlot 22, Village of St. Francis, according to the plat on file in the office of the Anoka county recorder, EXCEPT the north 3 acres thereof.

Sec. 3. [SALE OF TAX-FORFEITED LAND BORDERING ON PUBLIC WATER OR NATURAL WETLANDS TO GOVERNMENTAL SUBDIVISIONS OR ADJACENT PRIVATE LANDOWNERS; ANOKA COUNTY.]

Subdivision 1. [SALE REQUIREMENTS.] (a) Notwithstanding Minnesota Statutes, sections 92.45, 103F.535, and 282.018, subdivision 1, and the public sale provisions of Minnesota Statutes, chapter 282, Anoka county may convey the tax-forfeited lands bordering public water or natural wetlands that are described in subdivision 2 to the governmental subdivision in which the lands are located or, if authorized by this subdivision, may sell the lands to adjoining landowners, under the remaining provisions of Minnesota Statutes, chapter 282.

(b) The county has determined that the county's land management interests would best be served if the lands were disposed of as follows:

(1) the parcels described in subdivision 2, clauses (1), (3), (4), and (5), should be retained in public ownership and may be conveyed without consideration only to the governmental subdivision in which the lands are located; and

(2) the parcel described in subdivision 2, clause (2), may be retained in public ownership and conveyed without consideration to the governmental subdivision in which the land is located, or may be sold to owners of land adjoining the land to be sold. If the parcel described in subdivision 2, clause (2), is sold to owners of land adjoining the land to be sold, a conservation easement in a form prescribed by the department of natural resources must be reserved to the state of Minnesota.

(c) The conveyances must be in a form approved by the attorney general and must provide that land sold to a governmental subdivision reverts to the state if it is not used for open space purposes under applicable laws, ordinances, and regulations.

Subd. 2. [DESCRIPTIONS.] The lands that may be conveyed are located in Anoka county and, as set forth in each of the following clauses, are designated by the parcel number contained within the parentheses, and are legally described as specified:

(1) Township of Columbus, (PIN No. 36-33-22-43-0008) that part of Government Lot 1, Section 36, Township 33, Range 22, lying southeasterly of the centerline of County Road No. 62, also known as Kettle River Boulevard, and lying northeasterly of the following described line: Commencing at the southwest corner of said Government Lot 1; thence South 89 degrees 58 minutes 19 seconds East, on an assumed bearing, along the south line of said Government Lot 1 a distance of 193.00 feet; thence North 14 degrees 01 minutes 41 seconds East 675.00 feet; thence North 0 degrees 01 minutes 41 seconds East 295.00 feet; thence South 89 degrees 58 minutes 19 seconds East 435.00 feet to the point of beginning of said line; thence South 58 degrees 55 minutes 41 seconds East 290 feet, more or less, to the shoreline of Higgins Lake, and there terminating;

(2) City of East Bethel, (PIN No. 35-33-23-32-0002) Lots 2 and 3, Block 1, Lake View Point, according to the plat on file in the office of the Anoka county recorder;

(3) City of East Bethel, (PIN No. 16-33-23-44-0001) all that part of Government Lot 8, Section 16, Township 33, Range 23, lying easterly of the northerly extension of the east line of the Northwest Quarter of the Northeast Quarter of Section 21, Township 33, Range 23;

(4) City of Oak Grove, (PIN No. 16-33-24-22-0005) Lot 17, Auditor's Subdivision No. 20, according to the plat on file in the office of the Anoka county recorder; and

(5) City of Coon Rapids, (PIN No. 09-31-24-11-0002) all that part of the north 25 acres of the Northeast Quarter of the Northeast Quarter of Section 9, Township 31, Range 24, lying easterly of the centerline of Coon Creek, EXCEPT the east 100.00 feet thereof.

Sec. 4. [PUBLIC SALE OF TAX-FORFEITED LAND BORDERING ON PUBLIC WATER OR NATURAL WETLANDS; ANOKA COUNTY; CONSERVATION EASEMENT REQUIRED.]

Subdivision 1. [SALE REQUIREMENTS.] (a) Notwithstanding Minnesota Statutes, sections 92.45, 103F.535, and 282.018, subdivision 1, Anoka county may sell the tax-forfeited lands bordering public water or natural wetlands that are described in subdivision 2 under the remaining provisions of Minnesota Statutes, chapter 282.

(b) The county has determined that the county's land management interests would best be served if the lands were returned to private ownership. The purchaser of the land described in subdivision 2, clause (2), must agree to record a conservation easement in a form prescribed by the department of natural resources.

(c) The conveyances must be in a form approved by the attorney general.

Subd. 2. [DESCRIPTIONS.] The lands that may be conveyed are located in Anoka county and, as set forth in each of the following clauses, are designated by the parcel number contained within the parentheses, and are legally described as specified:

(1) *City of Ham Lake, (PIN No. 19-32-23-21-0001) the west two-thirds of the Northeast Quarter of the Northwest Quarter of Section 19, Township 32, Range 23;*

(2) *City of Andover, (PIN No. 34-32-24-23-0055) Outlot B, Red Oaks Manor 5th Addition, according to the plat on file in the office of the Anoka county recorder.*

Sec. 5. [SALE OF ACQUIRED STATE LAND; ANOKA COUNTY.]

(a) *Notwithstanding the public sale requirements of Minnesota Statutes, sections 94.09 to 94.165, the commissioner of natural resources may sell by private sale the land which is described in paragraph (c), under the remaining provisions of Minnesota Statutes, chapter 94.*

(b) *The conveyance must be in a form approved by the attorney general.*

(c) *The land that may be sold is located in Anoka county, consists of about 0.09 acres, and is described as follows:*

That part of Government Lot 1, Section 10, Township 33 North, Range 24 West, lying northeasterly of Lots 3, 4 and 5 of Block 2, Eakman's Addition to Shady Oaks, according to the plat on file and of record in the Office of the County Recorder; lying southwesterly of the southwesterly right-of-way line of Lake George Drive as recorded in that certain right-of-way easement filed for record on October 26, 1973, as Document No. 399586; and lying easterly of the northerly extension of the west line of Lot 5 of Block 2, Eakman's Addition to Shady Oaks; and

That part of Government Lot 1, Section 10, Township 33 North, Range 24 West, lying northeasterly of Lot 6 of Block 2, Eakman's Addition to Shady Oaks, according to the plat on file and of record in the Office of the County Recorder; lying southwesterly of the southwesterly right-of-way line of Lake George Drive as recorded in that certain right-of-way easement filed for record on October 26, 1973, as Document No. 399586; lying westerly of the northerly extension of the east line of Lot 6 of Block 2, Eakman's Addition to Shady Oaks; and lying easterly of Verdin St.

(d) *The commissioner has determined that the land is no longer useful for any natural resource purpose, or any other public purpose, and intends to sell this unneeded land to the adjoining landowners to provide them with additional land to comply with zoning requirements and to provide legal access.*

Sec. 6. [EFFECTIVE DATE.]

Sections 1 to 5 are effective 30 days after final enactment."

Delete the title and insert:

"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; authorizing the sale of certain state land in Anoka county."

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Mr. Lessard from the Committee on Environment and Natural Resources, to which was referred

S.F. No. 2152: A bill for an act relating to state lands; authorizing public sale of certain tax-forfeited land that borders public water in Clay and Wilkin counties.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 4, delete "sell" and insert "convey"

Page 2, line 5, after "Moorhead" insert "for no consideration"

Page 2, line 6, delete the comma and insert a period

Page 2, delete lines 7 and 8

Page 2, line 17, delete "26" and insert "27"

Page 3, line 4, delete "sell" and insert "convey"

Page 3, line 5, after "Breckenridge" insert "for no consideration"

Page 3, line 7, delete everything after "(c)" and insert a period

Page 3, delete line 8

Page 3, line 11, delete "city" and delete "works"

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Mr. Metzen from the Committee on Governmental Operations and Reform, to which was referred

S.F. No. 2630: A bill for an act relating to state government; restructuring functions and groups related to ombudspersons for families; amending Minnesota Statutes 1992, sections 257.0761, subdivision 1; 257.0762, subdivision 2; and 257.0768; Minnesota Statutes 1993 Supplement, section 257.0755.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 13, delete "ombudspersons" and insert "ombudsperson" and delete "administer" and insert "monitor compliance with all"

Page 2, line 4, delete "and reports to"

Page 2, line 5, before the period, insert "and may be removed only for just cause"

Page 2, line 18, strike "each" and insert "the"

Page 5, after line 21, insert:

"Sec. 6. [APPROPRIATION.]

\$. is appropriated from the general fund to the office of ombudsperson for families for the purposes of this act. This appropriation is available until June 30, 1995."

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "appropriating money;"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Metzen from the Committee on Governmental Operations and Reform, to which was referred

S.F. No. 793: A bill for an act relating to retirement; public employees police and fire fund; modifying the disability benefit limitation for reemployed disabilitants; amending Minnesota Statutes 1992, section 353.656, subdivision 4.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 2, delete "*original*" and insert "*current*"

Page 2, line 12, delete "*on*"

Page 2, delete line 13

Page 2, line 14, delete everything before the period

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was referred

S.F. No. 2613: A bill for an act relating to taxation; property; providing for dismissal of petitions objecting to property taxes in certain instances; changing the date by which the petitions must be filed; amending Minnesota Statutes 1992, sections 271.06, subdivision 7; 278.05, subdivision 6; Minnesota Statutes 1993 Supplement, section 278.01, subdivision 1.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was re-referred

S.F. No. 2154: A bill for an act relating to natural resources; farming; clarifying requirements relating to fish manure from aquatic farms; expanding the scope of cooperative farming agreements on hunting, game refuge, or wildlife management lands; exempting agreements from treatment as leases for tax purposes; amending Minnesota Statutes 1992, section 97A.135, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 17.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was re-referred

S.F. No. 2143: A bill for an act relating to state government; board of government innovation and cooperation; authorizing local governments to apply to the board for waivers on behalf of nonprofit organizations providing services to the local governments; modifying certain powers and duties of the

board; modifying grant programs administered by the board; appropriating money; amending Minnesota Statutes 1993 Supplement, sections 465.795, subdivision 7; 465.796, subdivision 2; 465.797, subdivisions 1, 2, 3, 4, and 5; 465.798; and 465.799; proposing coding for new law in Minnesota Statutes, chapter 465; repealing Minnesota Statutes 1992, section 465.80, subdivision 3; Minnesota Statutes 1993 Supplement, section 465.80, subdivisions 1, 2, 4, and 5.

Reports the same back with the recommendation that the bill be amended as follows:

Page 10, delete section 12

Re-number the sections in sequence

Amend the title as follows:

Page 1, line 8, delete "appropriating money;"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was re-referred

S.F. No. 1963: A bill for an act relating to local government; permitting the establishment of a special service district in the city of Hopkins; providing taxing and other authority for the city.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 2, delete the third "or"

Page 2, line 3, delete "amendatory supplemental law,"

Page 5, line 10, after "associations" insert "located in the housing improvement area"

Page 5, line 13, after "elements" insert "in the condominium"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was referred

S.F. No. 2329: A bill for an act relating to taxation; property; providing an exemption for power facilities containing cogeneration systems; amending Minnesota Statutes 1993 Supplement, section 272.02, subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Page 9, line 11, delete "constructed as"

Page 9, line 12, delete "defined" and insert "described"

Page 9, line 16, after the first "steam" insert "initially"

Page 9, line 19, after "construction" insert "of the facility"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was re-referred

S.F. No. 1921: A bill for an act relating to housing projects; providing for a housing bond credit enhancement program administered by the metropolitan council; authorizing the metropolitan council to provide additional security for bonds issued for qualifying housing projects; proposing coding for new law in Minnesota Statutes, chapter 473.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 9, delete "[473.197]"

Page 1, line 10, after "PROGRAM" insert "; FINDINGS"

Page 1, line 11, delete "Subdivision 1. [FINDINGS.]"

Page 1, after line 26, insert:

"Sec. 2. [473.197] [HOUSING BOND CREDIT ENHANCEMENT PROGRAM.]"

Page 2, line 1, delete "Subd. 2." and insert "Subdivision 1."

Page 2, line 8, delete "that term"

Page 2, line 11, delete "3" and insert "2"

Page 2, line 13, delete "appropriate"

Page 2, line 24, delete "4" and insert "3"

Page 2, line 34, delete "5" and insert "4"

Page 3, line 5, after "under" insert "Minnesota Statutes 1990," and delete "before"

Page 3, line 6, delete "its repeal"

Page 3, line 14, delete "6" and insert "5"

Renumber the sections in sequence

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was referred

S.F. No. 2705: A bill for an act relating to taxation; property; classifying landing areas and public access areas of privately owned public use airports; amending Minnesota Statutes 1993 Supplement, section 273.13, subdivision 23.

Reports the same back with the recommendation that the bill be amended as follows:

Page 4, line 5, delete "or" and insert a comma and after "repair" insert ", or maintenance"

Page 4, delete lines 16 to 19 and insert "*used as an aircraft parking ramp, apron, or storage hangar, or an arrival and departure building in connection with the airport.*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

SECOND READING OF SENATE BILLS

S.F. Nos. 2624, 1760, 2093, 1857, 2205, 1976, 2660, 2699, 2410, 1986, 2236, 2066, 2152, 793, 2613, 2154, 2143, 1963, 2329, 1921 and 2705 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 2306 and 2562 were read the second time.

MOTIONS AND RESOLUTIONS

Ms. Lesewski moved that her name be stricken as chief author and the name of Mr. Neuville be shown as chief author to S.F. No. 935. The motion prevailed.

Mr. Vickerman moved that the name of Mr. Frederickson be added as a co-author to S.F. No. 2345. The motion prevailed.

Mr. Hottinger moved that the name of Ms. Berglin be added as a co-author to S.F. No. 2661. The motion prevailed.

Mr. Terwilliger moved that H.F. No. 2567 be withdrawn from the Committee on Rules and Administration and re-referred to the Committee on Finance. The motion prevailed.

Ms. Runbeck moved that S.F. No. 2360 be withdrawn from the Committee on Taxes and Tax Laws and re-referred to the Committee on Jobs, Energy and Community Development.

The question was taken on the adoption of the motion.

The roll was called, and there were yeas 15 and nays 48, as follows:

Those who voted in the affirmative were:

Benson, D.D.	Johnston	Laidig	Olson	Runbeck
Benson, J.E.	Kiscaden	Lesewski	Pariseau	Stevens
Dille	Knütson	Oliver	Robertson	Terwilliger

Those who voted in the negative were:

Adkins	Day	Kelly	Moe, R.D.	Reichgott Junge
Anderson	Finn	Krentz	Mondale	Riveness
Beckman	Flynn	Kroening	Morse	Sams
Belanger	Frederickson	Langseth	Murphy	Solon
Berg	Hanson	Lessard	Novak	Spear
Berglin	Hottinger	Luther	Pappas	Stumpf
Bertram	Janezich	Marty	Piper	Vickerman
Betzold	Johnson, D.E.	McGowan	Pogemiller	Wiener
Chandler	Johnson, D.J.	Merriam	Price	
Cohen	Johnson, J.B.	Metzen	Ranum	

The motion did not prevail.

Mr. Morse moved that S.F. No. 2093, on General Orders, be stricken and re-referred to the Committee on Finance. The motion prevailed.

Mr. Langseth moved that S.F. No. 2859 be withdrawn from the Committee on Veterans and General Legislation and re-referred to the Committee on Transportation and Public Transit. The motion prevailed.

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate take up the Calendar. The motion prevailed.

CALENDAR

S.F. No. 2241: A bill for an act relating to cities of the first class; clarifying the definition of targeted neighborhood in a community resources program; clarifying the procedures that may be used by the city of Minneapolis in assessing special assessments; amending Minnesota Statutes 1992, section 466A.02, subdivision 3.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 66 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Finn	Kroening	Murphy	Runbeck
Anderson	Flynn	Laidig	Neuville	Sams
Beckman	Frederickson	Langseth	Novak	Samuelson
Belanger	Hanson	Larson	Oliver	Solon
Benson, D.D.	Hottinger	Lesewski	Olson	Spear
Benson, J.E.	Janezich	Lessard	Pappas	Stevens
Berg	Johnson, D.E.	Luther	Pariseau	Stumpf
Berglin	Johnson, D.J.	Marty	Piper	Terwilliger
Bertram	Johnson, J.B.	McGowan	Pogemiller	Vickerman
Betzold	Johnston	Merriam	Price	Wiener
Chandler	Kelly	Metzen	Ranum	
Cohen	Kiscaden	Moe, R.D.	Reichgott Junge	
Day	Knutson	Mondale	Riveness	
Dille	Krentz	Morse	Robertson	

So the bill passed and its title was agreed to.

H.F. No. 2248: A bill for an act relating to agriculture; changing certain pesticide posting requirements; amending Minnesota Statutes 1992, section 18B.07, subdivision 3.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 65 and nays 1, as follows:

Those who voted in the affirmative were:

Adkins	Dille	Knutson	Moe, R.D.	Reichgott Junge
Anderson	Finn	Krentz	Mondale	Riveness
Beckman	Flynn	Kroening	Morse	Robertson
Belanger	Frederickson	Laidig	Murphy	Runbeck
Benson, D.D.	Hanson	Langseth	Neuville	Sams
Benson, J.E.	Hottinger	Larson	Novak	Samuelson
Berg	Janezich	Lesewski	Oliver	Solon
Berglin	Johnson, D.E.	Lessard	Pappas	Spear
Bertram	Johnson, D.J.	Luther	Pariseau	Stevens
Betzold	Johnson, J.B.	Marty	Piper	Stumpf
Chandler	Johnston	McGowan	Pogemiller	Terwilliger
Cohen	Kelly	Merriam	Price	Vickerman
Day	Kiscaden	Metzen	Ranum	Wiener

Ms. Olson voted in the negative.

So the bill passed and its title was agreed to.

S.F. No. 2303: A bill for an act relating to highway safety; requiring persons age 55 or over to complete a refresher course in accident prevention in order to remain eligible for a reduction in private passenger vehicle insurance rates; amending Minnesota Statutes 1992, section 65B.28.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 5, as follows:

Those who voted in the affirmative were:

Adkins	Dille	Knutson	Metzen	Pogemiller
Anderson	Flynn	Krentz	Moe, R.D.	Price
Beckman	Frederickson	Kroening	Mondale	Ranum
Belanger	Hanson	Laidig	Morse	Reichgott Junge
Benson, D.D.	Hottinger	Langseth	Murphy	Riveness
Benson, J.E.	Janezich	Larson	Neuville	Robertson
Berglin	Johnson, D.E.	Lesewski	Novak	Runbeck
Bertram	Johnson, D.J.	Lessard	Oliver	Spear
Betzold	Johnson, J.B.	Luther	Olson	Stevens
Chandler	Johnston	Marty	Pappas	Terwilliger
Cohen	Kelly	McGowan	Pariseau	Vickerman
Day	Kiscaden	Merriam	Piper	Wiener

Those who voted in the negative were:

Berg	Finn	Sams	Samuelson	Stumpf
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So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS – CONTINUED

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate take up the Consent Calendar. The motion prevailed.

CONSENT CALENDAR

H.F. No. 2665: A bill for an act relating to parks and recreation; adding lands to certain state parks; converting certain recreation areas to state parks; deleting land from a recreation area; combining a trail and certain waysides into a recreation area; abolishing a state park; amending Minnesota Statutes 1992, section 85.054, by adding a subdivision; repealing Minnesota Statutes 1992, section 85.013, subdivisions 16, 18a, 24, 26, and 28.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Betzold	Hanson	Kiscaden	Lessard
Anderson	Chandler	Hottinger	Knutson	Luther
Belanger	Cohen	Janezich	Krentz	Marty
Benson, D.D.	Day	Johnson, D.E.	Kroening	McGowan
Benson, J.E.	Dille	Johnson, D.J.	Laidig	Merriam
Berg	Finn	Johnson, J.B.	Langseth	Metzen
Berglin	Flynn	Johnston	Larson	Moe, R.D.
Bertram	Frederickson	Kelly	Lesewski	Mondale

Morse	Pappas	Ranum	Sams	Stumpf
Murphy	Pariseau	Reichgott Junge	Samuelson	Terwilliger
Novak	Piper	Riveness	Solon	Vickerman
Oliver	Pogemiller	Robertson	Spear	Wiener
Olson	Price	Runbeck	Stevens	

So the bill passed and its title was agreed to.

H.F. No. 2622: A bill for an act relating to state lands; authorizing the department of natural resources to sell certain state land in the counties of Itasca and St. Louis.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dille	Krentz	Mondale	Riveness
Anderson	Finn	Kroening	Morse	Robertson
Beckman	Flynn	Laidig	Murphy	Runbeck
Belanger	Frederickson	Langseth	Novak	Sams
Benson, D.D.	Hanson	Larson	Oliver	Samuelson
Benson, J.E.	Hottinger	Lesewski	Olson	Solon
Berg	Janezich	Lessard	Pappas	Spear
Berglin	Johnson, D.E.	Luther	Pariseau	Stevens
Bertram	Johnson, D.J.	Marty	Piper	Stumpf
Betzold	Johnston	McGowan	Pogemiller	Terwilliger
Chandler	Kelly	Merriam	Price	Vickerman
Cohen	Kiscaden	Metzen	Ranum	Wiener
Day	Knutson	Moe, R.D.	Reichgott Junge	

So the bill passed and its title was agreed to.

H.F. No. 2309: A bill for an act relating to highways; changing highway description; amending Minnesota Statutes 1992, section 161.115, subdivision 224.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 65 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dille	Knutson	Moe, R.D.	Reichgott Junge
Anderson	Finn	Krentz	Mondale	Riveness
Beckman	Flynn	Kroening	Morse	Robertson
Belanger	Frederickson	Laidig	Murphy	Runbeck
Benson, D.D.	Hanson	Langseth	Novak	Sams
Benson, J.E.	Hottinger	Larson	Oliver	Samuelson
Berg	Janezich	Lesewski	Olson	Solon
Berglin	Johnson, D.E.	Lessard	Pappas	Spear
Bertram	Johnson, D.J.	Luther	Pariseau	Stevens
Betzold	Johnson, J.B.	Marty	Piper	Stumpf
Chandler	Johnston	McGowan	Pogemiller	Terwilliger
Cohen	Kelly	Merriam	Price	Vickerman
Day	Kiscaden	Metzen	Ranum	Wiener

So the bill passed and its title was agreed to.

S.F. No. 2267: A bill for an act relating to real estate; authorizing title insurance companies governed by chapter 68A, or their appointed agents to execute certificates of release of mortgages; proposing coding for new law in Minnesota Statutes, chapter 507.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dille	Krentz	Mondale	Riveness
Anderson	Finn	Kroening	Morse	Robertson
Beckman	Flynn	Laidig	Murphy	Runbeck
Belanger	Frederickson	Langseth	Novak	Sams
Benson, D.D.	Hanson	Larson	Oliver	Samuelson
Benson, J.E.	Hottinger	Lesewski	Olson	Solon
Berg	Janezich	Lessard	Pappas	Spear
Berglin	Johnson, D.J.	Luther	Pariseau	Stevens
Bertram	Johnson, J.B.	Marty	Piper	Stumpf
Betzold	Johnston	McGowan	Pogemiller	Terwilliger
Chandler	Kelly	Merriam	Price	Vickerman
Cohen	Kiscaden	Metzen	Ranum	Wiener
Day	Knutson	Moe, R.D.	Reichgott Junge	

So the bill passed and its title was agreed to.

S.F. No. 1825: A bill for an act relating to manufactured homes; restricting the venue for repossession actions to the county in which the manufactured home is located; making technical changes; amending Minnesota Statutes 1992, sections 327.63, subdivision 1; 327.64, subdivision 2; and 327.65.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 65 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dille	Knutson	Moe, R.D.	Reichgott Junge
Anderson	Finn	Krentz	Mondale	Riveness
Beckman	Flynn	Kroening	Morse	Robertson
Belanger	Frederickson	Laidig	Murphy	Runbeck
Benson, D.D.	Hanson	Langseth	Novak	Sams
Benson, J.E.	Hottinger	Larson	Oliver	Samuelson
Berg	Janezich	Lesewski	Olson	Solon
Berglin	Johnson, D.E.	Lessard	Pappas	Spear
Bertram	Johnson, D.J.	Luther	Pariseau	Stevens
Betzold	Johnson, J.B.	Marty	Piper	Stumpf
Chandler	Johnston	McGowan	Pogemiller	Terwilliger
Cohen	Kelly	Merriam	Price	Vickerman
Day	Kiscaden	Metzen	Ranum	Wiener

So the bill passed and its title was agreed to.

S.F. No. 1793: A bill for an act relating to real property; provided for registration by title in cases of termination of a time-share interest; amending Minnesota Statutes 1992, section 508.58.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dille	Knutson	Moe, R.D.	Reichgott Junge
Anderson	Finn	Krentz	Mondale	Riveness
Beckman	Flynn	Kroening	Morse	Robertson
Belanger	Frederickson	Laidig	Murphy	Runbeck
Benson, D.D.	Hanson	Langseth	Novak	Sams
Benson, J.E.	Hottinger	Larson	Oliver	Samuelson
Berg	Janezich	Lesewski	Olson	Solon
Berglin	Johnson, D.E.	Lessard	Pappas	Stevens
Bertram	Johnson, D.J.	Luther	Pariseau	Stumpf
Betzold	Johnson, J.B.	Marty	Piper	Terwilliger
Chandler	Johnston	McGowan	Pogemiller	Vickerman
Cohen	Kelly	Merriam	Price	Wiener
Day	Kiscaden	Metzen	Ranum	

So the bill passed and its title was agreed to.

H.F. No. 1913: A bill for an act relating to retirement; St. Paul police consolidation account; authorizing the payment of refunds to the estates of certain deceased police officers.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 1, as follows:

Those who voted in the affirmative were:

Adkins	Dille	Knutson	Mondale	Riveness
Anderson	Finn	Krentz	Morse	Robertson
Beckman	Flynn	Kroening	Murphy	Runbeck
Belanger	Frederickson	Laidig	Novak	Sams
Benson, D.D.	Hanson	Langseth	Oliver	Samuelson
Benson, J.E.	Hottinger	Larson	Olson	Solon
Berg	Janezich	Lesewski	Pappas	Spear
Berglin	Johnson, D.E.	Lessard	Pariseau	Stevens
Bertram	Johnson, D.J.	Luther	Piper	Stumpf
Betzold	Johnson, J.B.	Marty	Pogemiller	Terwilliger
Chandler	Johnston	McGowan	Price	Vickerman
Cohen	Kelly	Metzen	Ranum	Wiener
Day	Kiscaden	Moe, R.D.	Reichgott Junge	

Mr. Merriam voted in the negative.

So the bill passed and its title was agreed to.

H.F. No. 1881: A bill for an act relating to the city of Red Wing; authorizing certain police officers to elect retirement coverage by the public employees police and fire fund.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dille	Knutson	Mondale	Riveness
Anderson	Finn	Krentz	Morse	Robertson
Beckman	Flynn	Kroening	Murphy	Runbeck
Belanger	Frederickson	Laidig	Novak	Sams
Benson, D.D.	Hanson	Langseth	Oliver	Samuelson
Benson, J.E.	Hottinger	Larson	Olson	Solon
Berg	Janezich	Lessard	Pappas	Spear
Berglin	Johnson, D.E.	Luther	Pariseau	Stevens
Bertram	Johnson, D.J.	Marty	Piper	Stumpf
Betzold	Johnson, J.B.	McGowan	Pogemiller	Terwilliger
Chandler	Johnston	Merriam	Price	Vickerman
Cohen	Kelly	Metzen	Ranum	Wiener
Day	Kiscaden	Moe, R.D.	Reichgott Junge	

So the bill passed and its title was agreed to.

S.F. No. 2588: A bill for an act relating to public lands; changing notice requirements for sales of tax-forfeited lands; modifying a provision relating to leasing of tax-forfeited lands; amending Minnesota Statutes 1992, section 282.02; and Minnesota Statutes 1993 Supplement, section 282.04, subdivision 1.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 65 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dille	Knutson	Moe, R.D.	Reichgott Junge
Anderson	Finn	Krentz	Mondale	Riveness
Beckman	Flynn	Kroening	Morse	Robertson
Belanger	Frederickson	Laidig	Murphy	Runbeck
Benson, D.D.	Hanson	Langseth	Novak	Sams
Benson, J.E.	Hottinger	Larson	Oliver	Samuelson
Berg	Janezich	Lesewski	Olson	Solon
Berglin	Johnson, D.E.	Lessard	Pappas	Spear
Bertram	Johnson, D.J.	Luther	Pariseau	Stevens
Betzold	Johnson, J.B.	Marty	Piper	Stumpf
Chandler	Johnston	McGowan	Pogemiller	Terwilliger
Cohen	Kelly	Merriam	Price	Vickerman
Day	Kiscaden	Metzen	Ranum	Wiener

So the bill passed and its title was agreed to.

H.F. No. 2314: A bill for an act relating to waste reduction; amending various statutes to be consistent with recent law relating to distribution of reports and materials to legislators; amending Minnesota Statutes 1992, sections 144.672, subdivision 2; 144.70, subdivision 1; 458A.08; and 473.445, subdivision 3.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Berg	Day	Hottinger	Kelly
Anderson	Berglin	Dille	Janezich	Kiscaden
Beckman	Bertram	Finn	Johnson, D.E.	Knutson
Belanger	Betzold	Flynn	Johnson, D.J.	Krentz
Benson, D.D.	Chandler	Frederickson	Johnson, J.B.	Kroening
Benson, J.E.	Cohen	Hanson	Johnston	Laidig

Langseth	Merriam	Oliver	Ranum	Spear
Larson	Metzen	Olson	Reichgott Junge	Stevens
Lesewski	Moe, R.D.	Pappas	Riveness	Stumpf
Lessard	Mondale	Pariseau	Robertson	Terwilliger
Luther	Morse	Piper	Runbeck	Vickerman
Marty	Murphy	Pogemiller	Samuelson	Wiener
McGowan	Novak	Price	Solon	

So the bill passed and its title was agreed to.

H.F. No. 2222: A bill for an act relating to elections; allowing a single polling place for two precincts in certain cases; amending Minnesota Statutes 1992, section 204B.16, subdivision 2.

Mr. Hottinger moved that H.F. No. 2222, No. 14 on the Consent Calendar, be stricken and placed at the bottom of General Orders. The motion prevailed.

H.F. No. 1186: A bill for an act relating to the environment; adding cross references for existing civil penalties for littering; amending Minnesota Statutes 1992, sections 85.20, subdivision 6; 115A.99; 169.421; 375.18, subdivision 14; and 412.221, subdivision 22.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 66 and nays 0; as follows:

Those who voted in the affirmative were:

Adkins	Dille	Krentz	Morse	Runbeck
Anderson	Finn	Kroening	Murphy	Sams
Beckman	Flynn	Laidig	Novak	Samuelson
Belanger	Frederickson	Langseth	Oliver	Solon
Benson, D.D.	Hanson	Larson	Olson	Spear
Benson, J.E.	Hottinger	Lesewski	Pappas	Stevens
Berg	Janezich	Lessard	Pariseau	Stumpf
Berglin	Johnson, D.E.	Luther	Piper	Terwilliger
Bertram	Johnson, D.J.	Marty	Pogemiller	Vickerman
Betzold	Johnson, J.B.	McGowan	Price	Wiener
Chandler	Johnston	Merriam	Ranum	
Chmielewski	Kelly	Metzen	Reichgott Junge	
Cohen	Kiscaden	Moe, R.D.	Riveness	
Day	Knutson	Mondale	Robertson	

So the bill passed and its title was agreed to.

H.F. No. 2330: A bill for an act relating to Anoka county; authorizing county to sell tax-forfeited land by sealed bid.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 66 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dille	Krentz	Morse	Runbeck
Anderson	Finn	Kroening	Murphy	Sams
Beckman	Flynn	Laidig	Novak	Samuelson
Belanger	Frederickson	Langseth	Oliver	Solon
Benson, D.D.	Hanson	Larson	Olson	Spear
Benson, J.E.	Hottinger	Lesewski	Pappas	Stevens
Berg	Janezich	Lessard	Pariseau	Stumpf
Berglin	Johnson, D.E.	Luther	Piper	Terwilliger
Bertram	Johnson, D.J.	Marty	Pogemiller	Vickerman
Betzold	Johnson, J.B.	McGowan	Price	Wiener
Chandler	Johnston	Merriam	Ranum	
Chmielewski	Kelly	Metzen	Reichgott Junge	
Cohen	Kiscaden	Moe, R.D.	Riveness	
Day	Knutson	Mondale	Robertson	

So the bill passed and its title was agreed to.

H.F. No. 2086: A bill for an act relating to local government; abandoning judicial ditch number 37 in Redwood and Lyon counties.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Day	Krentz	Mondale	Riveness
Anderson	Dille	Kroening	Morse	Robertson
Beckman	Finn	Laidig	Murphy	Runbeck
Belanger	Flynn	Langseth	Novak	Sams
Benson, D.D.	Frederickson	Larson	Oliver	Samuelson
Benson, J.E.	Hanson	Lesewski	Olson	Solon
Berg	Hottinger	Lessard	Pappas	Spear
Berglin	Johnson, D.J.	Luther	Pariseau	Stevens
Bertram	Johnson, J.B.	Marty	Piper	Stumpf
Betzold	Johnston	McGowan	Pogemiller	Terwilliger
Chandler	Kelly	Merriam	Price	Vickerman
Chmielewski	Kiscaden	Metzen	Ranum	Wiener
Cohen	Knutson	Moe, R.D.	Reichgott Junge	

So the bill passed and its title was agreed to.

S.F. No. 1899: A bill for an act relating to the city of Eagan; providing for the establishment of a special service district.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dille	Krentz	Mondale	Runbeck
Anderson	Finn	Kroening	Morse	Sams
Beckman	Flynn	Laidig	Murphy	Samuelson
Belanger	Frederickson	Langseth	Novak	Solon
Benson, D.D.	Hanson	Larson	Oliver	Spear
Benson, J.E.	Hottinger	Lesewski	Olson	Stevens
Berglin	Johnson, D.E.	Lessard	Pappas	Stumpf
Bertram	Johnson, D.J.	Luther	Pogemiller	Terwilliger
Betzold	Johnson, J.B.	Marty	Price	Vickerman
Chandler	Johnston	McGowan	Ranum	Wiener
Chmielewski	Kelly	Merriam	Reichgott Junge	
Cohen	Kiscaden	Metzen	Riveness	
Day	Knutson	Moe, R.D.	Robertson	

So the bill passed and its title was agreed to.

S.F. No. 2476: A bill for an act relating to local government; authorizing establishment of Nashwauk area ambulance district.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 65 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Day	Knutson	Moe, R.D.	Reichgott Junge
Anderson	Dille	Krentz	Mondale	Riveness
Beckman	Finn	Kroening	Morse	Robertson
Belanger	Flynn	Laidig	Murphy	Runbeck
Benson, D.D.	Frederickson	Langseth	Novak	Sams
Benson, J.E.	Hanson	Larson	Oliver	Samuelson
Berg	Hottinger	Lesewski	Olson	Solon
Berglin	Johnson, D.E.	Lessard	Pappas	Spear
Bertram	Johnson, D.J.	Luther	Pariseau	Stevens
Betzold	Johnson, J.B.	Marty	Piper	Stumpf
Chandler	Johnston	McGowan	Pogemiller	Terwilliger
Chmielewski	Kelly	Merriam	Price	Vickerman
Cohen	Kiscaden	Metzen	Ranum	Wiener

So the bill passed and its title was agreed to.

S.F. No. 2277: A bill for an act relating to metropolitan waste control commission; authorizing the commission to enter into agreements to implement total watershed management; proposing coding for new law in Minnesota Statutes, chapter 473.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 65 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Day	Knutson	Moe, R.D.	Reichgott Junge
Anderson	Dille	Krentz	Mondale	Riveness
Beckman	Finn	Kroening	Morse	Robertson
Belanger	Flynn	Laidig	Murphy	Runbeck
Benson, D.D.	Frederickson	Langseth	Novak	Sams
Benson, J.E.	Hanson	Larson	Oliver	Samuelson
Berg	Hottinger	Lesewski	Olson	Solon
Berglin	Johnson, D.E.	Lessard	Pappas	Spear
Bertram	Johnson, D.J.	Luther	Pariseau	Stevens
Betzold	Johnson, J.B.	Marty	Piper	Stumpf
Chandler	Johnston	McGowan	Pogemiller	Terwilliger
Chmielewski	Kelly	Merriam	Price	Vickerman
Cohen	Kiscaden	Metzen	Ranum	Wiener

So the bill passed and its title was agreed to.

H.F. No. 2692: A bill for an act relating to state lands; authorizing private sale of certain state land in Crow Wing county to resolve an encroachment situation.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 66 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dille	Kroening	Murphy	Runbeck
Anderson	Finn	Laidig	Neuville	Sams
Beckman	Flynn	Langseth	Novak	Samuelson
Belanger	Frederickson	Larson	Oliver	Solon
Benson, D.D.	Hanson	Lesewski	Olson	Spear
Benson, J.E.	Hottinger	Lessard	Pappas	Stevens
Berg	Johnson, D.E.	Luther	Pariseau	Stumpf
Berglin	Johnson, D.J.	Marty	Piper	Terwilliger
Bertram	Johnson, J.B.	McGowan	Pogemiller	Vickerman
Betzold	Johnston	Merriam	Price	Wiener
Chandler	Kelly	Metzen	Ranum	
Chmielewski	Kiscaden	Moe, R.D.	Reichgott Junge	
Cohen	Knutson	Mondale	Riveness	
Day	Krentz	Morse	Robertson	

So the bill passed and its title was agreed to.

H.F. No. 2634: A bill for an act relating to transportation; requiring understandable notice of requirements for appealing town road damage awards; amending Minnesota Statutes 1992, section 164.07, subdivision 6.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 65 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dille	Krentz	Mondale	Reichgott Junge
Anderson	Finn	Kroening	Morse	Riveness
Beckman	Flynn	Laidig	Murphy	Robertson
Belanger	Frederickson	Langseth	Neuville	Runbeck
Benson, D.D.	Hanson	Larson	Novak	Sams
Benson, J.E.	Hottinger	Lesewski	Oliver	Samuelson
Berg	Johnson, D.E.	Lessard	Olson	Solon
Bertram	Johnson, D.J.	Luther	Pappas	Spear
Betzold	Johnson, J.B.	Marty	Pariseau	Stevens
Chandler	Johnston	McGowan	Piper	Stumpf
Chmielewski	Kelly	Merriam	Pogemiller	Terwilliger
Cohen	Kiscaden	Metzen	Price	Vickerman
Day	Knutson	Moe, R.D.	Ranum	Wiener

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate take up the General Orders Calendar. The motion prevailed.

GENERAL ORDERS

The Senate resolved itself into a Committee of the Whole, with Mr. Betzold in the chair.

After some time spent therein, the committee arose, and Mr. Betzold reported that the committee had considered the following:

S.F. Nos. 1848, 1903 and H.F. Nos. 2373, 2646, 1890 and 2362, which the committee recommends to pass.

S.F. No. 935, which the committee reports progress, subject to the following motion:

Mr. Merriam moved to amend S.F. No. 935 as follows:

Pages 1 and 2, delete sections 1 to 3

Page 2, line 24, delete "*Sections 1 to 4 are*" and insert "*Section 1 is*"

Renumber the sections in sequence and correct the internal references

Amend the title as follows:

Page 1, line 2, after "restricting" insert "lottery"

Page 1, line 4, delete from "; proposing" through page 1, line 6, to "349"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 36 and nays 29, as follows:

Those who voted in the affirmative were:

Anderson	Finn	Lesewski	Pappas	Sams
Beckman	Flynn	Luther	Pariseau	Spear
Belanger	Hottinger	Marty	Piper	Stumpf
Benson, J.E.	Janezich	Merriam	Pogemiller	Wiener
Berglin	Johnson, D.J.	Moe, R.D.	Ranum	
Betzold	Johnson, J.B.	Mondale	Reichgott Junge	
Chandler	Knutson	Murphy	Robertson	
Cohen	Krentz	Olson	Runbeck	

Those who voted in the negative were:

Adkins	Dille	Kroening	Metzen	Riveness
Benson, D.D.	Hanson	Laidig	Morse	Solon
Berg	Johnson, D.E.	Langseth	Neuville	Stevens
Bertram	Johnston	Larson	Novak	Terwilliger
Chmielewski	Kelly	Lessard	Oliver	Vickerman
Day	Kiscaden	McGowan	Price	

The motion prevailed. So the amendment was adopted.

S.F. No. 935 was then progressed.

S.F. No. 1896, which the committee recommends to pass with the following amendment offered by Ms. Robertson:

Page 2, line 28, delete "*procedures for determining*" and insert "*a determination*"

Page 2, line 31, delete everything after "*improvements*"

Page 2, line 32, delete "*transportation corridor*"

Page 2, line 33, delete "*provisions for consideration of*" and insert "*a statement which considers*"

Page 2, delete lines 34 to 36 and insert "*projects on land use, housing, and economic opportunities within the metropolitan area*"

Page 3, lines 1 to 3, delete the new language

The motion prevailed. So the amendment was adopted.

S.F. No. 2297, which the committee recommends to pass with the following amendment offered by Mr. Hottinger:

Page 2, line 25, delete "*and*" and insert a period

Page 2, line 27, before the period, insert "*, except in a polling place*"

established under clause (2) where one of the precincts has fewer than ten registered voters, in which case the results of that precinct must be reported in the manner specified by the secretary of state"

The motion prevailed. So the amendment was adopted.

On motion of Mr. Moe, R.D., the report of the Committee of the Whole, as kept by the Secretary, was adopted.

MOTIONS AND RESOLUTIONS – CONTINUED

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate reverted to the Orders of Business of Executive and Official Communications, Messages From the House, First Reading of House Bills, Reports of Committees, Second Reading of Senate Bills and Second Reading of House Bills.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communication was received and referred to the committee indicated.

March 29, 1994

The Honorable Allan H. Spear
President of the Senate

Dear Sir:

The following appointment is hereby respectfully submitted to the Senate for confirmation as required by law:

BOARD OF ANIMAL HEALTH

Theodore Huisinga, 5770 County Rd. 9 N.E., Willmar, Kandiyohi County, has been appointed by me, effective April 3, 1994, for a term expiring on the first Monday in January, 1998.

(Referred to the Committee on Agriculture and Rural Development.)

Warmest regards,
Arne H. Carlson, Governor

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate Files, herewith returned: S.F. Nos. 2425 and 2199.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 4, 1994

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S.F. No. 2073: A bill for an act relating to taxation; making technical corrections and administrative changes; amending Minnesota Statutes 1992, sections 103B.245, subdivision 1; 103D.911, subdivision 2; 103D.915, subdivision 1; 115A.919, subdivision 3; 115A.921, subdivision 1; 115A.923, subdivision 1; 256.879, subdivisions 1 and 2; 270.12, subdivision 2; 272.025, subdivision 3; 273.111, subdivision 6; 273.13, subdivision 22; 273.134; 273.1399, subdivision 3; 275.065, subdivision 1; 278.05, subdivision 5; 279.37, subdivision 8; 282.01, subdivision 1; 282.014; 282.04, subdivision 2; 282.301; 289A.08, subdivision 7; 289A.25, subdivision 5; 290.17, subdivision 2; 290.371, subdivision 2; 290A.03, subdivision 5; 290A.05; 297.01, subdivision 14; 297.11, subdivision 5; 297A.021, subdivision 4; 297B.11; 297C.01, subdivision 5; 357.18, subdivision 2; 398.16; 398A.04, subdivision 8; 447.34, subdivision 2; 462.396, subdivision 2; 469.060, subdivision 6; 469.102, subdivision 5; 469.177, subdivision 9; 473.167, subdivision 3; 473.249, subdivision 1; 473.446, subdivision 1; 473.661, subdivision 2; 473.711, subdivision 2; 477A.011, subdivision 1b; 477A.0121, subdivision 4; 477A.0132, subdivision 3; 477A.014, subdivision 1; 477A.15; and 580.23, subdivision 3; Minnesota Statutes 1993 Supplement, sections 124.2131, subdivision 1; 270.96, subdivision 3; 272.02, subdivision 1; 272.12; 273.11, subdivision 13; 273.124, subdivisions 1 and 13; 273.1398, subdivisions 1 and 3; 273.166, subdivision 3; 275.065, subdivisions 3 and 6; 276.04, subdivision 2; 277.15; 278.04; 278.08; 290A.03, subdivisions 8 and 13; 290.091, subdivision 2; 297A.01, subdivision 3; 297A.07, subdivision 1; 298.28, subdivision 9a; 469.033, subdivision 6; 473.13, subdivision 1; and 477A.013, subdivision 8; Laws 1989, chapter 211, section 4, subdivision 2; Laws 1992, chapter 511, article 4, section 29; Laws 1993, chapter 375, article 2, section 37; proposing coding for new law in Minnesota Statutes, chapters 273 and 275; repealing Minnesota Statutes 1992, sections 16A.70; 16A.71; 115A.923, subdivision 6; and 273.22; Minnesota Statutes 1993 Supplement, section 273.1398, subdivision 2a; Laws 1993, First Special Session chapter 1, article 2, section 6.

Senate File No. 2073 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 4, 1994

CONCURRENCE AND REPASSAGE

Ms. Pappas moved that the Senate concur in the amendments by the House to S.F. No. 2073 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 2073 was read the third time, as amended by the House, and placed on its repassage.

The question was taken on the repassage of the bill, as amended.

The roll was called, and there were yeas 59 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Day	Knutson	Moe, R.D.	Ranum
Anderson	Dille	Krentz	Mondate	Reichgott Junge
Beckman	Finn	Kroening	Morse	Riveness
Belanger	Flynn	Laidig	Murphy	Robertson
Benson, D.D.	Frederickson	Langseth	Neuville	Runbeck
Benson, J.E.	Hanson	Lesewski	Novak	Spear
Berg	Hottinger	Lessard	Oliver	Stevens
Berglin	Johnson, D.E.	Luther	Olson	Stumpf
Bertram	Johnson, J.B.	Marty	Pappas	Terwilliger
Betzold	Johnston	McGowan	Pariseau	Vickerman
Chandler	Kelly	Merriam	Piper	Wiener
Cohen	Kiscaden	Metzen	Pogemiller	

So the bill, as amended, was repassed and its title was agreed to.

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of 3 members of the House, on the amendments adopted by the House to the following Senate File:

S.F. No. 760: A bill for an act relating to natural resources; granting power to the commissioner of natural resources to give nominal gifts, acknowledge contributions, and sell advertising; appropriating money; amending Minnesota Statutes 1992, section 84.027, by adding a subdivision.

There has been appointed as such committee on the part of the House:

Wolf, Jennings and Dorn.

Senate File No. 760 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 4, 1994

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 2856, 2936, 2998, 3053, 2299, 2411, 2420, 2148, 2226, 2251, 2839, 2551, 2657, 2670, 2508, 2888, 3091 and 2275.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 4, 1994

FIRST READING OF HOUSE BILLS

The following bills were read the first time and referred to the committees indicated.

H.F. No. 2856: A bill for an act relating to state lands; authorizing the sale of certain tax-forfeited lands that border public water in Mower county.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2749, now on the Consent Calendar.

H.F. No. 2936: A bill for an act relating to Ramsey county; providing for funding the maintenance of turnback roads in Ramsey county; amending Minnesota Statutes 1992, section 383A.16, subdivision 2, and by adding subdivisions; repealing Minnesota Statutes 1992, section 383A.16, subdivision 1.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2660.

H.F. No. 2998: A bill for an act relating to game and fish; allowing use of retractable broadhead arrows in taking big game; amending Minnesota Statutes 1992, section 97B.211, subdivision 2.

Referred to the Committee on Environment and Natural Resources.

H.F. No. 3053: A bill for an act relating to unemployment compensation; changing its name; modifying provisions relating to reporting requirements, eligibility conditions, and liability for benefits; amending Minnesota Statutes 1992, sections 268.03; 268.08, subdivision 1; and 268.10, subdivision 1; Minnesota Statutes 1993 Supplement, sections 268.08, subdivision 6; 268.09, subdivision 1; 268.10, subdivision 2; and 268.161, subdivision 9.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2800, now on General Orders.

H.F. No. 2299: A bill for an act relating to retirement; the Duluth joint police and firefighters consolidation account; clarifying certain language relating to calculation of pension benefits contained in the bylaws of the Duluth firefighters relief association; amending Minnesota Statutes 1993 Supplement, section 353B.02, subdivision 10.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2060, now on General Orders.

H.F. No. 2411: A bill for an act relating to retirement; providing for coverage of employees of lessee of Itasca Medical Center facilities by the public employees retirement association.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2213, now on General Orders.

H.F. No. 2420: A bill for an act relating to retirement; providing for terms on which surviving spouse benefits are granted to members of the Minneapolis fire department relief association; amending Minnesota Statutes 1992, section 353B.11, subdivision 1; and Laws 1965, chapter 519, section 1, as amended.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2180, now on General Orders.

H.F. No. 2148: A bill for an act relating to human services; providing monitoring and evaluation of emergency health services on a pilot project basis; authorizing an advisory committee.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1760.

H.F. No. 2226: A bill for an act relating to state government; permitting employees of Minnesota Project Innovation, Inc. to participate in certain state employee benefit programs; amending Minnesota Statutes 1992, section 116O.04, subdivision 2.

Referred to the Committee on Finance.

H.F. No. 2251: A bill for an act relating to drivers' licenses; allowing social security number to be entered at the option of an applicant for a Class C driver's license; amending Minnesota Statutes 1992, section 171.06, subdivision 3.

Referred to the Committee on Transportation and Public Transit.

H.F. No. 2839: A bill for an act relating to retirement; South St. Paul police relief association; clarifying probationary employment for purposes of relief association service credit for certain members.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2519, now on General Orders.

H.F. No. 2551: A bill for an act relating to retirement; enabling certain retired members of the public employees retirement association to rescind a selection of a joint and survivor annuity and to receive a normal retirement annuity.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2250.

H.F. No. 2657: A bill for an act relating to state parks; allowing handicapped persons to receive a special permit; amending Minnesota Statutes 1992, section 85.053, subdivision 7.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2584.

H.F. No. 2670: A bill for an act relating to retirement; adding Hennepin county paramedics and emergency medical technicians to membership in the public employees police and fire fund; amending Minnesota Statutes 1992, section 353.64, by adding a subdivision.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2276, now on General Orders.

H.F. No. 2508: A bill for an act relating to motor vehicles; making technical corrections; exempting license plates on state lottery vehicles from registration tax when used for security or criminal investigation purposes; taxing commuter vans as buses for vehicle registration purposes; allowing holder of personalized license plates to have priority for those plates in next registration period as long as holder keeps registration current; providing for temporary 60-day permits while waiting for special ready reserve license plates or special collegiate license plates; requiring vehicle dealers to file information relating to temporary registration permits issued to new purchasers; requiring drive-away in transit license plates and insurance for transporting vehicles; regulating vehicle dealers; requiring that parking certificate for disabled person hang from rearview mirror; specifying parking certificate expiration

times for persons with permanent and temporary disabilities; providing for administrative hearings regarding deputy registrars; requiring district court agents to retain filing fee for receiving and forwarding drivers' license applications and fees; requiring secured parties to be notified when a dealer buys a late model or high value salvage vehicle; providing exemption from uniform fire code for dispensing certain flammable liquids; amending Minnesota Statutes 1992, sections 168.011, subdivision 7; 168.012, by adding a subdivision; 168.013, subdivision 1f, and by adding a subdivision; 168.053, subdivision 1; 168.054; 168.09, subdivision 7; 168.092, subdivision 2; 168.12, subdivision 2a; 168.126, subdivision 1; 168.27, subdivisions 1, 12, 13, 15, 16, and 17; 168.33, subdivision 2; 168A.11, subdivision 2; 168A.153, subdivision 2; 169.345, subdivision 1; and 325F.662, subdivision 3; Minnesota Statutes 1993 Supplement, sections 169.345, subdivision 3; and 171.06, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 299F.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1990, now on General Orders.

H.F. No. 2888: A bill for an act relating to economic development; regulating community action agencies; amending Minnesota Statutes 1992, sections 268.53, subdivision 5; and 466.01, subdivision 1.

Referred to the Committee on Judiciary.

H.F. No. 3091: 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 1992, sections 17.47, subdivision 3; 41A.05, subdivision 2; 60B.04, subdivision 1; 60B.09, subdivisions 1 and 3; 115.41, subdivisions 1 and 2; 115.42; 115.43, subdivision 2; 115.44, subdivision 2; 115.45, subdivision 1; 115.50; 115.52; 115.53; 120.101, subdivisions 2 and 6; 121.88, subdivision 8; 125.611, subdivision 1; 136.24, subdivision 1; 136.622, subdivision 1; 152.02, subdivisions 9, 12, and 13; 160.265; 169.443, subdivision 8; 171.22, subdivision 2; 214.01, subdivision 3; 214.13, subdivision 1; 237.60, subdivision 2; 256D.06, subdivision 1b; 260.151, subdivision 1; 299C.61, subdivision 4; 309.53, subdivision 2; 326.212; 326.224; 326.461, subdivision 1; 327.32, subdivision 8; 327.33; 327.34, subdivision 1; 331A.06, subdivision 4; 348.13; 352.119, subdivision 1; 386.61, by adding a subdivision; 423B.12; 446A.07, subdivision 6; 449.06; 469.174, subdivision 10; 469.181, subdivision 1; and 471A.11; Minnesota Statutes 1993 Supplement, sections 16B.06, subdivision 2a; 16B.122, subdivision 3; 62A.31, subdivision 1n; 62N.075; 82.195, subdivision 2; 115A.542; 115C.082, subdivision 1; 124.195, subdivision 8; 138.96, subdivision 2; 144.991, subdivisions 3 and 4; 152.11, subdivision 1; 169.121, subdivision 1c; 214.103, subdivision 6; 245A.04, subdivision 3b; 256D.44, subdivision 3; 257.67, subdivision 3; 268.92, subdivision 1; 296.035; 325F.755, subdivision 5; 326.111, subdivision 4; 326.975, subdivision 2; 349.217, subdivision 1; 386.66; 491A.01, subdivision 3; 549.09, subdivision 1; 609.5312, subdivision 3; 609.605, subdivision 1; 609.749, subdivision 5; and Laws 1992, chapter 513, article 4, section 60; repealing Minnesota Statutes 1992, sections 216B.164, subdivision 7; 385.08; and 473.872; Laws 1977, chapter 11, section 8; Laws 1982, chapter 514, sections 18 and 19; Laws 1983, chapter 247, section 130; Laws 1984, chapter 628, article 2, section 4; Laws 1985, First Special Session chapters 9, article 2; sections 81 and 82; 13, section 191; and 14, article 9, section 16; Laws 1987, chapters 197, section 1; 315, section 4, subdivision 2; and 336, section 35;

Laws 1988, chapters 441, section 2; 486, sections 15 and 68; 496, section 8; 514, section 5; and 636, section 3; Laws 1989, chapters 89, sections 1 (in part) and 13; 133, section 1; 144, article 2, section 8; 209, article 2, sections 8 and 34; 222, sections 10, 21, 22, and 36; 271, section 32; 282, article 2, sections 144 and 186; 293, section 74; 319, article 13, sections 22 and 55; 329, article 5, section 10; 334, article 2, section 17; 335, article 1, sections 200 and 255; 353, section 10; and 356, section 18; Laws 1990, chapters 426, article 1, sections 5 and 32; 480, articles 5, sections 6 and 9; and 9, section 3; 512, section 12; 562, article 10, section 1; 571, section 39; 574, section 5; and 594, article 3, sections 6 and 7; Laws 1991, chapters 58, sections 1, 2, 3, 4, 5, 6, 7, and 8; 130, section 24; 174, section 8; 199, article 1, section 71; 238, article 1, section 7; 265, article 4, section 19; 292, article 4, section 45; 306, section 26; 336, article 2, section 2; 340, sections 1 and 32; and 345, article 2, section 46; Laws 1992, chapters 432, article 2, section 41; 437, section 1; and 499, article 6, section 15; Laws 1993, chapters 4, section 9; 47, sections 1, 4, 6, and 9; 78, section 3; 101, section 1; 224, article 13, sections 3 and 43; 247, articles 1, section 11; and 2, section 9; 269, section 17; 286, sections 2 and 21; 303, sections 15, 17, and 18; 339, section 12; and 369, sections 38 and 128; Laws 1993, First Special Session chapter 1, article 2, section 6.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2731, now on the Consent Calendar.

H.F. No. 2275: A bill for an act relating to taxes; making tax policy, collections, and administrative changes; amending Minnesota Statutes 1992, sections 168.011, subdivision 8; 168.012, subdivision 9; 239.05, subdivision 10a; 239.761, subdivision 3; 270.052; 270.0605; 270.10, by adding a subdivision; 270.60, subdivisions 1 and 2; 270.69, subdivision 4, and by adding a subdivision; 270.70, subdivision 2; 270.72, subdivision 1; 270B.02, subdivisions 3 and 5; 270B.03, subdivision 1; 270B.12, subdivision 3, and by adding a subdivision; 270B.14, by adding a subdivision; 273.12; 289A.37, subdivision 1; 289A.60, by adding subdivisions; 290.01, subdivision 3a; 290A.08; 290A.18, subdivision 2; 296.01, subdivisions 14, 18, 19, 20, 32, 34, and by adding subdivisions; 296.02, subdivision 1; 296.025, subdivision 1, and by adding a subdivision; 296.06, subdivision 2; 296.12, subdivisions 1, 2, 3, 4, 5, 8, 10, and 11; 296.15, subdivisions 2, 4, 5, and 6; 296.16, subdivision 2; 296.165, subdivision 1; 296.25, subdivision 1, and by adding a subdivision; 297.03, subdivision 7; 297A.25, subdivision 9; and 297C.13, subdivision 1; Minnesota Statutes 1993 Supplement, sections 116.07, subdivision 10; 270.06; 270.41, subdivision 5; 270B.01, subdivision 8; 272.115, subdivision 1; 273.124, subdivision 13; 275.065, subdivision 6; 289A.18, subdivision 4; 289A.20, subdivision 4; 290.01, subdivision 19; 297A.01, subdivision 15; 297A.07, subdivision 1; and 297A.25, subdivision 11; proposing coding for new law in Minnesota Statutes, chapters 270; 296; 297; 384; and 385; repealing Minnesota Statutes 1992, sections 270.0604, subdivision 6; 272.09; 272.46, subdivision 1; 272.47; 296.03; 296.14; 296.15, subdivision 3; and 297A.07, subdivision 2.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2420, now on General Orders.

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted, with the exception of the reports on S.F. Nos. 609 and 614. The motion prevailed.

Mr. Spear from the Committee on Crime Prevention, to which was referred

S.F. No. 1871: A bill for an act proposing an amendment to the Minnesota Constitution, adding a section to article XIII; providing for the admission of certain DNA evidence in judicial proceedings.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Rules and Administration. Report adopted.

Mr. Spear from the Committee on Crime Prevention, to which was re-referred

S.F. No. 2311: A bill for an act relating to commerce; regulating currency exchanges; expanding the definition of a currency exchange; providing for a national criminal history check on license applicants; requiring employees to register and undergo a background check; requiring a new owner to file an initial license application; increasing the required surety bond principal amount; prohibiting the issuance of money orders; prescribing penalties; amending Minnesota Statutes 1992, sections 53A.01, subdivision 1; 53A.05, subdivision 2; 53A.08; 53A.09; and 53A.10; Minnesota Statutes 1993 Supplement, section 53A.03.

Reports the same back with the recommendation that the bill be amended as follows:

Page 3, line 20, delete "*currently*," and after "*licensed*" insert "*as of August 1, 1994,*"

Page 5, line 6, strike "*Laws 1989,*" and insert "*a provision of this*"

Page 5, line 7, strike "*247,*"

Page 5, after line 7, insert:

"Sec. 7. [EFFECTIVE DATE.]

Section 6 is effective August 1, 1994, and applies to crimes committed on or after that date."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Crime Prevention, to which was referred

S.F. No. 2645: A bill for an act relating to crime prevention; providing release conditions for persons charged with crimes against persons; providing for the treatment of the firearms of persons charged; proposing coding for new law in Minnesota Statutes, chapter 629.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, delete lines 2 to 26 and insert "*The judge may order as a condition of release that the person surrender to the local law enforcement agency all firearms owned or possessed by the person, and may not live in a residence where others possess firearms. Any firearm surrendered under this subdivision shall be inventoried and retained, with due care to preserve the use and function of the firearm, by the local law enforcement agency, and returned to the person upon the person's acquittal or if charges are dismissed. If the*

person is convicted, the firearm must be returned when the court orders the return or when the person is discharged from probation and restored to civil rights. If the person is convicted of a designated offense as defined in section 609.531, the firearm is subject to forfeiture as provided under that section."

And when so amended the bill do pass. Amendments adopted: Report adopted.

Mr. Spear from the Committee on Crime Prevention, to which was referred

S.F. No. 2348: A bill for an act relating to the legislature; clarifying the appropriate committees to which certain reports are to be directed; amending Minnesota Statutes 1992, sections 244.09, subdivision 11; 244.13, subdivisions 1 and 3; 244.173; and 484.74, subdivision 4.

Reports the same back with the recommendation that the bill be amended as follows:

Page 3, after line 13, insert:

"Sec. 5. Minnesota Statutes 1992, section 299A.35, subdivision 3, is amended to read:

Subd. 3. [REPORT.] An applicant that receives a grant under this section shall provide the commissioner with a summary of how the grant funds were spent and the extent to which the objectives of the program were achieved. The commissioner shall submit a written report to the ~~legislature~~ *chairs of the committees of the senate and house of representatives with jurisdiction over criminal justice policy and funding of crime prevention programs*, by February 1 each year, based on the information provided by applicants under this subdivision."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 6, after the second semicolon, insert "299A.35, subdivision 3;"

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Mr. Mondale, for Mrs. Adkins, from the Committee on Metropolitan and Local Government, to which was referred

S.F. No. 2725: A bill for an act relating to metropolitan government; providing for the ownership, financing, and use of certain sports facilities; permitting the issuance of bonds and other obligations; appropriating money; amending Minnesota Statutes 1992, sections 473.551; 473.552; 473.556; 473.561; 473.564, subdivision 2; 473.572; 473.581; 473.592; 473.595; and 473.596; proposing coding for new law in Minnesota Statutes, chapters 240A; and 473; repealing Minnesota Statutes 1992, sections 473.564, subdivision 1; and 473.571.

Reports the same back with the recommendation that the bill be amended as follows:

Page 9, line 27, delete "*the metrodome or*"

Page 9, line 28, delete "*, respectively,*"

Page 9, line 29, delete "*metro dome debt service or*"

Page 9, line 30, delete "*, as the case may be*"

Page 9, line 31, delete "CONDOMINIUMIZATION" and insert "CREATING A CONDOMINIUM"

Page 13, lines 16 and 24, reinstate the stricken language

Page 13, lines 17, 18, 23, 25, and 27, delete the new language

Page 13, delete line 26

Page 14, line 12, delete the new language

Page 14, line 13, reinstate the stricken language

Page 18, delete lines 9 to 13

Page 18, line 14, delete the new language

Page 24, lines 32 to 35, delete the new language

Page 28, line 4, delete "*may*" and insert "*shall*"

Page 28, line 11, after the period, insert "*The commission shall contract with an independent, nationally recognized firm of certified public accountants to perform due diligence and provide an economic feasibility study or report with regard to the data received by the commission from the potential lessees and affiliated entities. The disclosure of the data by the firm of certified public accountants shall be consistent with this subdivision.*" and after "*commission*" insert "*, council, their members and employees, independent certified public accountants, counsel, accountants, and consultants*"

Page 28, line 12, delete from "*except*" through page 28, line 14, to "*council*" and insert "*and it shall be deemed nonpublic data under section 13.02, subdivision 9*"

Page 29, line 25, delete "*473*" and insert "*475*"

Page 30, line 15, after "*land*" insert "*and for reimbursement of any expenses of the commission related to its determination of whether to acquire the basketball and hockey arena, whenever incurred*"

Page 37, line 24, delete "*At any times*"

Page 38, line 36, before "*commission*" insert "*metropolitan sports facilities*"

Page 39, line 1, delete "*metro dome or*"

And when so amended the bill do pass and be re-referred to the Committee on Taxes and Tax Laws. Amendments adopted. Report adopted.

Mr. Mondale, for Mrs. Adkins, from the Committee on Metropolitan and Local Government, to which was referred

S.F. No. 2256: A bill for an act relating to the metropolitan waste control commission; reducing the salary range of the chair; providing for a part-time chair; amending Minnesota Statutes 1992, sections 15A.081, subdivision 7; and 473.503.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, after line 8, insert:

“Sec. 3. Minnesota Statutes 1992, section 473.523, subdivision 1, is amended to read:

Subdivision 1. ~~No contract~~ *All contracts for any construction work, or for the purchase of materials, supplies, or equipment, costing more than \$15,000 relating to the metropolitan disposal system shall be made as provided in section 471.345, subdivisions 3 to 6. Contracts subject to section 471.345, subdivision 3, shall be made by the commission without by publishing once in a legal newspaper or trade paper published in a city of the first class not less than two weeks before the last day for submission of bids, notice that bids or proposals will be received. Such notice shall state the nature of the work or purchase and the terms and conditions upon which the contract is to be awarded, and a time and place where such bids will be received, opened, and read publicly. After such bids have been duly received, opened, read publicly, and recorded, the commission shall award such contract to the lowest responsible bidder or it may reject all bids and readvertise. Each contract shall be duly executed in writing and the party to whom the contract is awarded shall give sufficient bond or security to the board for the faithful performance of the contract as required by law. The commission shall have the right to set qualifications and specifications and to require bids to meet all such qualifications and specifications before being accepted. If the commission by an affirmative vote of two-thirds of its members declares that an emergency exists requiring the immediate purchase of materials or supplies at a cost in excess of \$15,000 the amount specified in section 471.345, subdivision 3, or in making emergency repairs, it shall not be necessary to advertise for bids.*

Sec. 4. Minnesota Statutes 1992, section 473.523, subdivision 2, is amended to read:

Subd. 2. The administrator may, without prior approval of the commission and without advertising for bids, enter into any contract of the type referred to in subdivision 1 which is not in excess of \$15,000 the amount specified in section 471.345, subdivision 3.”

Page 2, line 13, before the period, insert “, unless the metropolitan waste control commission is abolished by the enactment into law of H.F. No. 2276 or S.F. No. 2015, in which case this will not be effective”

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, after the semicolon, insert “applying the uniform municipal contracting law to the metropolitan waste control commission;”

Page 1, line 5, delete “and” and before the period, insert “; and 473.523, subdivisions 1 and 2”

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Lessard from the Committee on Environment and Natural Resources, to which was referred

S.F. No. 2486: A bill for an act relating to the environment; toxic pollution prevention act; adding a definition; clarifying applicability; modifying the schedule for submitting plans; amending Minnesota Statutes 1992, section 115D.03, by adding a subdivision; Minnesota Statutes 1993 Supplement, section 115D.07, subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, after line 8, insert:

“Section 1. Minnesota Statutes 1992, section 115D.03, subdivision 5, is amended to read:

Subd. 5. [ELIGIBLE RECIPIENTS.] “Eligible recipients” means persons who use, generate, or release toxic pollutants, hazardous substances, or hazardous wastes *or individuals or organizations that provide information or assistance to those persons.*”

Page 2, after line 2, insert:

“Sec. 3. Minnesota Statutes 1992, section 115D.05, is amended to read:

115D.05 [POLLUTION PREVENTION GRANTS.]

Subdivision 1. [PURPOSE.] The director may make grants to ~~study or demonstrate the feasibility of applying specific technologies and methods to prevent~~ *eligible recipients for the purposes of developing and implementing pollution prevention projects or practices.*

Subd. 2. [ELIGIBILITY.] (a) Eligible recipients may receive grants under this section.

(b) Grants may be awarded up to a maximum of two-thirds of the total cost of the project. ~~Grant money awarded under this section may not be spent for capital improvements or equipment.~~

Subd. 3. [PROCEDURE FOR AWARDING GRANTS.] (a) In determining whether to award a grant, the director shall consider at least the following:

(1) the potential of the project to prevent pollution;

(2) the likelihood that the project will ~~develop techniques or processes that will minimize~~ the transfer of pollution from one environmental medium to another;

(3) the extent to which information to be developed through the project will be applicable to other persons in the state;

(4) ~~the willingness of the grant applicant to implement feasible methods and technologies developed under the grant;~~

(5) the willingness of the grant applicant to assist the director in disseminating information about the pollution prevention methods to be developed through the project; and

(6) (5) the extent to which the project will conform to the pollution prevention policy established in section 115D.02.

(b) The director shall adopt rules to administer the grant program. ~~Prior to completion of any new rulemaking,~~ The director may administer the program

under the procedures established in rules promulgated under in conjunction with the solid waste reduction grant program established in section ~~115A.154~~ 115A.55.”

Page 3, after line 6, insert:

“Sec. 5. Minnesota Statutes 1992, section 115D.08, subdivision 1, is amended to read:

Subdivision 1. [REQUIREMENT TO SUBMIT PROGRESS REPORT.] (a) All persons required to prepare a toxic pollution prevention plan under section 115D.07 shall submit an annual progress report to the ~~commissioner~~ *commission* that may be drafted in a manner that does not disclose proprietary information. Progress reports are due on ~~October~~ July 1 of each year beginning in 1995. ~~The first commission shall provide copies of the progress reports are due in 1992 to the agency and the office.~~

(b) At a minimum, each progress report must include:

(1) a summary of each objective established in the plan including the schedule for meeting the objective;

(2) a summary of progress made during the past year, if any, toward meeting each objective established in the plan including the quantity of each toxic pollutant eliminated or reduced;

(3) a statement of the methods through which elimination or reduction has been achieved;

(4) if necessary, an explanation of the reasons objectives were not achieved during the previous year, including identification of any technological, economic, or other impediments the facility faced in its efforts to achieve its objectives; and

(5) a certification, signed and dated by the facility manager and an officer of the company under penalty of section 609.63, attesting that a plan meeting the requirements of section 115D.07 has been prepared and also attesting to the accuracy of the information in the progress report.

Sec. 6. Minnesota Statutes 1993 Supplement, section 115D.12, subdivision 2, is amended to read:

Subd. 2. [FEES.] (a) Persons required by United States Code, title 42, section 11023, to submit a toxic chemical release form to the commission, and owners or operators of facilities listed in section 299K.08, subdivision 3, shall pay a pollution prevention fee of \$150 for each toxic pollutant reported released plus a fee based on the total pounds of toxic pollutants reported as released from each facility. ~~Facilities reporting less than 25,000 pounds annually of toxic pollutants released per facility shall be assessed a fee of \$500. Facilities reporting annual releases of toxic pollutants in excess of 25,000 pounds shall be assessed a graduated fee at the rate of two cents per pound of toxic pollutants reported.~~

(b) Persons who generate more than 1,000 kilograms of hazardous waste per month but who are not subject to the fee under paragraph (a) must pay a pollution prevention fee of \$500 per facility. Hazardous waste as used in this paragraph has the meaning given it in section 116.06, subdivision 11, and Minnesota Rules, chapter 7045.

(c) Fees required under this subdivision must be paid to the director by January 1 of each year. The fees shall be deposited in the state treasury and credited to the environmental fund."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, delete "section" and insert "sections"

Page 1, line 6, after the comma, insert "subdivision 5, and" and after the semicolon, insert "115D.05; and 115D.08, subdivision 1;"

Page 1, line 7, delete "section" and insert "sections" and before the period, insert "and 115D.12, subdivision 2"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was re-referred

S.F. No. 2155: A bill for an act relating to transportation; bonding; abolishing requirement that electorate approve bonds in excess of tax limitations for airports and authorizing issuance by 60 percent vote of governing body; allowing taxes to be levied by local governing body to pay bond principal or interest; allowing one municipality to issue bonds on behalf of other municipalities in a joint agreement; amending Minnesota Statutes 1992, sections 360.036, subdivisions 2 and 3; 360.037, subdivision 2; and 360.042, subdivision 10.

Reports the same back with the recommendation that the bill be amended as follows:

Pages 1 and 2, delete section 1 and insert:

"Section 1. Minnesota Statutes 1992, section 360.036, subdivision 2, is amended to read:

Subd. 2. [ISSUANCE OF BONDS.] ~~Any~~ (a) Bonds to be issued by ~~any~~ a municipality ~~pursuant to the provisions of~~ under sections 360.011 to 360.076, shall be authorized and issued in the manner and within the limitation, ~~except as herein otherwise provided,~~ prescribed by the laws of this state or the charter of the municipality for the issuance and authorization of bonds ~~thereof~~ for public purposes generally, *except as provided in paragraphs (b) and (c).*

(b) *No election is required to authorize the issuance of the bonds if (1) a board organized under section 360.042 recommends by a resolution adopted by a vote of not less than 60 percent of its members the issuance of bonds and (2) the bonds are authorized by a resolution of the governing body of each of the municipalities acting jointly pursuant to section 360.042, adopted by a vote of not less than 60 percent of its members.*

(c) *If the bonds are general obligations of the municipality, the levy of taxes required by section 475.61 to pay principal and interest on the bonds is not included in computing or applying any levy limitation applicable to the municipality."*

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Metzen from the Committee on Governmental Operations and Reform, to which was referred.

S.F. No. 2259: A bill for an act relating to state government; establishing positions of secretaries to lead executive offices; assigning duties; requiring appointments; proposing coding for new law as Minnesota Statutes, chapter 4B.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. [REORGANIZATION IMPLEMENTATION PLAN.]

The governor shall develop an implementation plan to establish a secretarial system of executive branch organization. The plan takes effect only if enacted into law after the plan is proposed to the legislature.

Sec. 2. [SECRETARIES.]

Subdivision 1. [APPOINTMENT.] The plan must provide for the governor to appoint eight secretaries to head executive offices designated by the governor.

Subd. 2. [EXECUTIVE AGENCY ASSIGNMENT.] The plan must provide for the governor to assign each executive branch state agency to the jurisdiction of one of the executive offices and for each agency to report to the governor through the secretary for that office.

Subd. 3. [DUTIES.] (a) The plan must provide for each secretary to:

- (1) represent and act on behalf of the governor on issues related to the secretary's functional area;*
- (2) advise the governor on the appointment of agency directors, heads of small agencies, and board members;*
- (3) supervise agency directors and hold them accountable for their actions;*
- (4) direct strategic planning and policy development for the functional area assigned to the secretary;*
- (5) direct formulation and presentation of a comprehensive program budget for the functional area assigned to the secretary;*
- (6) exercise authority to the extent and in the manner specified in Minnesota Statutes, section 16B.37, to transfer personnel, powers, or duties among agencies assigned to the secretary;*
- (7) resolve administrative, jurisdictional, operational, program, or policy conflicts among agencies or officials assigned to the secretary; and*
- (8) coordinate development of legislation and represent agencies in the legislative process.*

(b) If a reorganization or reassignment undertaken in accordance with paragraph (a), clause (6), results in a change in the duties of a classified or unclassified bargaining unit position or a transfer of duties to a new position, the incumbent employee in the position must be provided with opportunities

for retraining to enable the employee to perform the duties of the new or changed position.

Subd. 4. [OTHER EMPLOYEES.] *The plan must provide for each secretary to appoint other employees to serve in the office of the secretary. All employees in the office of a secretary must be confidential employees and serve in the unclassified service.*

Subd. 5. [EXEMPTIONS.] (a) *The plan may not assign an agency to one of the eight executive offices nor subject the agency to the jurisdiction of a secretary if the agency's membership consists of both:*

(1) *persons appointed by executive officials; and*

(2) *legislators or judicial branch officials, or persons appointed by legislators or judicial branch officials.*

(b) *Under the plan, the following groups may not be assigned to one of the eight executive offices nor be subject to the jurisdiction of the secretaries: board on aging; council for the blind; council on Asian-Pacific Minnesotans; council on Black Minnesotans, council on affairs of Spanish-speaking people; council on disability; council for the hearing impaired, crime victims reparations board; general crime victims advisory council; governor's advisory council on technologies for people with disabilities; governor's planning council on developmental disabilities; human rights advisory task force; department of human rights; Indian affairs council; crime victims and witness advisory council; ombudspersons appointed under Minnesota Statutes, section 257.0755; ombudsman for older Minnesotans; ombudsman for mental health and mental retardation; ombudsman for corrections; ombudsman for crime victims.*

(c) *The plan may not provide for any function assigned to the state treasurer, state auditor, secretary of state, or attorney general to be assigned to one of the eight executive offices nor to be subject to the jurisdiction of the secretaries.*

Sec. 3. [ELIMINATION OF OTHER POSITIONS.]

As a result of efficiencies achieved through the realignment of agency authority and accountability in section 1, the governor shall ensure a net reduction of 45 executive or managerial positions and 15 professional and clerical support positions in executive branch agencies. In accomplishing these reductions, the governor shall eliminate certain commissioner and deputy commissioner positions and shall consolidate support services management, such as management information systems, public information, research, and training and development. Classified or unclassified employees who are covered by a collective bargaining agreement may not be laid off except as provided in a plan negotiated under Minnesota Statutes, chapter 179A, that provides options to lay off for employees who would be affected.

Sec. 4. [IMPLEMENTATION.]

On the day following final enactment of this section, the governor shall begin the planning required by section 1. By March 1, 1995, the governor shall submit to the legislature a plan showing which agencies would be assigned to the jurisdiction of each executive office, and which positions would be eliminated."

Delete the title and insert:

“A bill for an act relating to state government; requiring the governor to submit a plan to the legislature for the establishment of a secretarial system of executive branch reorganization.”

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Metzen from the Committee on Governmental Operations and Reform, to which was referred

H.F. No. 2772: A bill for an act relating to state government; public employment; establishing a pilot project in certain agencies; permitting the waiver of rules governing the classified and unclassified service of the state by joint committees.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 12, delete “shall” and insert “may”

Page 2, line 21, before the comma, insert “and to the task force established by Laws 1993, chapter 301, section 1, subdivision 6”

Page 2, line 25, delete “each agency head shall” and insert “the task force established by Laws 1993, chapter 301, section 1; subdivision 6, may”

Page 2, line 28, delete “each agency” and insert “the task force”

Page 3, line 8, delete the second “the” and insert “any”

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Mr. Metzen from the Committee on Governmental Operations and Reform, to which was referred

S.F. No. 1818: A bill for an act relating to public employment; requiring a Medicare coverage referendum for certain public employees.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. [MEDICARE REFERENDUM.]

Notwithstanding Minnesota Statutes, sections 355.07 and 355.90, subdivision 1, to the contrary, the commissioner of employee relations shall conduct an individual choice Medicare coverage referendum under section 355.90, for all city of Karlstad hospital employees who are members of the public employees retirement association and who do not have coverage under the federal old age, survivors, and disability insurance program. The referendum must be conducted before January 1, 1995. For each person who selects Medicare coverage in a referendum, coverage is effective on the first of the month next following the referendum.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective upon the approval of the Karlstad city council and compliance with Minnesota Statutes, section 645.021."

Delete the title and insert:

"A bill for an act relating to public employment; authorizing a Medicare coverage referendum for certain city of Karlstad hospital employees."

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Mr. Metzen from the Committee on Governmental Operations and Reform, to which was referred

S.F. No. 1280: A bill for an act relating to retirement; Austin fire department relief association; modifying health insurance coverage for spouses of certain retired firefighters; excluding Austin part-time on-call firefighters from the application of certain laws; permitting the reinstatement of certain survivor benefits; amending Laws 1992, chapter 455, section 2.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Laws 1992, chapter 455, section 2, is amended to read:

Sec. 2. [AUSTIN FIRE DEPARTMENT RELIEF ASSOCIATION; HEALTH OR MEDICAL INSURANCE PREMIUM BENEFIT.]

(a) Notwithstanding any provision of general law, special law, articles of incorporation, or bylaws to the contrary, if its articles of incorporation or bylaws so permit, the Austin fire department relief association may pay a health or medical insurance premium benefit to eligible pension recipients *and their spouses, if the spouse would be eligible for a surviving spouse benefit upon the death of the pension recipient.*

(b) The health or medical insurance premium benefit is an amount equal to the amount that the city of Austin would pay under the applicable collective bargaining agreement for medical or health insurance coverage for a firefighter who is employed by the city, *who has a spouse*, and who has no other dependents.

(c) An eligible pension recipient is a person who receives a service pension or a disability pension from the relief association and who is under age 65 or who is not yet eligible for the receipt of federal Medicare benefits, whichever occurs first.

(d) The health or medical insurance premium benefit is payable monthly, is in addition to any other pension amount received by the eligible pension recipient, and is not subject to any postretirement adjustments applicable to service pensions or disability pensions.

Sec. 2. [AUSTIN FIRE DEPARTMENT RELIEF ASSOCIATION; SURVIVOR COVERAGE FOR SPOUSES OF CERTAIN RETIRED FIRE-FIGHTERS.]

(a) Notwithstanding any provision to the contrary of the general or special laws governing the Austin fire department relief association, the articles of incorporation of the relief association, or the bylaws of the relief association,

a person described in paragraph (b) is entitled to a surviving spouse benefit as provided in paragraph (c).

(b) A person entitled under paragraph (a) is a person who:

(1) was the legally married spouse of a deceased retired or disabled member of the Austin fire department relief association at the time of the deceased member's death;

(2) married the retired or disabled member after the date on which the member terminated active employment as a firefighter by the Austin fire department and was married for at least three years before the date of the death of the member; and

(3) was married to a retired or disabled member whose prior spouse, if any, predeceased the member.

(c) The surviving spouse benefit is an amount equal to the amount of a surviving spouse benefit payable by the Austin fire department relief association to the surviving spouse of a deceased active member of the relief association under Laws 1949, chapter 87, section 26, subdivision 4, as amended by Laws 1965, chapter 418, section 5, reduced by any amount awarded or payable to a former spouse of the deceased active member by virtue of the legal dissolution of the member's marriage to the former spouse.

Sec. 3. [EFFECTIVE DATE.]

Sections 1 and 2 are effective on the day following compliance with Minnesota Statutes, section 69.77, subdivision 2i, approval by majority vote of the city council of the city of Austin, and compliance with Minnesota Statutes, section 645.021."

Delete the title and insert:

"A bill for an act relating to retirement; Austin fire department relief association; modifying health insurance benefit coverage for the spouses of certain retired firefighters; providing survivor benefit coverage for the spouses of certain retired firefighters; amending Laws 1992, chapter 455, section 2."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Metzen from the Committee on Governmental Operations and Reform, to which was referred

S.F. No. 609: A bill for an act relating to retirement; the Minneapolis teachers retirement fund association; providing for purchase of allowable service credit for public school employment outside the state of Minnesota; proposing coding for new law in Minnesota Statutes, chapter 354A.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 8, delete "354A.42" and insert "354A.105" and delete "PUBLIC EMPLOYMENT" and insert "MINNEAPOLIS TEACHERS RETIREMENT FUND ASSOCIATION; PURCHASE OF ALLOWABLE SERVICE CREDIT FOR TEACHING SERVICE" and delete the semicolon

Page 1, line 9, delete everything before the period

Page 1, line 10, delete "*Subdivision 1. [ELIGIBILITY.]*"

Page 1, line 13, delete "*or retired*" and after "*other*" insert "*elementary or secondary*" and after "*school*" insert "*teaching*"

Page 1, line 14, after "*Minnesota*" insert "*, but rendered in the United States,*" and delete "*in*" and insert "*for*"

Page 1, line 18, after "*qualified*" insert "*prior*"

Page 1, line 19, delete "*another*" and insert "*other elementary or secondary*" and after "*school*" insert "*teaching*"

Page 1, line 23, after "*other*" insert "*elementary or secondary*" and after "*school*" insert "*teaching*"

Page 1, line 24, after "*years*" insert "*of*"

Page 2, line 1, after "*leaving*" insert "*the person's*" and after "*accumulated*" insert "*member*"

Page 2, line 4, after "*other*" insert "*elementary or secondary*" and after "*school*" insert "*teaching*" and delete "*shall qualify*" and insert "*rendered in the United States qualifies*"

Page 2, line 16, before the semicolon, insert "*, as certified by the chief administrative officer of the applicable retirement system*"

Page 2, line 17, after "*not*" insert "*available*"

Page 2, line 32, before "*rate*" insert "*applicable*"

Page 2, line 33, after the period, insert "*The present value computation must be made either by the actuary retained by the legislative commission on pensions and retirement or by the association executive director using a calculation procedure specified by the commission-retained actuary. The payment must be made in a lump sum. The prospective purchaser must pay the administrative expense of performing the present value calculation. The purchase payment must be made by the member, but special school district No. 1, at its discretion and if done according to a policy that treats all comparably situated teachers equitably, may pay all or any portion of the purchase payment amount that exceeds an amount equal to the member contribution rates in effect during the period or periods of prior service applied to the actual salary rates in effect during the period or periods of prior service, plus interest at the rate of 8.5 percent a year compounded annually from the date on which the member contributions would otherwise have been made to the date on which the payment is made.*"

And when so amended the bill do pass. Mr. Merriam questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Mr. Metzen from the Committee on Governmental Operations and Reform, to which was referred

S.F. No. 2028: A bill for an act relating to retirement; teachers retirement association; requiring a special hearing to determine the retirement annuity accrual date for Elwin Leverington.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. [TEACHERS RETIREMENT ASSOCIATION; EFFECTIVE DATE FOR RETIREMENT ANNUITY ACCRUAL.]

(a) An annuitant from the teachers retirement association who terminated employment with the Roseau school district on June 30, 1982, and whose application for retirement was postmarked July 1, 1982, must have the retirement effective date revised under paragraph (b), must have the retirement annuity recomputed under paragraph (c), is entitled to a back payment of omitted postretirement adjustment amounts under paragraph (d), and must have additional retirement reserves appropriated under paragraph (e).

(b) Notwithstanding any provision of law to the contrary, the individual described in paragraph (a) must be considered to have retired effective July 1, 1982, and to have accrued a retirement annuity from that date.

(c) Notwithstanding any provision of law to the contrary, the individual described in paragraph (a) must have the future retirement annuity amount increased to account for the adjustment paid to other eligible annuitants from the Minnesota postretirement investment fund on January 1, 1984, and the compounding effect of subsequent postretirement adjustments through the date of enactment to function as the new base retirement annuity for postretirement adjustments after the date of enactment.

(d) The individual described in paragraph (a) is entitled to a lump sum payment of postretirement adjustment amounts omitted by virtue of the failure to receive the January 1, 1984, postretirement adjustment under Minnesota Statutes, section 11A.18, including the compounding effect of subsequent postretirement adjustments for the period January 1, 1984, through the date of enactment.

(e) The amount of the required reserves for the recomputed retirement annuity for transfer to the Minnesota postretirement investment fund under paragraph (c) and the amount of the lump sum back payment under paragraph (d) are appropriated from the teachers retirement fund.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective on the day following final enactment.”

Delete the title and insert:

“A bill for an act relating to retirement; teachers retirement association; authorizing annuity adjustment for a certain annuitant.”

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Mr. Metzen from the Committee on Governmental Operations and Reform, to which was referred

S.F. No. 2231: A bill for an act relating to charitable organizations; changing definitions; modifying registration and waiver requirements; amending Minnesota Statutes 1993 Supplement, section 309.501, subdivisions 1, 3, and 4.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, lines 18 to 20, reinstate the stricken language

Page 1, line 22, reinstate the stricken "(4)" and delete "(3)"

Page 2, line 3, delete "which" and insert "that"

Page 2, line 4, delete "comprised" and insert "composed"

Page 2, lines 6, 11, 21, 25, 31, and 35, reinstate the stricken language and delete the new language

Page 2, line 17, delete "all" and insert "at least 70 percent"

Page 2, after line 36, insert:

"Registered combined charitable organization includes a charitable organization organized by Minnesota state employees and their exclusive representatives for the purpose of providing grants to nonprofit agencies providing Minnesota residents with food or shelter if the charitable organization meets the requirements of clauses (1), (4), and (5)."

Pages 5 and 6, delete section 3 and insert:

"Sec. 3. [EFFECTIVE DATE.]

Sections 1 and 2 are effective the day following final enactment."

Amend the title as follows:

Page 1, line 3, delete "and waiver"

Page 1, line 5, delete the third comma and insert "and" and delete ", and 4"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Metzen from the Committee on Governmental Operations and Reform, to which was re-referred

S.F. No. 614: A bill for an act relating to education; modifying the teacher retirement program to provide an incentive for experienced teachers to participate in job sharing; proposing coding for new law in Minnesota Statutes, chapter 125.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1992, section 354.66, subdivision 2, is amended to read:

Subd. 2. A teacher in the public elementary schools, secondary schools, or technical colleges or in the community college system or the state university system of the state who has ~~20~~ *three* years or more of allowable service in the fund or ~~20~~ *three* years or more of full-time teaching service in Minnesota public elementary schools, secondary schools, or technical colleges or in the community college system or the state university system, ~~or a teacher in the~~

community college system or state university system who has attained at least age 55 and has ten years or more of allowable service in the fund or ten years or more of full-time teaching service as described in this subdivision, may, by agreement with the board of the employing district, be assigned to teaching service within the district in a part-time teaching position.

Sec. 2. Minnesota Statutes 1992, section 354.66, subdivision 4, is amended to read:

Subd. 4. [RETIEMENT CONTRIBUTIONS.] Notwithstanding any provision to the contrary in this chapter relating to the salary figure to be used for the determination of contributions or the accrual of service credit, a teacher assigned to a part-time position pursuant to under this section shall continue to make employee contributions to and to accrue allowable service credit in the retirement fund during the period of part-time employment on the same basis and in the same amounts as would have been paid and accrued if the teacher had been employed on a full-time basis provided that, prior to June 30, each year, or within 30 days after notification by the association of the amount due, whichever is later, the member and the employing board make that portion of the required employer contribution to the retirement fund, in any proportion which they may agree upon, that is based on the difference between the amount of compensation that would have been paid if the teacher had been employed on a full-time basis and the amount of compensation actually received by the teacher for the services rendered in the part-time assignment. The employing unit shall make that portion of the required employer contributions to the retirement fund on behalf of the teacher that is based on the amount of compensation actually received by the teacher for the services rendered in the part-time assignment in the manner described in section 354.43, subdivision 3. *If the teacher has 20 years or more of allowable service in the fund or 20 years or more of full-time teaching service, the employer shall make the full employer contribution to the fund based on the compensation that would have been paid if the teacher had been employed on a full-time basis.* The employee and employer contributions shall be based upon the rates of contribution prescribed by section 354.42. Full accrual of allowable service credit and employee contributions for part-time teaching service pursuant to this section and section 354A.094 shall not continue for a period longer than ten years.

Sec. 3. Minnesota Statutes 1992, section 354A.094, subdivision 3, is amended to read:

Subd. 3. A teacher in the public schools of a city of the first class who has ~~20~~ *three* years or more allowable service in the applicable retirement fund association or ~~20~~ *three* years or more of full-time teaching service in Minnesota public elementary schools, secondary schools, and technical colleges may, by agreement with the board of the employing district, be assigned to teaching service within the district in a part-time teaching position.

Sec. 4. Minnesota Statutes 1992, section 354A.094, subdivision 4, is amended to read:

Subd. 4. [RETIEMENT CONTRIBUTIONS.] Notwithstanding any provision to the contrary in this chapter or the articles of incorporation or bylaws of an association relating to the salary figure to be used for the determination of contributions or the accrual of service credit, a teacher assigned to a part-time position pursuant to under this section shall continue to make employee contributions to and to accrue allowable service credit in the

applicable association during the period of part-time employment on the same basis and in the same amounts as would have been paid and accrued if the teacher had been employed on a full-time basis provided that, prior to June 30 each year the member and the employing board make that portion of the required employer contribution to the applicable association in any proportion which they may agree upon, that is based on the difference between the amount of compensation that would have been paid if the teacher had been employed on a full-time basis and the amount of compensation actually received by the teacher for services rendered in the part-time assignment. The employer contributions to the applicable association on behalf of the teacher shall be based on the amount of compensation actually received by the teacher for the services rendered in the part-time assignment in the manner described in section 354.43, subdivisions 4 and 5 subdivision 3. *If the teacher has 20 years or more of allowable service in the association or 20 years or more of full-time teaching service, the employer shall make the full employer contribution to the fund, based on the compensation that would have been paid if the teacher had been employed on a full-time basis.* The employee and employer contributions shall be based upon the rates of contribution prescribed by section 354A.12. Full membership, accrual of allowable service credit and employee contributions for part-time teaching service by a teacher pursuant to this section and section 354.66 shall not continue for a period longer than ten years.

Sec. 5. [EFFECTIVE DATE.]

Sections 1 to 4 are effective July 1, 1994, and apply to teaching service after that date."

Amend the title as follows:

Page 1, delete lines 5 and 6 and insert "amending Minnesota Statutes 1992, sections 354.66, subdivisions 2 and 4; and 354A.094, subdivisions 3 and 4."

And when so amended the bill do pass. Mr. Merriam questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Mr. Solon from the Committee on Commerce and Consumer Protection, to which was referred

S.F. No. 2690: A bill for an act relating to insurance; township mutual fire insurance; allowing companies to issue policies in combination with the policies of other insurers; proposing coding for new law in Minnesota Statutes, chapter 67A.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [67A.191] [COMBINATION POLICIES.]

Subdivision 1. [FARM RISKS.] A township mutual fire insurance company may issue an insurance policy for qualified property as defined in section 67A.14, subdivision 1, in combination with a policy issued by an insurer authorized to sell property and casualty insurance in this state. Except as provided in subdivision 2, the portions of the combination policy issued by a

township mutual insurance company are excluded from all provisions of the insurance laws of this state as provided in section 67A.25, subdivision 2.

Subd. 2. [HOMEOWNER'S RISKS.] A township mutual fire insurance company may issue policies for homeowner's insurance as defined in section 65A.27, subdivision 4, only in combination with a policy issued by an insurer authorized to sell property and casualty insurance in this state. All portions of the combination policy providing homeowner's insurance, including those issued by a township mutual insurance company, shall be subject to the provisions of chapter 65A.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment."

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Messrs. Pogemiller and Stumpf from the Committee on Education, to which was re-referred

S.F. No. 2367: A bill for an act relating to education; defining higher education board authority for bargaining with certain employees; designating certain higher education board employees as unclassified; clarifying transfer provisions for the merger of community colleges, state universities, and technical colleges; transferring bonding authority for the state universities to the higher education board; clarifying the calculation of instructional appropriations; establishing the higher education board as the sole state agency for federal funding for vocational education; providing for appointments of additional student members on the higher education board; authorizing the higher education board to supervise and control construction, improvement, and repair of its facilities; amending Minnesota Statutes 1992, sections 43A.06, subdivision 1; 43A.08, subdivision 1; 43A.18, by adding a subdivision; 135A.03, subdivision 1; 136.31; 136.32; 136.33; 136.34; 136.35; 136.36; 136.37; 136.38; 136.41, by adding a subdivision; 136C.06; 136E.01, subdivisions 1 and 2; and 179A.10, subdivision 1; Minnesota Statutes 1993 Supplement, sections 43A.18, subdivision 4; and 136.41, subdivision 8; Laws 1991, chapter 356, article 9, sections 8, subdivision 1; 9; 12; and 13; proposing coding for new law in Minnesota Statutes, chapter 136E; repealing Minnesota Statutes 1992, sections 136.31, subdivision 6; 136.40; 136.41, subdivisions 1, 2, 3, 4, 5, 6, and 7; and 136.42.

Report the same back with the recommendation that the bill be amended as follows:

Page 6, after line 19, insert:

"Section 1. [136E.06] [ASSIGNMENT TO COLLECTIVE BARGAINING UNITS.]

Nothing in the merger or renaming of institutions or collaborative efforts between institutions shall result in assignments of faculty to instructional bargaining units in section 179A.10, subdivision 2, which differ from the assignments in effect prior to the name change, merger, or collaborative effort.

Sec. 2. [136E.07] [MEMORANDUM OF UNDERSTANDING.]

The board shall have the authority to enter into memoranda of understanding with the exclusive representatives of the employees of the state universities, community colleges, and technical colleges that are to be transferred to the board, and the terms of such agreements shall be binding on the parties involved."

Page 6, line 34, before "Obligations" insert "On July 1, 1995,"

Page 12, line 10, delete "3" and insert "5"

Renumber the sections of article 2 in sequence

Page 24, after line 28, insert:

"Sec. 5. Minnesota Statutes 1992, section 136E.02, subdivision 1, is amended to read:

Subdivision 1. [PURPOSE.] A higher education board candidate advisory council shall assist the governor in determining criteria for, and identifying and recruiting qualified candidates for, *nonstudent* membership on the higher education board.

Sec. 6. [136E.021] [STUDENT BOARD MEMBER SELECTION.]

Subdivision 1. [RESPONSIBILITY.] *Notwithstanding section 136E.02, each student association identified in section 136E.50, subdivision 1, shall have the responsibility for recruiting, screening, and recommending to the governor qualified candidates for its student member of the board.*

Subd. 2. [CRITERIA.] *After consulting with the higher education board candidate advisory council, the student associations shall jointly develop a statement of the selection criteria to be applied to potential candidates.*

Subd. 3. [RECRUITING AND SCREENING.] *Each student association shall develop processes for identifying and recruiting qualified candidates and for screening those candidates.*

Subd. 4. [RECOMMENDATIONS.] *Each student association shall recommend at least two and not more than four candidates for its student member. By January 2 of each odd-numbered year, each student association shall submit its recommendations to the governor. The governor is not bound by these recommendations.*

Sec. 7. Minnesota Statutes 1993 Supplement, section 136E.03, is amended to read:

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 state universities, community colleges, and technical colleges shall have distinct missions *as provided in section 135A.052. Within the limits of the three distinct missions provided in section 135A.052, and subject to approval by the board, each state university, community college, and technical college may develop its own distinct mission.* The board shall develop administrative arrangements that make possible the efficient use of the facilities and staff of the 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, ease of transfer among schools and programs, integrated course credit, coordinated

degree programs, and coordinated financial aid. 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. 8. [136E.50] [STUDENT ASSOCIATIONS.]

Subdivision 1. [REPRESENTATION; AFFILIATION.] (a) The Minnesota community college student association shall be affiliated with the student association on each community college campus and represent all students enrolled in or attending a community college.

(b) The Minnesota state university student association shall be affiliated with the student association on each state university campus and represent all students enrolled in or attending a state university.

(c) The Minnesota technical college student association shall be affiliated with the student association on each technical college campus and represent all students enrolled in or attending a technical college.

Subd. 2. [CHANGE OF REPRESENTATION.] If a student organization other than Minnesota community college student association, Minnesota state university student association, or Minnesota technical college student association demonstrates to the satisfaction of the board that it has support of a majority of students on a majority of campuses based on a referendum held on each campus, the board shall grant recognition to that organization.

Subd. 3. [CONSOLIDATION.] A student association shall not be consolidated or combined into a new student association or other entity without the approval of the campus and state student associations involved in the consolidation or combination. In the event of the merger of institutions that are colocated, no changes to the student associations may be made without the approval of the campus and state student associations."

Page 26, line 11, delete "5" and insert "4, 7, and 9"

Renumber the sections of article 4 in sequence

Amend the title as follows:

Page 1, line 22, after the first semicolon, insert "136E.02, subdivision 1;"

Page 1, line 23, delete "and"

Page 1, line 24, after the semicolon, insert "and 136E.03;"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Messrs. Pogemiller and Stumpf from the Committee on Education, to which was re-referred

S.F. No. 2111: A bill for an act relating to drivers' licenses; prohibiting issuance of a license to a person under age 18 years unless the person has graduated from or is attending a secondary school; requiring suspension of a license when a person under age 18 withdraws from school, is dismissed from school, has been habitually truant, or has committed a juvenile offense; amending Minnesota Statutes 1992, sections 171.04, subdivision 1, and by adding a subdivision; 171.16, subdivision 5; and 171.18, subdivision 3, and by adding subdivisions; Minnesota Statutes 1993 Supplement, section 171.30,

subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 120; and 260.

Report the same back with the recommendation that the bill be amended as follows:

Pages 1 to 6, delete sections 1 to 3

Page 6, line 24, delete "1c" and insert "1a"

Pages 6 and 7, delete sections 5 and 6

Page 7, line 27, delete "1c" and insert "1a"

Page 8, line 21, delete "or 1c"

Page 10, line 27, delete "10" and insert "5"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, delete from "prohibiting" through page 1, line 5, to "school;"

Page 1, line 6, delete from "withdraws" through page 1, line 7, to "school;"

Page 1, lines 9 and 10, delete "171.04, subdivision 1, and by adding a subdivision;"

Page 1, line 11, delete "subdivisions" and insert "a subdivision"

Page 1, line 14, delete "chapters 120; and" and insert "chapter"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Lessard from the Committee on Environment and Natural Resources, to which was referred

S.F. No. 2584: A bill for an act relating to state parks; allowing handicapped persons to receive a special permit; amending Minnesota Statutes 1992, section 85.053, subdivision 7.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1992, section 85.053, subdivision 2, is amended to read:

Subd. 2. [REQUIREMENT.] Except as provided in section 85.054, a motor vehicle may not enter a state park, state recreation area, or state wayside over 50 acres in area, without a state park permit issued under this section. *Except for vehicles permitted under subdivision 7, paragraph (a), clause (3),* the state park permit must be affixed to the lower right corner windshield of the motor vehicle and must be completely affixed by its own adhesive to the windshield.

Sec. 2. Minnesota Statutes 1992, section 85.053, subdivision 7, is amended to read:

Subd. 7. [HANDICAPPED PERSONS AND PERSONS OVER AGE 65.]

(a) The commissioner shall prescribe and issue special state park permits for:

(1) an individual age 65 years or older who furnishes satisfactory proof of age and is a resident of the state;

(2) a physically handicapped person with a motor vehicle (i) that has special plates issued under section 168.021, subdivision 1, or (ii) who has a permanent disability certificate issued under section 169.345, subdivision 3, and who can demonstrate proof of ownership of the vehicle for which the state park permit is being purchased or proof of a leasehold interest in the vehicle for a term at least as long as the term of the permit; and

(3) ~~up to two days for~~ a physically handicapped person who: (i) ~~does not own or operate a motor vehicle;~~ (ii) possesses a ~~temporary disability certificate issued~~ statement certified under section 169.345, subdivision 3 2a; and (iii) ~~applies to the commissioner in writing.~~

(b) *Except for vehicles permitted under paragraph (a), clause (3), the permit or the decal issued under this subdivision is valid only when displayed on a vehicle owned and occupied by the person to whom the permit is issued.*

Sec. 3. Minnesota Statutes 1992, section 85.055, subdivision 1, is amended to read:

Subdivision 1. [FEES.] The fee for state park permits for:

(1) an annual use of state parks is \$18;

(2) a second vehicle state park permit is \$12;

(3) a special state park permit valid up to two days is \$4;

(4) a special daily vehicle state park permit for groups is \$2;

(5) an employee's state park permit is without charge; and

(6) a special state park permit for handicapped persons and persons over age 65 under section 85.053, subdivision 7, clauses (1) and (2), and (3), is \$12; and

(7) a special state park permit valid up to two days for handicapped persons and persons over age 65 under section 85.053, subdivision 7, clauses (1) and (3), is \$4.

The fees specified in this subdivision include any sales tax required by state law."

Delete the title and insert:

"A bill for an act relating to state parks; establishing a special state park permit for physically handicapped persons who do not own motor vehicles; amending Minnesota Statutes 1992, sections 85.053, subdivisions 2 and 7; and 85.055, subdivision 1."

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Mr. Lessard from the Committee on Environment and Natural Resources, to which was referred

S.F. No. 2562: A bill for an act relating to state lands; authorizing public sale of certain tax-forfeited land that borders public water in Itasca county.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, after line 14, insert:

“Sec. 2. Laws 1992, chapter 370, section 2, is amended to read:

Sec. 2. [LAKE WINNIBOGOSHISH FISH HATCHERY; SALE TO THE UNITED STATES OF AMERICA, IN TRUST FOR THE MINNESOTA LEECH LAKE BAND OF CHIPPEWA TRIBE INDIANS.]

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 94.09 to 94.16, the commissioner of natural resources may sell, at private sale, land and related improvements located in Cass county and described in this section to the United States of America, in trust for the ~~Minnesota~~ *Leech Lake Band of Chippewa Tribe Indians*, for use for fish propagation purposes.

(b) The conveyance must be in a form approved by the attorney general. The consideration may be for less than the appraised value of the land and improvements thereon, as determined by the commissioner of natural resources. The proceeds from the sale must be credited to the game and fish fund. The state shall reserve minerals and mineral rights in the conveyance. A conservation easement need not be retained under Minnesota Statutes, section 103F.535.

(c) The land, including related improvements, which may be conveyed is land that the state acquired by eminent domain in 1949 for fish-rearing ponds, fish hatchery, and related purposes, and that included the former channel of the Mississippi river. The land and related improvements are no longer used or needed for these purposes. The land is located in Cass county, in Sections 25 and 36 of Township 146 North, Range 27 West, and is described as:

(1) that portion of Section 25, that was formerly the bed of the Mississippi river, described as follows:

Beginning at meander corner No. 12 at the intersection of the government meander line on the right bank of the Mississippi river and the South line of said Section 25; thence northwesterly along said government meander line on the right bank of the Mississippi river to the intersection with a line running parallel to and 150 feet southerly of the center line of State Aid Road No. 9; thence northeasterly along last described line to the right bank of the Mississippi river as reconstructed and improved; thence in a southeasterly direction along the right bank of the Mississippi river as reconstructed and improved, to the intersection with the South line of Section 25; thence West along the South line of Section 25 to the point of beginning; containing 15.52 acres, more or less; and

(2) that portion of Section 36 that was the former bed of the Mississippi river, more fully described as follows:

Beginning at the meander corner on the North line of Section 36 and right bank of the Mississippi river; thence easterly along said section line to the right bank of the Mississippi river, as reconstructed and improved; thence

in a southeasterly direction along the right bank of the said Mississippi river as reconstructed and improved, to the intersection with a line which is 2,000 feet South and parallel to the North line of Section 36; thence westerly along last described line to the intersection with the meander line of the right bank of the Mississippi river; thence westerly and northerly along the meander line of the right bank of the Mississippi river to point of beginning; containing 68.02 acres, more or less.

Sec. 3. [SALE OF STATE LAND TO CITY OF WALKER.]

(a) *Notwithstanding Minnesota Statutes, sections 94.09 to 94.16, the commissioner of administration shall convey to the city of Walker for no consideration the land described in paragraph (c).*

(b) *The conveyance must be in a form approved by the attorney general and must provide that the land reverts to the state if it ceases to be used for a public purpose.*

(c) *The land that must be conveyed consists of approximately 1.37 acres in Cass county and is described as:*

That part of Government Lot 6, Section 2, Township 141 North, Range 31 West, Cass County, Minnesota, lying westerly of the following described line: Commencing at the Northwest corner of said Government Lot 6; thence South 87 degrees 20 minutes 26 seconds East, assumed bearing along the north line thereof 1000.04 feet to the point of beginning of the line to be herein described; thence South 3 degrees 11 minutes 22 seconds West 351.14 feet; thence South 41 degrees 13 minutes 44 seconds East 1318.68 feet to a point on the south line of said Government Lot 6, distant 1588.35 feet easterly of the Southwest corner of said Government Lot 6 and said line there terminating.

(d) *The city wishes to acquire the land for renovation of a sewage treatment pond. The conveyance would also resolve a problem with encroachment of one of the city's existing sewage treatment ponds on state land."*

Page 2, line 15, delete "2" and insert "4"

Page 2, line 16, delete "Section 1 is" and insert "Sections 1 to 3 are"

Amend the title as follows:

Page 1, line 2, delete "public" and insert "private"

Page 1, line 4, before the period, insert "; authorizing conveyance of state land to the city of Walker and to the Leech Lake Band of Chippewa Indians; amending Laws 1992, chapter 370, section 2"

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Mr. Metzen from the Committee on Governmental Operations and Reform, to which was referred

S.F. No. 1723: A bill for an act relating to retirement; local police and salaried firefighters relief associations; requiring continuation of surviving spouse benefits upon remarriage; amending Minnesota Statutes 1992, section 423A.17.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, after line 7, insert:

"ARTICLE 1
CONTINUATION OF SURVIVING SPOUSE BENEFITS
UPON REMARRIAGE"

Page 1, line 19, before "a" insert "*the governing body of a municipality may mandate the applicable local police or salaried firefighters relief association to provide that*"

Page 1, lines 23 and 24, reinstate the stricken language

Page 1, line 25, reinstate the stricken language and delete the new language

Page 2, line 2, reinstate the stricken language and delete the new language

Page 2, line 3, reinstate the stricken language

Page 2, line 4, reinstate the stricken "described in paragraph (a) is made" and reinstate the stricken comma

Page 2, line 14, delete the new language and insert "*The change must be made by a municipal resolution adopted by a majority vote of the municipality. The resolution must*"

Page 2, lines 18 and 19, delete the new language

Page 2, after line 21, insert:

"ARTICLE 2
CONFORMING CHANGE TO THE CONSOLIDATION LAW

Section 1. Minnesota Statutes 1993 Supplement, section 353B.11, subdivision 6, is amended to read:

Subd. 6. [DISCONTINUATION; SURVIVING SPOUSE BENEFIT.] (a) ~~Except as specified in paragraph (b) or (c), a surviving spouse benefit terminates upon the death or the subsequent marriage of the person entitled to receive or receiving a surviving spouse benefit.~~

(b) ~~A surviving spouse benefit terminates upon the subsequent marriage of the person entitled to receive or receiving a surviving spouse benefit but recommences at the appropriate amount without any retroactive payments in the event of the termination of the subsequent marriage for any reason for the former members of the following consolidating relief associations:~~

- (1) ~~Albert Lea firefighters relief association;~~
- (2) ~~Duluth firefighters relief association;~~
- (3) ~~Minneapolis fire department relief association;~~
- (4) ~~St. Paul fire department relief association; and~~
- (5) ~~St. Paul police relief association.~~

(e) For all consolidating relief associations, a surviving spouse benefit shall ~~terminate~~ *terminates* only upon the death of the person entitled to receive or receiving a surviving spouse benefit for the former members of the following consolidating relief associations:

- (1) Albert Lea police relief association;
- (2) Anoka police relief association;
- (3) Bloomington police relief association;
- (4) Buhl police relief association;
- (5) Chisholm fire department relief association;
- (6) Chisholm police relief association;
- (7) Crookston fire department relief association;
- (8) Duluth police relief association;
- (9) Faribault fire department relief association;
- (10) Hibbing firefighters relief association;
- (11) Hibbing police relief association;
- (12) Mankato fire department relief association;
- (13) Red Wing fire department relief association;
- (14) Red Wing police relief association;
- (15) Rochester fire department relief association;
- (16) Rochester police relief association;
- (17) St. Cloud fire department relief association;
- (18) St. Louis Park fire department relief association;
- (19) St. Louis Park police relief association;
- (20) South St. Paul firefighters relief association;
- (21) South St. Paul police relief association;
- (22) West St. Paul firefighters relief association;
- (23) Winona fire department relief association; and
- (24) Winona police relief association.

Sec. 2. [EFFECTIVE DATE.]

(a) Section 1 is effective the day following final enactment.

(b) Section 1 applies to any consolidation account under Minnesota Statutes, chapter 353B, established before the date of final enactment as well as any account established after that date and applies to any person who formerly was receiving surviving spouse benefits from a consolidation account or a local relief association and who had those benefits discontinued solely by virtue of remarriage.

(c) Nothing in this article authorizes the payment of a benefit amount to an estate."

Amend the title as follows:

Page 1, line 3, before the semicolon, insert "and consolidation accounts"

Page 1, line 6, before the period, insert "; Minnesota Statutes 1993 Supplement, section 353B.11, subdivision 6"

And when so amended the bill do pass. Amendments adopted. Report adopted.

SECOND READING OF SENATE BILLS

S.F. Nos. 2311, 2645, 2348, 2256, 2155, 2259, 1818, 1280, 2028, 2231, 2690, 2111, 2584, 2562 and 1723 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. No. 2772 was read the second time.

MOTIONS AND RESOLUTIONS – CONTINUED

Mr. Janezich moved that the name of Mr. Johnson, D.J. be added as a co-author to S.F. No. 2494. The motion prevailed.

Mr. Merriam moved that S.F. No. 2866 be withdrawn from the Committee on Taxes and Tax Laws and re-referred to the Committee on Finance. The motion prevailed.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time and referred to the committees indicated.

Ms. Berglin and Mr. Johnson, D.J. introduced—

S.F. No. 2892: A bill for an act relating to taxation; changing income tax rates and providing for deposit of revenues; repealing the hospital and health care provider gross revenues taxes; amending Minnesota Statutes 1992, sections 214.16, subdivision 3; 290.06, subdivisions 2c and 2d; 290.091, subdivisions 1, 2, and 6; and 290.62; repealing Minnesota Statutes 1992, sections 144.1484, subdivision 2; 295.50; 295.51; 295.52; 295.53; 295.54; 295.55; 295.57; 295.58; and 295.59.

Referred to the Committee on Taxes and Tax Laws.

Mr. Langseth introduced—

S.F. No. 2893: A bill for an act proposing an amendment to the Minnesota Constitution, article XI; providing for dedication of a portion of motor vehicle excise tax receipts to transit assistance; increasing motor fuel tax, contingent on adoption of the constitutional amendment; amending Minnesota Statutes 1992, section 296.02, subdivision 1b.

Referred to the Committee on Transportation and Public Transit.

Ms. Piper introduced—

S.F. No. 2894: A bill for an act relating to state government; field archaeology; transferring to the Indian affairs council the duty to appoint the state archaeologist; amending Minnesota Statutes 1992, sections 3.922, subdivision 6; 138.31, by adding a subdivision; 138.33; 138.34; 138.35; 138.38; 138.39; and 138.41.

Referred to the Committee on Veterans and General Legislation.

Messrs. Stumpf; Johnson, D.J. and Finn introduced—

S.F. No. 2895: A bill for an act relating to taxation; modifying the requirement of payment of taxes on divided parcels upon transfer; amending Minnesota Statutes 1992, section 272.121, subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Benson, D.D. and Frederickson introduced—

S.F. No. 2896: A bill for an act relating to taxation; exempting recycling facilities for the property tax; expanding the sales and use tax exemption for recycling facility construction materials and making it permanent; amending Minnesota Statutes 1992, sections 272.02, by adding a subdivision; and 297A.25, subdivision 50; Laws 1992, chapter 511, article 8, section 39.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Metzen and Neuville introduced—

S.F. No. 2897: A bill for an act relating to occupations and professions; providing for the licensure of ophthalmic dispensers by the commissioner of health; requiring rulemaking; appropriating money; proposing coding for new law as Minnesota Statutes, chapter 148D.

Referred to the Committee on Health Care.

RECESS

Mr. Moe, R.D. moved that the Senate do now recess subject to the call of the President. The motion prevailed.

After a brief recess, the President called the Senate to order.

APPOINTMENTS

Mr. Moe, R.D. from the Subcommittee on Committees recommends that the following Senators be and they hereby are appointed as a Conference Committee on:

S.F. No. 2260: Mses. Johnston, Lesewski and Mr. Vickerman.

H.F. No. 2016: Messrs. Solon, Larson and Ms. Wiener.

Mr. Moe, R.D. moved that the foregoing appointments be approved. The motion prevailed.

MEMBERS EXCUSED

Mr. Chmielewski was excused from the Session of today from 9:00 to 9:45 a.m. Mr. Janezich was excused from the Session of today at 10:00 a.m.

Mr. Neuville was excused from the Session of today from 9:35 to 10:00 a.m.
Mr. Price was excused from the Session of today at 11:25 a.m. Mr. Johnson,
D.J. was excused from the Session of today at 12:00 noon.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 8:00 a.m.,
Wednesday, April 6, 1994. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

EIGHTY-FOURTH DAY

St. Paul, Minnesota, Wednesday, April 6, 1994

The Senate met at 8:00 a.m. and was called to order by the President.

CALL OF THE SENATE

Mr. Moe, R.D. imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

Prayer was offered by the Chaplain, Rev. Paul Harris.

The roll was called, and the following Senators answered to their names:

Adkins	Dille	Kroening	Murphy	Runbeck
Anderson	Finn	Laidig	Neuville	Sams
Beckman	Flynn	Langseth	Novak	Samuelson
Belanger	Frederickson	Larson	Oliver	Solon
Benson, D.D.	Hanson	Lesewski	Olson	Spear
Benson, J.E.	Hottinger	Lessard	Pappas	Stevens
Berg	Janezich	Luther	Pariseau	Stumpf
Berglin	Johnson, D.E.	Marty	Piper	Terwilliger
Bertram	Johnson, D.J.	McGowan	Pogemiller	Vickerman
Betzold	Johnson, J.B.	Merriam	Price	Wiener
Chandler	Johnston	Metzen	Ranum	
Chmielewski	Kiscaden	Moe, R.D.	Reichgott Junge	
Cohen	Knutson	Mondale	Riveness	
Day	Krentz	Morse	Robertson	

The President declared a quorum present.

The reading of the Journal was dispensed with and the Journal, as printed and corrected, was approved.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S.F. No. 1826: A bill for an act relating to metropolitan government; extending reporting and effective dates for radio systems planning by the metropolitan council; extending the moratorium on applications for 800 megahertz channels.

Senate File No. 1826 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 5, 1994

Mr. Moe, R.D. moved that S.F. No. 1826 be laid on the table. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S.F. No. 1692: A bill for an act relating to contracts; creating the public contractors' performance and payment bond act by amending existing provisions; amending Minnesota Statutes 1992, sections 574.26; 574.261; 574.262, subdivision 1; 574.263, by adding a subdivision; 574.264, subdivision 1; 574.27; 574.28; 574.29; 574.30; 574.31; and 574.32.

Senate File No. 1692 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 5, 1994

Mr. Moe, R.D. moved that S.F. No. 1692 be laid on the table. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 1914:

H.F. No. 1914: A bill for an act relating to financial institutions; reciprocal interstate banking; reciprocal interstate savings and loan acquisitions and branching; removing the geographical limitation contained in the definition of reciprocating state; amending Minnesota Statutes 1992, sections 48.92, subdivision 7; 51A.58.

The House respectfully requests that a Conference Committee of 3 members be appointed thereon.

Jennings, Reding and Abrams have been appointed as such committee on the part of the House.

House File No. 1914 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 5, 1994

Mr. Metzen moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 1914, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following

House Files, herewith transmitted: H.F. Nos. 2512, 664, 2034, 2139, 2882, 2135, 2522, 3046, 2371, 2426, 2967 and 3057.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 5, 1994

FIRST READING OF HOUSE BILLS

The following bills were read the first time and referred to the committees indicated.

H.F. No. 2512: A bill for an act relating to retirement; providing for level benefits for the Minneapolis police relief association; changing the definition of surviving spouses eligible for benefits; amending Minnesota Statutes 1992, sections 353B.11, subdivision 1; and 423B.09, subdivision 1; Minnesota Statutes 1993 Supplement, sections 353B.07, subdivision 3; and 423B.10, subdivision 1.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2240, now on General Orders.

H.F. No. 664: A bill for an act relating to education; modifying certain teacher retirement programs to encourage experienced teachers to participate in job sharing; amending Minnesota Statutes 1992, sections 354.66, subdivisions 2 and 4; and 354A.094, subdivisions 3 and 4.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 614.

H.F. No. 2034: A bill for an act relating to transportation; changing eligibility requirements for distribution of funds from the town road account and town bridge account; amending Minnesota Statutes 1993 Supplement, sections 161.082, subdivision 2a; and 162.081, subdivision 4.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1802, now on General Orders.

H.F. No. 2139: A bill for an act relating to real estate; regulating trust accounts; clarifying a definition for purposes of licensing real estate appraisers; regulating dual agency disclosure; amending Minnesota Statutes 1992, section 82B.02, by adding a subdivision; Minnesota Statutes 1993 Supplement, sections 82.197, subdivision 3; and 82.24, subdivision 1.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1848, now on the Calendar.

H.F. No. 2882: A bill for an act relating to motor carriers; exempt carriers; providing an exemption for transportation of potatoes; amending Minnesota Statutes 1993 Supplement, section 221.025.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2706, now on General Orders.

H.F. No. 2135: A bill for an act relating to manufactured home parks; prohibiting manufactured home parks from prohibiting senior citizens from keeping house pet dogs, cats, and birds on the park premises; amending Minnesota Statutes 1992, section 327.27, by adding a subdivision.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1698.

H.F. No. 2522: A bill for an act relating to natural resources; authorizing departmental sponsored competition in natural resources conservation related activities; proposing coding for new law in Minnesota Statutes, chapter 84.

Referred to the Committee on Environment and Natural Resources.

H.F. No. 3046: A bill for an act relating to the environment; requiring town board approval prior to issuance of a permit by the pollution control agency for spreading soil that contains harmful substances on land; amending Minnesota Statutes 1992, section 116.07, by adding a subdivision.

Referred to the Committee on Environment and Natural Resources.

H.F. No. 2371: A bill for an act relating to unemployment compensation; requiring a study of self-employment assistance programs.

Referred to the Committee on Jobs, Energy and Community Development.

H.F. No. 2426: A bill for an act relating to traffic regulations; allowing any city to establish citizen enforcement programs to enforce vehicle parking laws relating to the physically disabled; specifying that citizen volunteers are agents of the city for liability purposes; amending Minnesota Statutes 1993 Supplement, section 169.346, subdivision 4.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2035, now on General Orders.

H.F. No. 2967: A bill for an act relating to local government; giving the Minneapolis school district and the municipal building commission the same authority as the city of Minneapolis to negotiate certain trade and craft contracts; amending Laws 1988, chapter 471, sections 1 and 2.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2647, now on the Consent Calendar.

H.F. No. 3057: A bill for an act relating to cities; authorizing and establishing the Chisholm/Hibbing airport authority.

Referred to the Committee on Taxes and Tax Laws.

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted, with the exception of the reports on S.F. Nos. 1133 and 1863. The motion prevailed.

Ms. Reichgott Junge from the Committee on Judiciary, to which was re-referred

S.F. No. 2129: A bill for an act relating to adoption; regulating certain advertising and payments in connection with adoption; regulating agencies; providing for direct adoptive placement; providing for the enforceability of postadoption contact agreements; providing penalties; amending Minnesota Statutes 1992, sections 144.227, subdivision 1, and by adding a subdivision; 245A.03, subdivision 1; 245A.04, by adding a subdivision; 245A.07, by adding a subdivision; 259.21, by adding subdivisions; 259.22, subdivisions 1,

2, and by adding a subdivision; 259.27, by adding a subdivision; 259.31; and 317A.907, subdivision 6; Minnesota Statutes 1993 Supplement, section 245A.03, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 259.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 4, delete "*felony*" and insert "*misdemeanor*"

Page 5, line 28, delete everything after the second comma

Page 5, line 29, delete everything before "*the*"

Page 6, line 3, delete "*This policy applies to*" and insert "*Portions of*"

Page 6, line 4, after "*317A*" insert "*may also affect the adoption of a particular child*"

Page 6, line 29, delete "*and*" and insert "*by a birth parent or legal guardian other than an agency under the*"

Page 7, after line 3, insert:

"The court may waive any residence requirement if the petitioner is an individual who is related, as defined in section 245A.02, subdivision 13, or a member of a child's extended family or important friends with whom the child has resided or had significant contact."

Page 7, line 29, after "*a*" insert "*motion for an order and a*"

Page 7, line 33, delete "*670*" and insert "*673*"

Page 7, line 34, after the semicolon, insert "*or*"

Page 8, line 22, delete "*parent*" and insert "*parents*" in both places

Page 9, line 9, delete "*parent*" and insert "*parents*"

Page 9, line 15, delete "*not sooner than*"

Page 9, line 16, delete "*three months and*"

Page 10, line 5, delete "*PREPLACEMENT*" and insert "*ADOPTION*"

Page 10, line 6, delete "*preplacement*" and insert "*adoption*"

Page 10, line 12, delete "*4*" and insert "*5*"

Page 10, line 13, after "*agency*" insert "*and must be thorough and comprehensive*"

Page 10, line 23, delete "*involved*"

Page 10, line 25, delete "*help by giving*" and insert "*give*"

Page 10, line 27, after "*minors*" insert "*and vulnerable adults*"

Page 10, line 32, delete "*with*" and insert "*The study must include*"

Page 10, line 35, after "*medical*" insert "*and social*"

Page 11, line 3, delete "*education or*" and insert "*knowledge and*" and after "*issues*" insert "*including where appropriate matters relating to interracial, cross-cultural, and special needs adoptions*"

Page 11, after line 3, insert:

"The adoption study must include at least one in-home visit with the prospective adoptive parent. The adoption study is the basis for completion of a written adoption study report. The adoption study report must be in a format specified by the commissioner and must contain recommendations regarding the suitability of the subject of the study to be an adoptive parent. An adoption study report is valid for 12 months following its date of completion."

Page 11, lines 12 and 17, delete "parent" and insert "family"

Page 12, line 6, delete "NONAGENCY ADOPTION" and insert "DIRECT ADOPTIVE PLACEMENT"

Page 12, after line 6, insert:

"Subdivision 1. [INTENT.] The intent of the provisions governing direct adoptive placement is to safeguard the best interests of the child by providing services and protections to the child, birth parents, and adoptive parents which are consistent with those available through an agency placement."

Page 12, line 7, delete "Subdivision 1." and insert "Subd. 2."

Page 12, line 9, delete "4" and insert "3"

Page 12, line 10, delete "2" and insert "3"

Page 12, line 12, after the comma, insert "other than an agency,"

Page 12, line 20, delete "seek" and insert "submit a written motion seeking"

Page 12, line 21, after the period, insert "The notice and motion required under this subdivision may be considered by the court ex parte, without a hearing. The prospective adoptive parent shall serve a copy of the notice and motion upon any parent whose consent is required under section 259.24 or who is named in the affidavit required under paragraph (b) of this subdivision if that person's mailing address is known."

Page 12, line 23, delete "preplacement" and insert "adoption"

Page 13, line 3, delete "3" and insert "4; and

(6) the name of the agency chosen by the adoptive parent to supervise the adoptive placement and complete the postplacement adoption study required by subdivision 9"

Page 13, line 6, after "lawful" insert "and in accordance with section 259.271, subdivision 1"

Page 13, line 7, delete "appears" and insert "submits the affidavit required in paragraph (a), clause (2)," and delete "not" and after "birth father" insert "fails to do so"

Page 13, line 8, before "affidavit" insert "additional"

Page 13, line 9, after "efforts" insert "or efforts made on her behalf"

Page 13, after line 20, insert:

"A court shall hear the motion for temporary preadoptive custody within 30

days of receiving the motion or by the anticipated placement date stated in the motion, whichever comes sooner."

Page 13, line 21, delete "3" and insert "4" and delete "nonagency" and insert "direct adoptive"

Page 13, line 31, delete "4" and insert "5"

Page 13, line 36, delete "5" and insert "7"

Page 14, after line 1, insert:

"Subd. 6. [EMERGENCY ORDER.] (a) A court may issue an emergency order granting temporary preadoptive custody of a child to a prospective adoptive parent for up to 14 days if the following conditions are met:

(1) the motion is supported by:

(i) a favorable adoption study which meets the requirements of section 259.2586; or

(ii) affidavits from each prospective adoptive parent stating whether they or any person residing in the household has been convicted of a crime or have been the subject of an investigation of child or vulnerable-adult abuse within the past ten years. If so, a complete description of the crime or abuse and sentence, treatment, or disposition must be included. If, at any time before the adoption is final, a court receives evidence leading it to conclude that a prospective adoptive parent knowingly gave false information in this affidavit, it shall be presumed that the placement of the child with the adoptive parent is not in the best interests of the child; and

(iii) the information required by section 259.2591, subdivision 3, paragraph (a), clause (2), and clause (5), items (ii) and (iii); and

(iv) affidavits from the prospective adoptive parent and birth parent indicating that an emergency order is needed because of the unexpected premature birth of the child or other specifically described extraordinary circumstances which prevented the completion of the requirements of section 259.2591; and

(2) the court concludes from the record submitted that the emergency order will preserve the health and safety of the child.

(b) An order granting or denying the motion shall be issued under this section within 24 hours of the time it is brought. Notwithstanding section 259.23, any judge of district court may consider a motion brought under this subdivision. An order granting the motion shall direct that an adoption study be commenced immediately, if that has not occurred, and that the agency conducting the study shall supervise the emergency placement.

(c) If the requirements of section 259.2591 must be completed and a preadoptive custody motion is filed on or before the expiration of the emergency order, placement may continue until the court rules on the motion. A hearing on the motion shall occur within seven days."

Page 14, line 2, delete "5" and insert "7" and delete "BIRTH PARENT" and after "CONSENT" insert "OF BIRTH PARENTS; TIME FRAME"

Page 14, line 3, delete "Regardless" and insert "In all adoptions, regardless"

Page 14, line 4, delete "seven days" and insert "72 hours"

Page 14, line 7, delete "subdivision 1," and after "shall" insert "execute a consent. In all direct adoptive placements, a birth parent, whose consent is required under section 259.24 and who has chosen not to receive counseling through a licensed agency or a licensed social services professional trained in adoption issues, shall"

Page 14, line 13, after the period, insert "If a birth parent has chosen to receive counseling through a licensed agency, then the birth parent may choose to execute a written consent under section 259.24, subdivision 5, or participate in a voluntary termination of parental rights."

Page 14, line 26, delete "parents" and insert "parent"

Page 14, line 34, delete "hearing" and insert "execution of consents"

Page 15, delete lines 1 to 4

Page 15, line 8, delete "6" and insert "8"

Page 15, line 9, after "required" insert "under section 259.24"

Page 15, line 10, after "section," insert "the agency which conducted the adoption study shall notify the court and"

Page 15, line 14, after the period, insert "The court may disregard the six- and 12-month requirements of section 260.221, paragraph (b), clause (1), item (i), in finding abandonment if the birth parent has failed to appear at a consent hearing within the time required under this section and has made no effort to obtain custody of the child."

Page 15, line 15, delete "7" and insert "9" and delete "At the hearing"

Page 15, delete line 16

Page 15, line 17, delete everything before "within" and insert "The agency designated by the prospective adoptive parent under subdivision 3, paragraph (a), clause (6), shall complete a postplacement adoption study and file it with the court with which the adoption petition has been filed"

Page 16, line 7, after the period, insert "A postplacement adoption study is valid for 12 months after its date of completion."

Page 16, line 8, delete "8" and insert "10"

Page 16, line 16, delete "9" and insert "11" and delete "gross"

Page 16, line 21, delete everything after the period

Page 16, delete line 22

Page 17, line 6, delete "and"

Page 17, line 9, before the period, insert "; and"

(4)(i) reasonable living expenses of the birth mother which are needed to maintain an adequate standard of living which the birth mother is unable to otherwise maintain because of loss of income or other support resulting from the pregnancy. The payments may cover expenses incurred during the pregnancy-related incapacity but not for a period longer than six weeks following delivery;

(ii) *the payment shall not be contingent upon placement of the child for adoption, consent to adoption, or cooperation in the completion of the adoption; and*

(iii) *reasonable living expenses does not include expenses for lost wages, gifts, educational expenses, or other similar expenses of the birth mother"*

Page 17, lines 17 and 20, delete "felony" and insert "misdemeanor"

Page 17, line 19; delete "in connection with" and insert "or compensation for"

Page 18, line 1, delete "8" and insert "9"

Page 19, line 8, before "and" insert "representatives of the state councils of color,"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Ms. Reichgott Junge from the Committee on Judiciary, to which was re-referred

S.F. No. 2313: A bill for an act relating to the environment; expanding the authority of the commissioner of the pollution control agency to issue determinations regarding liability for releases of hazardous substances and petroleum; amending Minnesota Statutes 1992, section 115B.175, by adding a subdivision; Minnesota Statutes 1993 Supplement, section 115B.178, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 115C.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, after line 10, insert:

"ARTICLE 1

LANDFILL CLEANUP PROGRAM

Section 1. Minnesota Statutes 1992, section 115B.04, is amended by adding a subdivision to read:

Subd. 4a. [CLAIMS BY MIXED MUNICIPAL SOLID WASTE DISPOSAL FACILITIES.] (a) Except as provided in paragraph (b), liability under this section for claims by owners or operators of mixed municipal solid waste disposal facilities that accept waste on or after April 9, 1994, and are not eligible facilities under section 115B.381, subdivision 5, is limited to liability for response costs exceeding the amount of available financial assurance funds required under section 116.07, subdivision 4h.

(b) This subdivision does not affect liability under this section for claims based on the illegal disposal of waste at a facility.

CLEANUP OF CLOSED LANDFILLS

Sec. 2. [115B.381] [DEFINITIONS.]

Subdivision 1. [APPLICABILITY.] In addition to the definitions in this

section, the definitions in sections 115A.03 and 115B.02 apply to sections 115B.382 to 115B.44.

Subd. 2. [ACCEPTED FACILITY.] "Accepted facility" means a facility that has been accepted under section 4, subdivision 3 or 4, or has been acquired under section 4, subdivision 5, paragraph (b), clause (4).

Subd. 3. [CLOSURE.] "Closure" means actions to prevent or minimize the threat to public health and the environment posed by a mixed municipal solid waste disposal facility that has stopped accepting waste, including removing contaminated equipment; applying final cover, grading and seeding final cover; installing wells, borings, and other monitoring devices; constructing groundwater and surface water diversion structures; and installing gas control systems and site security measures, as necessary. Final cover may include processed materials meeting the requirements in Code of Federal Regulations, title 40, section 503.32, paragraph (a).

Subd. 4. [DECOMPOSITION GASES.] "Decomposition gases" means gases produced by chemical or microbial activity during the decomposition of solid waste.

Subd. 5. [ELIGIBLE FACILITY.] "Eligible facility" means a mixed municipal solid waste disposal facility that:

- (1) has been issued a permit by the agency; and*
- (2) stopped accepting waste before April 9, 1994.*

Subd. 6. [EXCLUDED FACILITY.] "Excluded facility" means an eligible facility that has been accepted by the commissioner as an excluded facility under section 115B.384.

Subd. 7. [POSTCLOSURE; POSTCLOSURE CARE.] "Postclosure" or "postclosure care" means actions taken for the care, maintenance, and monitoring of a mixed municipal solid waste disposal facility following site closure.

Subd. 8. [RESPONSE ACTION.] "Response action" means environmental studies, engineering, and site construction activities related to preventing, minimizing, or eliminating releases to the environment from an eligible facility.

Sec. 3. [115B.382] [LIMITATION ON LIABILITY AT ALL ELIGIBLE FACILITIES.]

(a) Except as provided in section 115B.386, there is no liability under section 115B.04 or 115B.05 for a person who is a responsible person under section 115B.03, subdivision 1, clause (b) or (c), with respect to a release or threatened release of a hazardous substance, or a pollutant or contaminant, from any eligible facility.

(b) The commissioner shall publish a list of all eligible facilities by September 1, 1994.

Sec. 4. [115B.383] [REQUIREMENTS FOR ELIGIBLE FACILITIES.]

Subdivision 1. [REQUIREMENTS.] (a) An owner or operator of an eligible facility shall:

(1) by March 1, 1995, enter into a binding agreement with the commissioner to do the following prior to acceptance of the facility under this section:

(i) transfer to the state legal title to the property described in subdivision 2;

(ii) transfer any financial assurance funds required under section 116.07, subdivision 4h, that remain in the financial assurance accounts for the facility after facility closure and any postclosure care and contingency action undertaken under clause (4) to the commissioner of revenue to be credited to the landfill cleanup account established in section 115B.42, or, if financial assurance is provided through a letter of credit, pay to the commissioner of revenue the amount that would have accumulated had financial assurance been provided through a trust fund, less amounts paid or required to be paid for closure, postclosure, and contingency action under clauses (2) and (4);

(2) complete required closure activities at the facility in accordance with the terms of the facility's permit, any applicable closure orders or enforcement agreements with the agency, and the solid waste rules in effect at the time the facility stopped accepting waste;

(3) by March 1, 1995, send the commissioner a copy of all applicable comprehensive general liability insurance policies, certificates, or other evidence of insurance coverage held during the life of the facility; take any actions necessary to preserve the owner or operator's rights to payment or defense under the policies; cooperate with the commissioner in asserting claims; and assign all rights under the policies to the commissioner; and

(4) until notification of acceptance is received under subdivision 3 or 4, continue to comply with all applicable postclosure care and contingency action requirements.

(b) At eligible facilities where response actions are being undertaken by a group of responsible persons, the actions in paragraph (a), clauses (2) and (4), may be completed by the responsible persons.

(c) The commissioner shall maintain separate accounting for each eligible facility regarding:

(1) the amount of financial assurance funds transferred under paragraph (a), clause (1), item (ii); and

(2) costs of response actions taken at the facility.

Subd. 2. [PROPERTY TO BE TRANSFERRED TO STATE.] The property that must be transferred under subdivision 1, paragraph (a), clause (1), item (i), is the entire property described in the most recent solid waste permit for the eligible facility, along with any easements, licenses, or other property interests owned by the owner or operator that are necessary for response actions at the facility, except:

(1) an operating waste disposal facility on the property that is permitted by the agency or for which application for a permit was made by March 1, 1994, if the fill boundary of the facility is at least 200 feet from the fill boundary of the eligible facility;

(2) land and buildings associated with facilities on the property, other than operating waste disposal facilities, that the commissioner determines are reasonably necessary for continued operation of the facilities and are not located within the fill boundary of the eligible facility;

(3) any other land the commissioner determines will not be necessary for the long-term care of the eligible facility and any anticipated response actions at the facility; and

(4) land that the owner or operator before January 1, 1994, agreed to transfer to a local unit of government and that was not used for placement of waste. Transfer of this land must be made contemporaneously with the transfer under subdivision 1, paragraph (a), clause (1), item (i).

Subd. 3. [EVALUATION AND EARLY ACCEPTANCE.] (a) By January 1, 1995, the commissioner shall:

(1) certify as accepted those eligible facilities that:

(i) the commissioner determines have met the requirements of subdivision 1 as of March 1, 1995; and

(ii) have transferred the property described in subdivision 2 and the financial assurance funds described in subdivision 1, paragraph (a), clause (1), item (ii); and

(2) notify the owners or operators of eligible facilities that are not certified under clause (1) that the owner or operator must complete all requirements under subdivision 1 by August 1, 1995, or execute a binding agreement with the commissioner by August 1, 1995, that provides for completion of those requirements.

(b) In cases where an owner or operator of an eligible facility applied for exclusion by March 1, 1995, and is subsequently notified by the commissioner that the facility did not qualify for exclusion, the commissioner shall notify the owner or operator that within 60 days the owner or operator must complete the requirements of subdivision 1 or execute a binding agreement with the commissioner that provides for completion of those requirements.

Subd. 4. [ACCEPTANCE OF OTHER FACILITIES.] For facilities not accepted under subdivision 3, paragraph (a), clause (1), within 60 days following the applicable date under subdivision 3, paragraph (a), clause (2), or paragraph (b), for completion of the requirements in subdivision 1, the commissioner shall evaluate the status of the facility and shall accept a facility that has satisfied the conditions of subdivision 1.

Subd. 5. [DEFAULT.] (a) Any of the following conditions constitutes grounds for the commissioner to declare an owner or operator in default:

(1) for an owner or operator of an eligible facility who has not entered into a binding agreement with the commissioner as required under subdivision 3, paragraph (a), clause (2), the owner's or operator's failure to complete the requirements in subdivision 1 by August 1, 1995;

(2) for an owner or operator of an eligible facility who has not entered into a binding agreement with the commissioner as required under subdivision 3, paragraph (b), the owner or operator's failure to complete the requirements in subdivision 1 within 60 days of being notified under that paragraph; or

(3) for an owner or operator of an eligible facility who has entered into a binding agreement with the commissioner under subdivision 3, paragraph (a), clause (2), or paragraph (b), the owner's or operator's failure to complete any of the terms of the binding agreement by the negotiated completion date.

(b) If an owner or operator is declared to be in default under paragraph (a), the commissioner shall:

(1) deny future permits or licenses, including renewal of existing permits or licenses, to operate a solid waste business;

(2) complete closure, postclosure, and any other necessary actions described in subdivision 8 at the facility and seek recovery of the costs under section 115B.17, subdivision 6;

(3) file liens under subdivision 6; and

(4) acquire, by eminent domain under chapter 117, the property described in the most recent permit issued by the agency for the facility, and subtract from any amount awarded the owner the commissioner's costs of closure, postclosure care, and response actions at the facility.

Subd. 6. [LIENS.] (a) The following constitute liens in favor of the state upon any real property, other than homestead property, owned by the owner or operator that is located in the state:

(1) all expenses, including expenses related to seeking cost recovery, incurred by the commissioner under subdivision 5, paragraph (b), clause (2); and

(2) all expenses incurred by responsible persons other than the owner or operator that are subject to reimbursement under section 115B.44.

(b) For the purpose of determining the amount of a lien under paragraph (a), clause (1), the commissioner shall calculate postclosure care expenses and response action costs that will be incurred in the future and discount that amount to present value.

(c) A lien under paragraph (a), clause (1), attaches when expenses are first incurred by the commissioner. A lien under paragraph (a), clause (2), attaches when the facility is declared to be in default under subdivision 5.

(d) A lien under this subdivision continues until it is satisfied or becomes unenforceable as for an environmental lien under section 514.672. Notice, filing, and release of a lien under this subdivision are governed by sections 514.671 to 514.676, except where those requirements are specific to cleanup action expenses only. Relative priority of a lien under this subdivision is governed by section 514.672, except that a lien attached to property that was included in a permit for a solid waste disposal facility takes precedence over all other liens regardless of when these liens were or are perfected. Amounts received to satisfy all or part of a lien under this subdivision must be deposited in the landfill cleanup account.

Subd. 7. [ENVIRONMENTAL RESPONSE AND LIABILITY.] (a) Except as provided in section 115B.386, sections 115B.04 and 115B.05 do not apply to environmental response or liability for environmental response at an eligible facility that is accepted under this section.

(b) The state shall defend, indemnify, and hold harmless a responsible person from liability for response costs under the Federal Superfund Act at an accepted facility.

Subd. 8. [RESPONSE TO RELEASES.] The commissioner shall conduct or contract for postclosure care at accepted facilities and take any removal or remedial action, including emergency action, related to a release of a hazardous substance, pollutant or contaminant, or decomposition gas from an accepted facility that the commissioner finds necessary to protect the public health or welfare or the environment. The commissioner may undertake detailed studies to determine the necessary response actions at individual facilities. To avoid duplication and increase administrative efficiency, the commissioner shall develop general work plans that can replace those provisions of the detailed studies that apply to facilities with similar characteristics. Before making a final determination of appropriate response actions for a facility, the commissioner shall hold at least one public informational meeting near the facility and provide for receiving and responding to comments related to the determination. The commissioner shall design, implement, and provide oversight of response actions consistent with a final determination made under this subdivision.

Subd. 9. [PRIORITY LIST.] For the purpose of preventing or responding to releases of hazardous substances, pollutants or contaminants, or decomposition gases at eligible facilities, the commissioner shall establish a priority list for eligible facilities. The list must be based on the relative risk or danger to public health or welfare or the environment, taking into account to the extent possible the population at risk, the hazardous potential of the hazardous substances at the facility, the potential for direct human contact, and the potential for destruction of sensitive ecosystems. The list must be established by January 1, 1995, and must be updated to reflect inclusion of additional eligible facilities and changing conditions at the facilities that affect priority for response actions.

Subd. 10. [DUTY TO PROVIDE INFORMATION.] Upon request by the commissioner, a person whom the commissioner has reason to believe has or may obtain information related to the ownership or operation of an eligible facility, or to the generation, composition, transportation, treatment, or disposal of waste in an eligible facility, shall furnish to the commissioner any information that is relevant to a release or threatened release at an eligible facility.

Subd. 11. [ACCESS TO INFORMATION AND PROPERTY.] The commissioner, on presentation of credentials, and at reasonable business hours, may:

(1) examine and copy any books, papers, records, memoranda, or data of any person who has a duty to provide information to the agency under subdivision 10; and

(2) enter upon any property, public or private, for the purpose of taking action authorized by this section, including obtaining information from any person who has a duty to provide the information under subdivision 10, conducting surveys or investigations, and taking response action.

Subd. 12. [ACQUISITION AND DISPOSITION OF PROPERTY.] The commissioner may acquire and dispose of other property, including easements and other forms of access to property, under section 115B.17, subdivisions 15

and 16, that the commissioner finds necessary for response actions related to an eligible facility.

Subd. 13. [INSURANCE.] The commissioner may conduct investigations to identify responsible persons at accepted facilities. At the commissioner's request, a responsible person identified under this subdivision shall provide the commissioner with a copy of all applicable comprehensive general liability insurance policies, certificates, or other evidence of insurance coverage held while the person engaged in actions making the person a potential responsible person; take any actions necessary to preserve the person's rights to payment or defense under the policies; cooperate with the commissioner in asserting claims; and assign all rights under the policies to the commissioner.

Subd. 14. [PURSUIT OF ASSIGNED INSURANCE CLAIMS.] The attorney general shall vigorously pursue all available insurance claims under rights assigned under subdivision 1, paragraph (a), clause (3), and subdivision 13 and may contract for legal services for this purpose. All money recovered under this subdivision must be credited to the landfill cleanup account.

Sec. 5. [115B.384] [EXCLUDED FACILITIES.]

Subdivision 1. [APPLICATION PROCEDURE.] Applications from eligible facilities requesting exclusion must be received by the commissioner by February 1, 1995. The owner or operator of an eligible facility that is subject to an enforcement order under section 106 of the Federal Superfund Act, as amended, may not apply for exclusion under this section. In addition to other information required by the commissioner, an application must include a disclosure of all financial assurance accounts established for the facility. Applications for exclusion shall meet the following criteria:

(1) be timely and complete;

(2) show that the operator or owner is complying with an approved financial assurance plan for the facility that is adequate to provide for closure, postclosure care, and contingency action and is complying with the agency's rules adopted under section 116.07, subdivision 4h; and

(3) demonstrate that the facility is closed or is in compliance with a closure schedule approved by the commissioner.

Subd. 2. [EVALUATION OF EXCLUSION STATUS.] Within 60 days after the commissioner has received an application for exclusion, the commissioner shall notify the owner or operator if the facility has been accepted as an excluded facility. If the commissioner finds that the facility does not satisfy the requirements for exclusion, the commissioner shall notify the owner or operator of that fact.

Subd. 3. [RESTRICTION ON USE OF PROPERTY AT EXCLUDED FACILITIES.] (a) A person may not use any property described in the most recent agency permit issued for an excluded facility in any way that disturbs the integrity of the final cover, liners, or any other components of any containment system, or the function of the facility's monitoring systems, unless the agency finds that the disturbance:

(1) is necessary to the proposed use of the property, and will not increase the potential hazard to human health or the environment; or

(2) is necessary to reduce a threat to human health or the environment.

(b) Before any transfer of ownership of property described in paragraph (a), the owner must obtain approval from the commissioner. The commissioner shall approve a transfer if the owner can demonstrate to the satisfaction of the commissioner that persons and property will not be exposed to undue risk from releases of hazardous substances or pollutants or contaminants.

(c) After obtaining approval from the commissioner, the owner shall record with the county recorder of the county in which the property is located an affidavit containing a legal description of the property that discloses to any potential transferee:

(1) that the land has been used as a mixed municipal solid waste disposal facility;

(2) the identity, quantity, location, condition, and circumstances of the disposal and any release of hazardous substances or pollutants or contaminants from the facility to the full extent known or reasonably ascertainable; and

(3) that the use of the property or some portion of it may be restricted as provided in paragraph (a).

(d) An owner must also file an affidavit within 60 days after any material change in any matter required to be disclosed under paragraph (c), clauses (1) to (3), with respect to property for which an affidavit has already been recorded. If the owner or any subsequent owner of the property removes the waste from the facility together with any residues, liner, and contaminated underlying and surrounding soil, that owner may record an affidavit indicating the removal. Failure to record an affidavit as provided in this paragraph does not affect or prevent any transfer of ownership of the property.

(e) The county recorder shall record all affidavits presented in accordance with paragraphs (c) and (d). The affidavits must be recorded in a manner that will ensure their disclosure in the ordinary course of a title search of the subject property.

Subd. 4. [CLOSURE.] If the commissioner determines that the owner or operator of an excluded facility did not complete the terms of an approved closure plan by the date in the plan, the commissioner shall complete closure at the facility and seek cost recovery under section 115B.17, subdivision 6.

Sec. 6. [115B.385] [ENFORCEMENT.]

Sections 115B.383, subdivisions 10 and 11, and 115B.384, subdivision 3, are enforceable under sections 115.071 and 116.072.

Sec. 7. [115B.386] [ILLEGAL ACTIONS AT ELIGIBLE FACILITIES.]

The commissioner may recover under section 115B.17, subdivision 6, that portion of the costs of a response action at any eligible facility attributable to a person who otherwise would be responsible for the release or threatened release under section 115B.03, and whose actions related to the release or threatened release were in violation of federal or state hazardous waste management laws in effect at the time of those actions. The commissioner's determination of the portion of the costs of a response action attributable to a person under this section, based on the volume and toxicity of waste in the facility associated with the person and other factors reasonably related to the

contribution of the person to a release or threatened release, is prima facie evidence that those costs are attributable to the person.

Sec. 8. [115B.387] [ADVISORY COMMITTEE.]

The commissioner shall establish an advisory committee whose duty is to recommend procedures for implementing the landfill cleanup program. The committee may not have more than 13 members. The membership must provide statewide representation of a cross section of interests, including land disposal facility owners and operators, local governments, businesses, environmental groups, and the general citizenry.

Sec. 9. [115B.388] [MANAGEMENT AND DISPOSAL OF ACQUIRED PROPERTY.]

Subdivision 1. [PLAN FOR LAND MANAGEMENT.] The commissioner, in consultation with the advisory committee established under section 115B.387, shall develop a site-specific plan for each facility for the long-term management and disposition of property acquired under section 115B.383, subdivision 1; within one year of completion of construction of response actions. In developing the plans, the commissioner shall consider any applicable land use plan adopted by a local unit of government. The plans must include provisions to prevent any use that disturbs the integrity of the final cover, liners, any other components of any containment system, or the function of any monitoring systems unless the commissioner finds that the disturbance:

(1) is necessary to the proposed use of the property, and will not increase the potential hazard to human health or the environment; or

(2) is necessary to reduce a threat to human health or the environment.

Subd. 2. [DISPOSAL OF PROPERTY BY THE COMMISSIONER.] (a) The commissioner shall offer to sell property acquired under section 115B.383, subdivision 1, to the person from whom the property was acquired, if the sale is consistent with the plan completed under subdivision 1. The offer is valid for 90 days. The sale price of property sold under this paragraph must be reduced by the amount of any lease payments made by the purchaser to the commissioner before the sale.

(b) The commissioner may dispose of other property acquired under section 115B.383, subdivision 1 or 6, if the disposal is consistent with the plan completed under subdivision 1.

Sec. 10. [115B.389] [RULES.]

The commissioner may adopt rules necessary to implement sections 115B.381 to 115B.388.

Sec. 11. [115B.39] [REPORT.]

By October 1 of each odd-numbered year, the commissioner shall report to the legislative commission on waste management and to the appropriate finance committees of the senate and the house of representatives on the commissioner's activities under sections 115B.381 to 115B.389.

Sec. 12. Minnesota Statutes 1993 Supplement, section 115B.42, subdivision 2, is amended to read:

Subd. 2. [EXPENDITURES.] Subject to appropriation, money in the account may be spent ~~for~~ *by the commissioner to:*

- (1) ~~inspection of~~ *inspect* mixed municipal solid waste disposal facilities to:
 - (i) evaluate the adequacy of final cover, slopes, vegetation, and erosion control;
 - (ii) determine the presence and concentration of hazardous substances, pollutants or contaminants, and decomposition gases; and
 - (iii) determine the boundaries of fill areas; ~~and~~
- (2) ~~monitor and take, or reimburse others for taking,~~ *response actions at mixed municipal solid waste disposal accepted facilities under this chapter;*
- (3) ~~engage in closure and postclosure care activities under sections 115B.383 and 115B.384;~~
- (4) ~~acquire and dispose of property under section 115B.383;~~
- (5) ~~recover costs under sections 115B.383 and 115B.384;~~
- (6) ~~administer sections 115B.381 to 115B.39 and 115B.44;~~
- (7) ~~enforce sections 115B.381 to 115B.39;~~
- (8) ~~administer the agency's groundwater and solid waste management programs; and~~
- (9) ~~reimburse persons under section 115B.44.~~

Sec. 13. [115B.44] [REIMBURSABLE PARTIES AND EXPENSES.]

Subdivision 1. [TIMING OF EXPENSES.] (a) *Response action costs at accepted facilities that were incurred before March 1, 1995, are reimbursable if they were submitted as receipts to the commissioner before June 1, 1995.*

(b) *Response action costs at accepted facilities that were incurred between March 1, 1995, and the date that the commissioner accepted the facility are reimbursable if they were submitted as receipts to the commissioner within 60 days of the facility's date of acceptance.*

Subd. 2. [REIMBURSABLE PARTIES.] *The following persons are eligible for reimbursement under this section:*

(1) *owners or operators of accepted facilities, except owners or operators that have been declared in default under section 4, subdivision 5, after the owners or operators have agreed to waive all future claims for cost recovery arising from or related to the facility and all other eligible facilities against any other persons; and*

(2) *persons, other than owners and operators, incurring response action costs under a cleanup order issued by the United States Environmental Protection Agency under section 106 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended; a request for response action; or a consent order, after the persons have:*

(i) demonstrated to the commissioner that they have returned any and all money paid to them by other parties in a cost recovery judgment or settlement or in anticipation of a cost recovery action; and

(ii) agreed to waive all future claims for cost recovery arising from or related to the facility and all other eligible facilities against any other persons.

Subd. 3. [REIMBURSABLE EXPENSES.] (a) Response action expenses that are documented with billings or other proof of project cost are eligible for reimbursement if the commissioner finds that they were reasonable and necessary under the circumstances. The commissioner may request further documentation from those requesting reimbursement if it is necessary in the commissioner's judgment.

(b) Costs required to be paid to the United States Environmental Protection Agency under section 107(a) of the Federal Superfund Act, as amended, are eligible for reimbursement under this section.

(c) The following expenses are not reimbursable, regardless of whether they were carried out under conditions of a cleanup order issued by the United States Environmental Protection Agency under section 106 of the Federal Superfund Act, as amended:

(1) administrative and legal expenses connected with response actions;

(2) any expenses attributable to normal operations of the owner or operator and requirements under a solid waste facility permit, including but not limited to characterization studies of underlying or surrounding hydrologic conditions, closure, and postclosure care; and

(3) the acquisition of real property.

Subd. 4. [REIMBURSEMENT PLAN.] The commissioner shall prepare a reimbursement plan and present it by November 1, 1995, to the legislative commission on waste management, the chairs of the senate finance committee and environment and natural resources finance division and the committees on ways and means and environment and natural resources finance of the house of representatives, and owners and operators of accepted facilities. The plan shall identify sites where reimbursement will occur and the estimated dollar amount for each site, and shall set out priorities and payment schedules.

Subd. 5. [REIMBURSEMENT TIMING.] The commissioner shall not issue reimbursement payments before November 15, 1995. The commissioner shall not issue reimbursements for expense statements filed after November 15, 1997, and shall approve or deny all reimbursement requests by November 15, 1998. The commissioner shall fully reimburse all persons eligible for reimbursement no later than five years after the date the facility was accepted under section 4, subdivision 3 or 4.

Subd. 6. [REIMBURSEMENT CEILING.] The commissioner shall not issue reimbursements in an amount exceeding \$7,000,000 per fiscal year.

ARTICLE 2

LANDFILL CLEANUP FUNDING

Section 1. [115B.45] [VOLUNTARY BUY-OUT FOR INSURERS.]

In full satisfaction of any rights assigned to the state under section 115B.383, subdivision 1, paragraph (a), clause (3), or subdivision 13, an insurer may tender to the commissioner before January 1, 1998, the voluntary buy-out amount calculated under section 115B.47. In consideration of the amount tendered to the commissioner, an insurer shall receive from the state the release and indemnification provided by section 115B.46. Any amounts received by the commissioner must be credited to the landfill cleanup account.

Sec. 2. [115B.46] [RELEASE AND INDEMNIFICATION.]

In consideration for receiving the voluntary buy-out amount calculated under section 115B.47, the state shall release, acquit, and forever discharge the insurer from all liability the insurer has, had, or may have, including but not limited to all claims and policy obligations of any kind or nature under its policies of insurance imposed under the Federal Superfund Act or this chapter at the accepted facility. The state further agrees to defend, indemnify, and hold harmless the insurer from all other claims, demands, actions, and causes of action, and from all damages, injuries, losses, contributions, indemnities, compensation, costs, attorney fees, and other expenses of any kind, whether known or unknown, fixed or contingent, whether in law or in equity, whether asserted or unasserted, whether sounding in tort or in contract, arising out of the liabilities under the Federal Superfund Act or section 115B.05 at an accepted facility.

Sec. 3. [115B.47] [VOLUNTARY BUY-OUT AMOUNT.]

Subdivision 1. [CALCULATION.] The voluntary buy-out amount for an insurer must be calculated in accordance with this section.

Subd. 2. [VOLUNTARY BUY-OUT SHARE.] An insurer's unadjusted voluntary buy-out share is equal to that insurer's combined Minnesota written premium for the commercial multiperil line of insurance for calendar years 1970 through 1985, the liability other than auto line for calendar years 1970 and 1971, and the miscellaneous liability line for calendar years 1972 through 1985, as defined by the National Association of Insurance Commissioners' annual statement instructions during the applicable periods, divided by the aggregate written premium for all insurers for these lines during these same time periods. The commissioner of commerce shall calculate the unadjusted shares for individual insurers from data published by A.M. Best for the applicable periods. The commissioner shall advise each insurer with an unadjusted share calculated pursuant to this subdivision of the amount of their unadjusted share. The commissioner shall also request from the insurers data to support an adjustment under subdivision 3 and any credits under subdivision 5. The commissioner shall so advise insurers by May 1, 1996.

Subd. 3. [ADJUSTMENTS.] An insurer may adjust its share by providing the commissioner of commerce with evidence that the insurer's Minnesota written premium liability other than auto written premium for calendar years 1970 and 1971 and miscellaneous liability for calendar years 1972 through 1985 included professional or medical malpractice insurance written premiums. The evidence may be provided by written documents or electronically imaged and reproduced documents, contemporaneous with the period of the adjustment, reflecting the insurer's professional or medical malpractice insurance written premium for these periods. The evidence may include an affidavit from an officer of the insurer testifying to the veracity of the data. An insurer's share must be adjusted by the amount of the insurer's professional or medical malpractice insurance Minnesota written premium for calendar years

1970 through 1985 subtracted from the insurer's aggregate liability other than auto and miscellaneous liability written premium for calendar years 1970 through 1985. The commissioner of commerce shall reduce the aggregate liability other than auto and miscellaneous liability written premium for all insurers by the amount of total adjustments for all insurers under this subdivision prior to the final calculation of each insurer's share. The commissioner shall recalculate each insurer's share using the method provided in subdivision 1 subject to the adjustment provided by this subdivision.

Subd. 4. [PRELIMINARY CALCULATION.] *The calculation of an insurer's preliminary voluntary buy-out amount must be equal to the multiplication of an insurer's adjusted share by the difference between \$300,000,000 and any amounts received by the state from a federal insurance trust fund.*

Subd. 5. [CREDITS.] *An insurer may receive a credit of 25 percent for each of the calendar years 1970, 1971, 1972, and 1973 that the insurer can demonstrate that sudden and accidental qualified pollution exclusions were endorsed to or included in its comprehensive general liability insurance policies issued during these years. An insurer may demonstrate that the exclusions were endorsed to the policies by providing the commissioner of commerce with an affidavit from an officer or former officer testifying as to the business practice of the insurer during the year or years in question. An insurer may obtain a 25 percent credit for each of the years 1970, 1971, 1972, and 1973 that the exclusions were endorsed to or included in these policies.*

Subd. 6. [FINAL CALCULATION.] *An insurer's voluntary buy-out amount is equal to the amount calculated under subdivision 4 for the insurer, less the amount of credits for the insurer under subdivision 5. The commissioner of commerce shall notify each insurer of its buy-out amount calculated under this section by September 30, 1996.*

Subd. 7. [NONPUBLIC DATA.] *All information obtained by the commissioner of commerce from insurers under this section is nonpublic data under section 13.02, subdivision 9.*

Subd. 8. [HEARING.] *An insurer who disagrees with the calculation of its voluntary buy-out amount may request that the commissioner of commerce reconsider an insurer requesting reconsideration shall supply the commissioner with information that supports the insurer's position within 30 days of receipt of the notification under subdivision 6. The commissioner shall reconsider the insurer's calculation based upon the information supplied within 30 days of receipt of the information. An insurer may appeal the decision of the commissioner as a contested case under chapter 14.*

Subd. 9. [MINIMUM AMOUNT.] *An insurer's voluntary buy-out amount may not be less than \$100,000.*

Subd. 10. [RULES.] *The commissioner of commerce may adopt rules to implement this section.*

Sec. 4. Minnesota Statutes 1993 Supplement, section 116.07, subdivision 10, is amended to read:

Subd. 10. [SOLID WASTE ASSESSMENTS.] (a) *For the purposes of this subdivision, "assessed waste" means mixed municipal solid waste as defined in section 115A.03, subdivision 21, infectious waste as defined in section 116.76, subdivision 12, pathological waste as defined in section 116.76,*

subdivision 14, industrial waste as defined in section 115A.03, subdivision 13a, and construction debris as defined in section 115A.03, subdivision 7.

(b) A person that collects ~~mixed municipal solid~~ *assessed waste shall collect and remit to the commissioner of revenue a solid waste assessment from each of the person's customers as provided in paragraphs ~~(b)~~ (c) and ~~(e)~~ (d).*

~~(b)~~ (c) The amount of the assessment for each residential customer is \$2 per year. Each waste collector shall collect the assessment annually from each residential customer that is receiving waste collection service on July 1 of each year and shall remit the amount collected along with the collector's first remittance of the sales tax on solid waste collection services, described in section 297A.45, made after October 1 of each year. Any amount of the assessment that is received by the waste collector after October 1 of each year must be remitted along with the collector's next remittance of sales tax after receipt of the assessment.

~~(e)~~ (d) The amount of the assessment for each nonresidential customer is 12 27 cents per noncompacted cubic yard of periodic waste collection capacity purchased by the customer. Each waste collector shall collect the assessment from each nonresidential customer as part of each statement for payment of waste collection charges and shall remit the amount collected along with the next remittance of sales tax after receipt of the assessment.

~~(d)~~ (e) *A person who transports assessed waste generated by that person or by another person without compensation shall pay an assessment of 27 cents per noncompacted cubic yard or the equivalent to the operator of the facility to which the waste is delivered. The operator shall remit the assessments collected under this paragraph to the commissioner of revenue as though they were sales taxes under chapter 297A.*

(f) The commissioner of revenue shall redesign sales tax forms for solid waste collectors to accommodate payment of the assessment. ~~The commissioner of revenue shall deposit~~ *The amounts remitted under this subdivision in the environmental fund and shall credit four sevenths of the receipts must be deposited in the state treasury and credited to the landfill cleanup account established in section 115B.42.*

~~(e)~~ (g) For the purposes of this subdivision, a "person that collects mixed municipal solid waste" means each person that ~~pays~~ *is required to pay sales tax on solid waste collection services under section 297A.45.*

~~(f)~~ (h) The audit, penalty, enforcement, and administrative provisions applicable to taxes imposed under chapter 297A apply to the assessments imposed under this subdivision.

Sec. 5. [APPROPRIATIONS; TRANSFER.]

Subdivision 1. [APPROPRIATIONS.] (a) \$16,900,000 is appropriated from the landfill cleanup account to the commissioner of the pollution control agency to conduct actions authorized in this act.

(b) \$180,000,000 is appropriated from the bond proceeds fund to the commissioner of the pollution control agency for response actions at eligible facilities and for reimbursement of expenses under section 3.

Subd. 2. [TRANSFER.] The balance in the metropolitan landfill contingency action trust fund established under Minnesota Statutes, section

473.845, on the effective date of this section is transferred to the landfill cleanup account established under Minnesota Statutes, section 115B.42.

Sec. 6. [BOND SALE.]

(a) To provide the money appropriated in this act from the state bond proceeds fund, the commissioner of finance, on request of the governor, shall sell and issue bonds of the state in an amount up to \$180,000,000 in the manner, upon the terms, and with the effect prescribed by Minnesota Statutes, sections 16A.631 to 16A.675, the Minnesota Constitution, article XI, sections 4 to 7, and paragraph (b).

(b) Bonds may not be issued under this section in total amounts exceeding the following:

(1) by June 30, 1996, \$20,000,000;

(2) by June 30, 1998, \$70,000,000;

(3) by June 30, 2000, \$110,000,000; and

(4) by June 30, 2002, \$146,000,000.

Sec. 7. [EFFECTIVE DATE]

Section 4 is effective July 1, 1995.

ARTICLE 3

LIABILITY FOR RELEASES"

Page 2, delete lines 14 to 20

Amend the title as follows:

Page 1, line 2, after the semicolon, insert "establishing an environmental cleanup program for landfills;"

Page 1, line 5, after the semicolon, insert "authorizing the sale of state bonds; appropriating money;"

Page 1, line 6, delete everything after the first comma and insert "sections 115B.04, by adding a subdivision; and 115C.03, subdivision 9;"

Page 1, line 7, delete "subdivision;"

Page 1, line 8, delete "section" and insert "sections" and after the semicolon, insert "115B.42, subdivision 2; and 116.07, subdivision 10;"

Page 1, line 9, delete "115C" and insert "115B"

And when so amended the bill be re-referred to the Committee on Finance without recommendation. Amendments adopted. Report adopted.

Ms. Reichgott Junge from the Committee on Judiciary, to which was re-referred

S.F. No. 2247: A bill for an act relating to agriculture; changing the law on nuisance liability of agricultural operations; amending Minnesota Statutes 1992, section 561.19, subdivisions 1 and 2.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 14, delete "(a)"

Page 2, delete line 17 and insert "three years from its established date of operation if the"

Page 2, delete lines 20 to 24

Page 2, line 25, delete "(c)"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Ms. Reichgott Junge from the Committee on Judiciary, to which was re-referred

S.F. No. 1938: A bill for an act relating to employment; providing for enforcement of an employees' right to review personnel records; proposing coding for new law in Minnesota Statutes, chapter 181.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Lessard from the Committee on Environment and Natural Resources, to which was referred

S.F. No. 2467: A bill for an act relating to game and fish; modifying size limits for walleye; amending Minnesota Statutes 1993 Supplement, section 97C.401, subdivision 2, and by adding a subdivision.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, lines 9 and 10, reinstate the stricken language

Page 1, line 11, reinstate the stricken "walleye larger than" and after the stricken "20" insert "24" and reinstate the stricken "inches and"

Pages 1 and 2, delete section 2 and insert:

"Sec. 2. [WEST CENTRAL GOOSE ZONE; BOUNDARY CHANGE.]

The boundary of that portion of the West Central Goose Zone that is located within Big Stone county is changed to the following: Starting at Ortonville, north along U.S. Route No. 75 to County Road No. 10, then east to the present boundary."

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "changing the boundary of the West Central Goose Zone;"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Ms. Reichgott Junge from the Committee on Judiciary, to which was re-referred

S.F. No. 1133: A bill for an act relating to the environment; establishing a cleanup program for closed landfills; establishing an advisory committee; authorizing rulemaking; providing penalties; providing a voluntary buy-out option for insurance companies; authorizing the sale of state bonds; appropriating money; amending Minnesota Statutes 1992, section 115B.04, by adding a subdivision; Minnesota Statutes 1993 Supplement, sections 115B.42, subdivision 2; 116.07, subdivision 10; proposing coding for new law in Minnesota Statutes, chapter 115B.

Reports the same back with the recommendation that the bill be amended as follows:

Page 3, delete lines 4 to 9 and insert:

“(a) The liability protection provided in section 115B.383, subdivision 7, paragraph (a), applies only to persons other than the owner or operator at an eligible facility that is not accepted under section 115B.383.”

Page 4, delete lines 12 to 15 and insert:

“(b) At eligible facilities where closure or response actions are being undertaken by a person or group of persons, the person or group of persons may assist in completing, arranging for or verifying completion of, or providing necessary information related to, the requirements in paragraph (a).”

Page 5, line 10, after “(a)” insert *“Within 60 days of receipt of an application submitted by a person or group of persons other than the owner or operator of an eligible facility under subdivision 1, paragraph (b), and for applications received under subdivision 1, paragraph (a),”*

Page 5, line 19, after “(1)” insert *“, and the applicant for an eligible facility, if other than the owner or operator,”*

Page 5, line 28, after the first “operator” insert *“and the applicant”*

Page 6, line 27, after “costs” insert *“from the owner or operator”*

Page 7, line 29, after “LIABILITY” insert *“; EFFECT OF ACCEPTANCE”*

Page 7, line 31, after “115B.05” insert *“, and all other state and local laws and regulations that might otherwise create liability arising from the presence of hazardous substances, pollutants or contaminants, or decomposition gases,”* and delete everything after “to”

Page 7, line 32, delete everything before “eligible” and insert *“any”*

Page 7, line 33, after “section” insert *“, provided that:*

(1) liability, if any, to third parties for personal injury claims associated with the existence and operation of the facility apply to persons otherwise responsible for the existence and operation of the facility, regardless of its acceptance status; and

(2) liability, if any, to third parties for personal injury claims associated with the environmental response at the facility applies to persons that actually undertook the environmental response but only for claims arising prior to the date of acceptance and thereafter apply only to the state.

Nothing in this subdivision is intended to affect any contractual rights of any entity, whether such rights currently exist or are created in the future.

(b) Upon acceptance of a facility:

(1) any and all obligations under any and all federal, state, and local consent orders or decrees, administrative orders, including those issued pursuant to United States Code, title 42, sections 9601 et seq., or chapter 115B, and any other settlement agreement or document imposing environmental response requirements at a facility, and any future obligations imposed pursuant to federal, state, or local authority, become the sole obligations of the state, and shall be completed in a timely manner by the commissioner; and

(2) all persons subject to the obligations described in clause (1) prior to acceptance of the facility are fully and completely relieved of the obligations or liability therefor and any other responsibilities existing then or in the future, except that owners or operators of excluded facilities, owners or operators that have defaulted under this section, and owners or operators of ineligible facilities retain any and all such obligations. Prior to acceptance, the commissioner, on behalf of the state, and the applicants for an eligible facility shall enter into an agreement to implement this section. The agreement shall take effect on the date of acceptance”

Page 7, line 34, delete “(b)” and insert “(c)” and delete “a” and insert “any and all”

Page 7, delete lines 35 and 36 and insert “responsible persons from any and all liability at an accepted facility for response costs, and all other costs and damages associated with the facility arising from the presence of hazardous substances, pollutants or contaminants, or decomposition gases, except as provided in paragraph (a), including without limitation liability under the Federal Superfund Act, chapters 115, 115B, 116, and 116B, and other state laws and regulations, including any orders and agreements authorized thereunder, common law, and any other federal, state, and local law.

(d) By January 1, 1995, the commissioner and the attorney general shall finalize a memorandum of agreement with the United States Environmental Protection Agency addressing the manner and procedure for the state's assumption of obligations and liability for all actions and costs imposed in orders, decrees, agreements, or other documents in which the United States Environmental Protection Agency is a party or has potential jurisdiction pursuant to the Federal Superfund Act. A copy of the memorandum of agreement must be published in the State Register and a copy must be provided to reimbursement applicants upon availability.”

Page 9, line 33, delete “all” and insert “only those” and after “policies” insert “for claims covered by subdivision 7, paragraph (c).”

Page 9, line 36, delete “all”

Page 12, line 9, after “recovery” insert “against the owner or operator”

Page 17, line 11, delete “receiving” and insert “paying”

Page 17, line 12, delete everything after “the” and insert “insurer shall receive the protections afforded by section 115B.383, subdivision 7, paragraph (c).”

Page 17, delete lines 13 to 26

And when so amended the bill do pass and be re-referred to the Committee on Rules and Administration.

Pursuant to Joint Rule 2.03, the bill was referred to the Committee on Rules and Administration.

Mr. Mondale, for Mrs. Adkins, from the Committee on Metropolitan and Local Government, to which was referred

S.F. No. 2858: A bill for an act relating to counties; Hennepin; changing the personnel system to a human resources system; making other changes to the system; amending Minnesota Statutes 1992, sections 383B.26; 383B.27; 383B.28; 383B.29; 383B.31; 383B.32, subdivisions 2, 3, and 4; 383B.34, subdivision 2; 383B.37, subdivision 1; 383B.38, subdivision 1; 383B.39; and 383B.41; repealing Minnesota Statutes 1992, sections 383B.33, subdivision 1; 383B.38, subdivisions 2, 3, and 4; and 383B.40.

Reports the same back with the recommendation that the bill be amended as follows:

Page 3, line 20, reinstate the stricken language and delete the new language and before the reinstated period, insert "*to enable the appointing authority to determine whether employees are fit and suitable for the position to which they have been appointed, transferred, or promoted. The appointing authority may discharge a newly appointed employee during the probationary period without specifying cause or granting a hearing, notwithstanding section 197.46. The appointing authority may, during the probationary period, demote an employee appointed to a position as a result of a promotion without specifying cause or granting a hearing, notwithstanding section 197.46. The employee so demoted shall be returned to a position previously held by the affected employee. The appointing authority may, during the probationary period, return a transferred employee to the employee's previously held position without specifying cause or granting a hearing, notwithstanding section 197.46*"

Page 3, lines 21 to 26, delete the new language

Page 7, line 21, reinstate the stricken "six" and delete "nine"

Page 7, line 22, reinstate the stricken period and before the semicolon, insert "*Seasonal appointments shall not exceed nine calendar months in any 12-month period*"

Page 8, line 15, after "showing" insert "*by the board attorney*"

Page 8, line 16, after the period, insert "*A preliminary showing by the board attorney may be appealed to the board.*"

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Mr. Chmielewski from the Committee on Transportation and Public Transit, to which was referred

S.F. No. 862: A bill for an act relating to motor vehicles; requiring licensing of certain persons engaged in commercial practices related to new motor vehicles; providing for service of process for certain alleged violations;

providing civil penalty; amending Minnesota Statutes 1992, section 168.27, subdivision 2, and by adding a subdivision.

Reports the same back with the recommendation that the bill be amended as follows:

Pages 1 to 3, delete section 1

Page 3, line 9, delete "registrar" and insert "commissioner"

Page 3, line 24, after the period, insert "*Nothing in this subdivision limits the rights or remedies otherwise available to persons under common law or other statutes of this state.*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, delete from "requiring" through page 1, line 4, to "vehicles;"

Page 1, line 7, delete "subdivision 2, and"

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Mr. Chmielewski from the Committee on Transportation and Public Transit, to which was referred

S.F. No. 759: A bill for an act relating to traffic regulation; revising the crime of reckless driving; replacing the crime of careless driving with an inattentive driving offense; providing penalties; amending Minnesota Statutes 1992, section 169.13, subdivisions 1 and 2.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1992, section 169.14, subdivision 1, is amended to read:

Subdivision 1. [BASIC RULE; *INATTENTIVE DRIVING*.] No person shall drive a vehicle on a highway at a speed greater than is reasonable and prudent under the conditions ~~and having regard to~~. *Every driver is responsible for becoming and remaining aware of the actual and potential hazards then existing on the highway and must use due care in operating a vehicle.* In every event speed shall be so restricted as may be necessary to avoid colliding with any person, vehicle or other conveyance on or entering the highway in compliance with legal requirements and the duty of all persons to use due care."

Amend the title as follows:

Page 1, delete line 6 and insert "169.14, subdivision 1."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Solon from the Committee on Commerce and Consumer Protection, to which was referred

S.F. No. 2637: A bill for an act relating to commerce; authorizing local units of government to license the retail sale of tobacco; requiring a county to license the retail sale of tobacco under certain conditions; providing for regular compliance checks for all licensed vendors; providing for mandatory penalties against license holders for sales to minors; amending Minnesota Statutes 1992, sections 461.12; 461.13; and 461.15; proposing coding for new law in Minnesota Statutes, chapter 461.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [461.16] [INSPECTIONS; REPORTS.]

Each city, or in the case of an unincorporated area, each county shall coordinate annual, random, unannounced inspections at locations where tobacco products are sold to test compliance with section 609.685 and to conform with the requirements of federal law. The inspections shall be performed by local units of government. A person no younger than 15 and no older than 17 shall assist in the tests of compliance only under the supervision of a law officer or an employee of the city or county and only with the written consent of a parent. Each city or county which performs compliance checks shall report results to the commissioner of human services by January 15 of each year. The report must include the number of tobacco licenses per retailer and vending outlet, the number of inspections conducted, and the number of violations. The commissioner shall annually submit the report required by United States Code, title 14, section 300x-26, and otherwise ensure the state's compliance with that law and any regulations adopted to implement it.

Sec. 2. [461.17] [TRAINING.]

The employer at each retail location where tobacco products are sold shall conduct a training program for the individuals who sell tobacco products at the location that instructs them about the law, the related penalties, and the employer's policy with regard to tobacco sales. The commissioner of public safety may impose an administrative penalty of not more than \$100 upon the retailer at each location where the employees have not been trained as required by this section. If an inspection at any location discloses a violation of section 609.685, notice shall be given to the employer, and the employees shall be retrained as provided by this section.

Sec. 3. [EFFECT ON LOCAL ORDINANCE.]

Sections 1 and 2 do not preempt a local ordinance which provides for more restrictive regulation of retail tobacco sales."

Delete the title and insert:

"A bill for an act relating to commerce; requiring inspections of, reports on, and training for tobacco retailers and employees; proposing coding for new law in Minnesota Statutes, chapter 461."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Crime Prevention, to which was referred

S.F. No. 1863: A bill for an act relating to crime; recodifying and revising the crime of contributing to a minor's delinquency or need for protection or services; increasing penalties for certain acts; proposing coding for new law in Minnesota Statutes, chapter 609; repealing Minnesota Statutes 1992, section 260.315.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1992, section 609.26, subdivision 1, is amended to read:

Subdivision 1. [PROHIBITED ACTS.] Whoever intentionally does any of the following acts may be charged with a felony and, upon conviction, may be sentenced as provided in subdivision 6:

(1) conceals a minor child from the child's parent where the action manifests an intent substantially to deprive that parent of parental rights or conceals a minor child from another person having the right to visitation or custody where the action manifests an intent to substantially deprive that person of rights to visitation or custody;

(2) takes, obtains, retains, or fails to return a minor child in violation of a court order which has transferred legal custody under chapter 260 to the commissioner of human services, a child placing agency, or the county welfare board;

(3) takes, obtains, retains, or fails to return a minor child from or to the parent in violation of a court order, where the action manifests an intent substantially to deprive that parent of rights to visitation or custody;

(4) takes, obtains, retains, or fails to return a minor child from or to a parent after commencement of an action relating to child visitation or custody but prior to the issuance of an order determining custody or visitation rights, where the action manifests an intent substantially to deprive that parent of parental rights; or

(5) retains a child in this state with the knowledge that the child was removed from another state in violation of any of the above provisions;

(6) *refuses to return a minor child to a parent or lawful custodian, and is at least 18 years old and more than 24 months older than the child;*

(7) *causes or contributes to a child being a habitual truant as defined in section 260.015, subdivision 19, and is at least 18 years old and more than 24 months older than the child;*

(8) *causes or contributes to a child being a runaway as defined in section 260.015, subdivision 20, and is at least 18 years old and more than 24 months older than the child; or*

(9) *is at least 18 years old and resides with a minor under the age of 16 without the consent of the minor's parent or lawful custodian.*

Sec. 2. Minnesota Statutes 1992, section 609.26, subdivision 6, is amended to read:

Subd. 6. [PENALTY.] (a) Except as otherwise provided in *paragraph (b) and* subdivision 5, whoever violates this section may be sentenced as follows:

(1) to imprisonment for not more than two years or to payment of a fine of not more than \$4,000, or both; or

(2) to imprisonment for not more than four years or to payment of a fine of not more than \$8,000, or both, if the court finds that:

(i) the defendant committed the violation while possessing a dangerous weapon or caused substantial bodily harm to effect the taking;

(ii) the defendant abused or neglected the child during the concealment, detention, or removal of the child;

(iii) the defendant inflicted or threatened to inflict physical harm on a parent or lawful custodian of the child or on the child with intent to cause the parent or lawful custodian to discontinue criminal prosecution;

(iv) the defendant demanded payment in exchange for return of the child or demanded to be relieved of the financial or legal obligation to support the child in exchange for return of the child; or

(v) the defendant has previously been convicted under this section or a similar statute of another jurisdiction.

(b) A violation of subdivision 1, clause (7), is a gross misdemeanor."

Delete the title and insert:

"A bill for an act relating to crime; imposing felony penalties for refusing to return a child to a parent or lawful custodian, residing with a minor, or contributing to a minor being a runaway; imposing a gross misdemeanor penalty for contributing to a minor being a habitual truant; amending Minnesota Statutes 1992, section 609.26, subdivisions 1 and 6."

And when so amended the bill do pass.

Pursuant to Joint Rule 2.03, the bill was referred to the Committee on Rules and Administration.

Mr. Spear from the Committee on Crime Prevention, to which was referred

H.F. No. 1966: A bill for an act relating to peace officers; authorizing officers of states adjoining Minnesota to render assistance to peace officers of this state on request; granting these officers arrest authority in this state under certain circumstances; extending the state and local government tort liability laws to the conduct of these officers; proposing coding for new law in Minnesota Statutes, chapter 626.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 2411 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
2411	2213				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 2411 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2411 and insert the language after the enacting clause of S.F. No. 2213, the first engrossment; further, delete the title of H.F. No. 2411 and insert the title of S.F. No. 2213, the first engrossment.

And when so amended H.F. No. 2411 will be identical to S.F. No. 2213, and further recommends that H.F. No. 2411 be given its second reading and substituted for S.F. No. 2213, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 2299 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
2299	2060				

and that the above Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 2420 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
2420	2180				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 2420 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2420 and insert the language after the enacting clause of S.F. No. 2180, the first engrossment; further, delete the title of H.F. No. 2420 and insert the title of S.F. No. 2180, the first engrossment.

And when so amended H.F. No. 2420 will be identical to S.F. No. 2180, and further recommends that H.F. No. 2420 be given its second reading and substituted for S.F. No. 2180, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 2856 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
		2856	2749		

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 2856 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2856 and insert the language after the enacting clause of S.F. No. 2749, the first engrossment; further, delete the title of H.F. No. 2856 and insert the title of S.F. No. 2749, the first engrossment.

And when so amended H.F. No. 2856 will be identical to S.F. No. 2749, and further recommends that H.F. No. 2856 be given its second reading and substituted for S.F. No. 2749, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 3053 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
3053	2800				

and that the above Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 2670 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
2670			2276		

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 2670 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2670 and insert the language after the enacting clause of S.F. No. 2276, the first engrossment; further, delete the title of H.F. No. 2670 and insert the title of S.F. No. 2276, the first engrossment.

And when so amended H.F. No. 2670 will be identical to S.F. No. 2276, and further recommends that H.F. No. 2670 be given its second reading and substituted for S.F. No. 2276, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 2839 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
2839			2519		

and that the above Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 985 for comparison with companion Senate File, reports the

following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
		985	793		

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 985 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 985 and insert the language after the enacting clause of S.F. No. 793, the first engrossment; further, delete the title of H.F. No. 985 and insert the title of S.F. No. 793, the first engrossment.

And when so amended H.F. No. 985 will be identical to S.F. No. 793, and further recommends that H.F. No. 985 be given its second reading and substituted for S.F. No. 793, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 2321 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
		2321	2152		

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 2321 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2321 and insert the language after the enacting clause of S.F. No. 2152, the first engrossment; further, delete the title of H.F. No. 2321 and insert the title of S.F. No. 2152, the first engrossment.

And when so amended H.F. No. 2321 will be identical to S.F. No. 2152, and further recommends that H.F. No. 2321 be given its second reading and substituted for S.F. No. 2152, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 2936 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be

given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
		2936	2660		

and that the above Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 2710 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
		2710	2624		

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 2710 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2710 and insert the language after the enacting clause of S.F. No. 2624; further, delete the title of H.F. No. 2710 and insert the title of S.F. No. 2624.

And when so amended H.F. No. 2710 will be identical to S.F. No. 2624, and further recommends that H.F. No. 2710 be given its second reading and substituted for S.F. No. 2624, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 2148 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
		2148	1760		

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 2148 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2148 and insert the language after the enacting clause of S.F. No. 1760, the first engrossment; further, delete the title of H.F. No. 2148 and insert the title of S.F. No. 1760, the first engrossment.

And when so amended H.F. No. 2148 will be identical to S.F. No. 1760, and further recommends that H.F. No. 2148 be given its second reading and substituted for S.F. No. 1760, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 2551 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
2551	2250				

and that the above Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 1416 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1416	1280				

and that the above Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 3091 for comparison with companion Senate File, reports the

following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
		3091			2731

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 3091 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 3091 and insert the language after the enacting clause of S.F. No. 2731, the first engrossment; further, delete the title of H.F. No. 3091 and insert the title of S.F. No. 2731, the first engrossment.

And when so amended H.F. No. 3091 will be identical to S.F. No. 2731, and further recommends that H.F. No. 3091 be given its second reading and substituted for S.F. No. 2731, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 2508 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
2508	1990				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 2508 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2508 and insert the language after the enacting clause of S.F. No. 1990, the first engrossment; further, delete the title of H.F. No. 2508 and insert the title of S.F. No. 1990, the first engrossment.

And when so amended H.F. No. 2508 will be identical to S.F. No. 1990, and further recommends that H.F. No. 2508 be given its second reading and substituted for S.F. No. 1990, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 2275 for comparison with companion Senate File, reports the

following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
2275			2420		

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 2275 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2275 and insert the language after the enacting clause of S.F. No. 2420, the first engrossment; further, delete the title of H.F. No. 2275 and insert the title of S.F. No. 2420, the first engrossment.

And when so amended H.F. No. 2275 will be identical to S.F. No. 2420, and further recommends that H.F. No. 2275 be given its second reading and substituted for S.F. No. 2420, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 2269 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
		2269		2028	

and that the above Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 2623 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
		2623		2562	

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 2623 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2623 and insert the language after the enacting clause of S.F. No. 2562, the first engrossment; further, delete the title of H.F. No. 2623 and insert the title of S.F. No. 2562, the first engrossment.

And when so amended H.F. No. 2623 will be identical to S.F. No. 2562, and further recommends that H.F. No. 2623 be given its second reading and substituted for S.F. No. 2562, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 1927 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
		1927		1818	

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1927 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1927 and insert the language after the enacting clause of S.F. No. 1818, the first engrossment; further, delete the title of H.F. No. 1927 and insert the title of S.F. No. 1818, the first engrossment.

And when so amended H.F. No. 1927 will be identical to S.F. No. 1818, and further recommends that H.F. No. 1927 be given its second reading and substituted for S.F. No. 1818, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 2680 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
2680		2231			

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 2680 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2680 and insert the language after the enacting clause of S.F. No. 2231, the first engrossment; further, delete the title of H.F. No. 2680 and insert the title of S.F. No. 2231, the first engrossment.

And when so amended H.F. No. 2680 will be identical to S.F. No. 2231, and further recommends that H.F. No. 2680 be given its second reading and substituted for S.F. No. 2231, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 2657 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
		2657			2584

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 2657 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2657 and insert the language after the enacting clause of S.F. No. 2584, the first engrossment; further, delete the title of H.F. No. 2657 and insert the title of S.F. No. 2584, the first engrossment.

And when so amended H.F. No. 2657 will be identical to S.F. No. 2584, and further recommends that H.F. No. 2657 be given its second reading and substituted for S.F. No. 2584, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 1909 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1909					1723

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1909 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1909 and insert the language after the enacting clause of S.F. No. 1723, the first engrossment; further, delete the title of H.F. No. 1909 and insert the title of S.F. No. 1723, the first engrossment.

And when so amended H.F. No. 1909 will be identical to S.F. No. 1723, and further recommends that H.F. No. 1909 be given its second reading and substituted for S.F. No. 1723, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

SECOND READING OF SENATE BILLS

S.F. Nos. 2129, 2247, 1938, 2467, 2858, 862, 759 and 2637 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 1966, 2411, 2299, 2420, 2856, 3053, 2670, 2839, 985, 2321, 2936, 2710, 2148, 2551, 1416, 3091, 2508, 2275, 2269, 2623, 1927, 2680, 2657 and 1909 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Neuville moved that his name be stricken as a co-author to S.F. No. 2897. The motion prevailed.

Mr. Sams moved that S.F. No. 1369 be withdrawn from the Committee on Finance and re-referred to the Committee on Health Care. The motion prevailed.

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate proceed to the Order of Business of Introduction and First Reading of Senate Bills. The motion prevailed.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time and referred to the committees indicated.

Mr. Vickerman introduced—

S.F. No. 2898: A bill for an act relating to state lands; providing for payment in lieu of taxes for certain acquired natural resources lands; amending Minnesota Statutes 1992, section 477A.12; Minnesota Statutes 1993 Supplement, section 477A.14.

Referred to the Committee on Environment and Natural Resources.

Mr. Benson, D.D. and Ms. Kiscaden introduced—

S.F. No. 2899: A bill for an act relating to insurance; health; requiring a premium reduction for persons who have living wills; proposing coding for new law in Minnesota Statutes, chapter 62A.

Referred to the Committee on Commerce and Consumer Protection.

Messrs. Stumpf and Pogemiller, for the Committee on Education, introduced—

S.F. No. 2900: A bill for an act relating to education; appropriating money for education and related purposes to the state board of technical colleges, higher education board, state university board, and board of regents of the University of Minnesota, with certain conditions; modifying the award of grants for faculty exchange and temporary assignment programs; designating community colleges; establishing the mission of Fond du Lac campus; changing certain financial aid grants; modifying the child care grant program; clarifying an exemption to private, business, trade, and correspondence school licensing; providing for appointments; permitting rulemaking; adopting a post-secondary funding formula; permitting the higher education board to establish tuition rates for the 1995-1996 academic year; postponing mandated planning; amending Minnesota Statutes 1992, sections 135A.01; 135A.03, subdivisions 1a, and by adding subdivisions; 135A.04; 136.60, subdivisions 1 and 3; 136A.101, subdivision 5; 136A.121, subdivisions 5, 17, and by adding subdivisions; 136A.125, subdivisions 2, 4, and by adding a subdivision; 136A.15, subdivision 6; and 141.35; Minnesota Statutes 1993 Supplement, sections 125.138, subdivisions 1, 6, and 8; and 135A.05; 136A.121, subdivision 6; Laws 1993, First Special Session chapter 2, article 5, section 2; proposing coding for new law in Minnesota Statutes, chapters 135A; and 136; repealing Minnesota Statutes 1992, sections 135A.02; 135A.03, subdivisions 1, 2, 3, 4, 5, and 6; 136.60, subdivision 4; and 136C.36.

Under the rules of the Senate, laid over one day.

SUSPENSION OF RULES

Mr. Moe, R.D. moved that the rules of the Senate be suspended so that S.F. No. 2900 be referred to the Committee of Finance. The motion prevailed.

MOTIONS AND RESOLUTIONS - CONTINUED

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate take up the General Orders Calendar. The motion prevailed.

GENERAL ORDERS

The Senate resolved itself into a Committee of the Whole, with Ms. Flynn in the chair.

After some time spent therein, the committee arose, and Ms. Flynn reported that the committee had considered the following:

S.F. Nos. 1593, 1741, 1816, 2465, 584 and H.F. No. 1928, which the committee recommends to pass.

S.F. No. 1740, which the committee recommends to pass with the following amendment offered by Mr. Knutson:

Page 1, line 22, after "costs" insert "and benefits"

Page 2, lines 6 and 9, after "costs" insert "and benefits"

The motion prevailed. So the amendment was adopted.

S.F. No. 2551, which the committee recommends to pass with the following amendment offered by Mr. Solon:

Page 6, line 3, delete from "Notwithstanding" through page 6, line 21, to "9." and insert "The provisions of Minnesota Statutes, section 144.581, subdivision 5, shall be applicable to the board of directors of trusts."

The motion prevailed. So the amendment was adopted.

H.F. No. 1936, which the committee recommends to pass with the following amendment offered by Mr. Johnson, D.J.:

Amend H.F. No. 1936, as amended pursuant to Rule 49, adopted by the Senate March 29, 1994, as follows:

(The text of the amended House File is identical to S.F. No. 1915.)

Page 1, line 16, delete "live"

The motion prevailed. So the amendment was adopted.

H.F. No. 1880, which the committee recommends to pass, after the following motion:

The question was taken on the recommendation to pass H.F. No. 1880.

The roll was called, and there were yeas 51 and nays 14, as follows:

Those who voted in the affirmative were:

Adkins	Finn	Kroening	Morse	Sams
Beckman	Frederickson	Laidig	Murphy	Samuelson
Belanger	Hanson	Langseth	Neuville	Solon
Benson, D.D.	Janezich	Larson	Oliver	Stevens
Benson, J.E.	Johnson, D.E.	Lesewski	Olson	Stumpf
Berg	Johnson, D.J.	Lessard	Pariseau	Terwilliger
Berglin	Johnson, J.B.	Luther	Pogemiller	Vickerman
Bertram	Johnston	McGowan	Price	
Chmielewski	Kiscaden	Metzen	Reichgott Junge	
Day	Knutson	Moe, R.D.	Robertson	
Dille	Krentz	Mondale	Runbeck	

Those who voted in the negative were:

Anderson	Cohen	Marty	Piper	Spear
Betzold	Flynn	Merriam	Ranum	Wiener
Chandler	Hottinger	Pappas	Riveness	

The motion prevailed. So H.F. No. 1880 was recommended to pass.

S.F. No. 1759, which the committee recommends to pass with the following amendment offered by Mr. Betzold:

Page 1, after line 25, insert:

"(2) the ombudsman for mental health and mental retardation;"

Page 1, line 26, delete "(2)" and insert "(3)"

Page 2, line 1, delete "(3)" and insert "(4)"

Page 2, line 2, delete "(4)" and insert "(5)"

Page 2, line 3, delete "(5)" and insert "(6)"

Page 2, line 28, delete "the department of"

Page 2, delete line 29

Page 2, line 30, delete "(3)" and insert "(2)"

Page 2, line 31, delete "(4)" and insert "(3)"

Page 2, line 32, delete "(5)" and insert "(4)"

The motion prevailed. So the amendment was adopted.

S.F. No. 2099, which the committee recommends to pass with the following amendment offered by Ms. Krentz:

Page 1, after line 23, insert:

"Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment."

The motion prevailed. So the amendment was adopted.

S.F. No. 2388, which the committee reports progress, subject to the following motion:

Mr. Chandler moved to amend S.F. No. 2388 as follows:

Page 2, delete section 3

The motion prevailed. So the amendment was adopted.

S.F. No. 2388 was then progressed.

S.F. No. 1694, which the committee recommends to pass with the following amendments offered by Mr. Betzold:

Page 2, line 26, after "subdivision" insert "regarding the administration of neuroleptic medication"

Page 3, line 33, after "hearing" insert "if the emergency continues to exist"

Page 4, line 15, after the stricken "(g)" insert "(d)" and reinstate the stricken "The court may allow and order paid to a guardian ad"

Page 4, lines 16 and 17, reinstate the stricken language

Reletter the paragraphs in sequence

The motion prevailed. So the amendment was adopted.

Mr. Betzold then moved to amend S.F. No. 1694 as follows:

Page 5, line 15, delete the comma and insert "and"

Page 5, line 16, delete ", and,"

Page 5, line 17, delete everything before the period

Page 6, after line 16, insert:

“(o) At any time during the commitment proceedings, the court may appoint a guardian ad litem upon the request of any party, the recommendation of the prepetition screener, an examining physician, the court’s examiner, or upon the court’s own motion.”

Pages 6 to 8, delete sections 4 and 5

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Mr. Betzold then moved to amend the second Betzold amendment to S.F. No. 1694 as follows:

Page 1, delete lines 11 to 14

The motion prevailed. So the amendment to the amendment was adopted.

The question recurred on the second Betzold amendment, as amended. The motion prevailed.

Mr. Betzold then moved to amend S.F. No. 1694 as follows:

Pages 6 to 8, delete section 4 and insert:

“Sec. 4. Minnesota Statutes 1992, section 253B.07, subdivision 1, is amended to read:

Subdivision 1. [PREPETITION SCREENING.] (a) Prior to filing a petition for commitment of a proposed patient, an interested person shall apply to the designated agency in the county of the proposed patient’s residence or presence for conduct of a preliminary investigation, ~~except when the proposed patient has been acquitted of a crime under section 611.026 and the county attorney is required to file a petition for commitment pursuant to subdivision 2.~~ In any case coming within this exception, the county attorney shall apply to the designated county agency in the county in which the acquittal took place for a preliminary investigation unless substantially the same information relevant to the proposed patient’s current mental condition as could be obtained by a preliminary investigation is part of the court record in the criminal proceeding or is contained in the report of a mental examination conducted in connection with the criminal proceeding. The designated agency shall appoint a screening team to conduct an investigation which shall include:

(i) a personal interview with the proposed patient and other individuals who appear to have knowledge of the condition of the proposed patient. If the proposed patient is not interviewed, reasons must be documented;

(ii) identification and investigation of specific alleged conduct which is the basis for application; and

(iii) identification, exploration, and listing of the reasons for rejecting or recommending alternatives to involuntary placement.

(b) In conducting the investigation required by this subdivision, the screening team shall have access to all relevant medical records of proposed patients currently in treatment facilities. Data collected pursuant to this clause shall be considered private data on individuals.

(c) When the prepetition screening team recommends commitment, a written report shall be sent to the county attorney for the county in which the petition is to be filed.

(d) The prepetition screening team shall refuse to support a petition if the investigation does not disclose evidence sufficient to support commitment. Notice of the prepetition screening team's decision shall be provided to the prospective petitioner.

(e) If the interested person wishes to proceed with a petition contrary to the recommendation of the prepetition screening team, application may be made directly to the county attorney, who may determine whether or not to proceed with the petition. Notice of the county attorney's determination shall be provided to the interested party.

(f) *When the proposed patient has been acquitted of a crime under section 611.026, the county attorney shall file a petition for commitment pursuant to subdivision 2. In any case, coming within this exception, the county attorney shall apply to the designated county agency in the county in which the acquittal took place for a preliminary investigation unless substantially the same information relevant to the proposed patient's current mental condition as could be obtained by a preliminary investigation is part of the court record in the criminal proceeding or is contained in the report of a mental examination conducted in connection with the criminal proceeding. If a court petitions for commitment pursuant to the rules of criminal procedure or a county attorney petitions pursuant to acquittal of a criminal charge under section 611.026, the prepetition investigation, if required by this section, shall be completed within seven days after the filing of the petition.*

(g) *The prepetition screening report must be distributed to the proposed patient, patient's counsel, the county attorney, any person authorized by the patient, and any other person as the court directs.*

(h) *The prepetition screening report is not admissible in any court proceedings unrelated to the commitment proceedings. This paragraph does not affect the admissibility of the information contained in the report.*

Sec. 5. Minnesota Statutes 1992, section 253B.07, subdivision 2, is amended to read:

Subd. 2. [THE PETITION.] Any interested person may file a petition for commitment in the ~~probate~~ district court of the county of the proposed patient's residence or presence. *The county attorney has the sole discretion to present and pursue a petition for civil commitment.* Following an acquittal of a person of a criminal charge under section 611.026, the petition shall be filed by the county attorney of the county in which the acquittal took place and the petition shall be filed with the court in which the acquittal took place, and that court shall be the committing court for purposes of this chapter. The petition shall set forth the name and address of the proposed patient, the name and address of the patient's nearest relatives, and the reasons for the petition. The petition must contain factual descriptions of the proposed patient's recent behavior, including a description of the behavior, where it occurred, and over what period of time it occurred. Each factual allegation must be supported by observations of witnesses named in the petition. Petitions shall be stated in behavioral terms and shall not contain judgmental or conclusory statements. The petition shall be accompanied by a written statement by an examiner stating that the examiner has examined the proposed patient within the 15 days preceding the filing of the petition and is of the opinion that the proposed patient is suffering a designated disability and should be committed to a treatment facility. The statement shall include the reasons for the opinion. If a petitioner has been unable to secure a statement from an examiner, the

petition shall include documentation that a reasonable effort has been made to secure the supporting statement.

Sec. 6. Minnesota Statutes 1992, section 253B.07, is amended by adding a subdivision to read:

Subd. 2b. [ORDER RESTRICTING ACCESS TO PETITION.] For good cause, the county attorney may secure an ex parte order prior to the first court hearing to restrict dissemination of the petition and related information to parties other than the patient or the patient's counsel until the court hearing.

Sec. 7. Minnesota Statutes 1992, section 253B.07, subdivision 4, is amended to read:

Subd. 4. [PREHEARING EXAMINATION; NOTICE AND SUMMONS PROCEDURE.] A summons to appear for a prehearing examination and the commitment hearing shall be served upon the proposed patient. A plain language notice of the proceedings and notice of the filing of the petition, a copy of the petitioner, a copy of the examiner's supporting statement, and the order for examination and a copy of the prepetition screening report shall be given to the proposed patient, patient's counsel, the petitioner, any interested person, and any other persons as the court directs. All papers shall be served personally on the proposed patient. Unless otherwise ordered by the court, the notice shall be served on the proposed patient by a nonuniformed person."

Page 13, after line 12, insert:

"Sec. 12. [INSTRUCTION TO REVISOR.]

The revisor of statutes shall change the words "probate court" to "district court," where appropriate, in Minnesota Statutes 1994 and subsequent editions of the statutes."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, after the semicolon, insert "modifying petition and prepetition procedures;"

Page 1, line 8, delete "subdivision 1" and insert "subdivisions 1, 2, and 4, and by adding a subdivision"

The motion prevailed. So the amendment was adopted.

On motion of Mr. Moe, R.D., the report of the Committee of the Whole, as kept by the Secretary, was adopted.

MOTIONS AND RESOLUTIONS - CONTINUED

SUSPENSION OF RULES

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate take up the Consent Calendar and that the rules of the Senate be so far suspended as to waive the lie-over requirement. The motion prevailed.

CONSENT CALENDAR

H.F. No. 2306: A bill for an act relating to the city of Minneapolis;

providing that a levy for a contribution to the Minneapolis teachers retirement fund association is a special taxing district levy for property tax purposes; amending Minnesota Statutes 1993 Supplement, section 354A.12, subdivision 3b.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Day	Knutson	Moe, R.D.	Reichgott Junge
Anderson	Dille	Krentz	Mondale	Riveness
Beckman	Finn	Kroening	Morse	Robertson
Belanger	Flynn	Laidig	Murphy	Runbeck
Benson, D.D.	Frederickson	Langseth	Neuville	Sams
Benson, J.E.	Hanson	Larson	Novak	Solon
Berg	Hottinger	Lesewski	Oliver	Spear
Berglin	Janezich	Lessard	Olson	Stevens
Bertram	Johnson, D.E.	Luther	Pappas	Stumpf
Betzold	Johnson, D.J.	Marty	Pariseau	Terwilliger
Chandler	Johnson, J.B.	McGowan	Piper	Vickerman
Chmielewski	Johnston	Merriam	Pogemiller	Wiener
Cohen	Kiscaden	Metzen	Price	

So the bill passed and its title was agreed to.

H.F. No. 2562: A bill for an act relating to employment; modifying experience requirements for the labor and industry boiler inspection division chief; amending Minnesota Statutes 1992, section 183.375, subdivision 2.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 1, as follows:

Those who voted in the affirmative were:

Anderson	Finn	Laidig	Murphy	Runbeck
Beckman	Flynn	Langseth	Neuville	Sams
Belanger	Frederickson	Larson	Novak	Solon
Benson, D.D.	Hanson	Lesewski	Oliver	Spear
Benson, J.E.	Hottinger	Lessard	Olson	Stevens
Berglin	Janezich	Luther	Pappas	Stumpf
Bertram	Johnson, D.E.	Marty	Pariseau	Terwilliger
Betzold	Johnson, J.B.	McGowan	Piper	Vickerman
Chandler	Johnston	Merriam	Pogemiller	Wiener
Chmielewski	Kiscaden	Metzen	Price	
Cohen	Knutson	Moe, R.D.	Reichgott Junge	
Day	Krentz	Mondale	Riveness	
Dille	Kroening	Morse	Robertson	

Mr. Berg voted in the negative.

So the bill passed and its title was agreed to.

S.F. No. 2066: 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; authorizing the sale of certain state land in Anoka county.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Day	Krentz	Morse	Robertson
Anderson	Dille	Kroening	Murphy	Runbeck
Beckman	Finn	Laidig	Neuville	Sams
Belanger	Flynn	Larson	Novak	Samuelson
Benson, D.D.	Frederickson	Lesewski	Oliver	Solon
Benson, J.E.	Hanson	Lessard	Olson	Spear
Berg	Hottinger	Luther	Pappas	Stevens
Berglin	Janezich	Marty	Pariseau	Stumpf
Bertram	Johnson, D.E.	McGowan	Piper	Terwilliger
Betzold	Johnson, J.B.	Merriam	Pogemiller	Vickerman
Chandler	Johnston	Metzen	Price	Wiener
Chmielewski	Kiscaden	Moe, R.D.	Reichgott Junge	
Cohen	Knutson	Mondale	Riveness	

So the bill passed and its title was agreed to.

S.F. No. 2154: A bill for an act relating to natural resources; farming; clarifying requirements relating to fish manure from aquatic farms; expanding the scope of cooperative farming agreements on hunting, game refuge, or wildlife management lands; exempting agreements from treatment as leases for tax purposes; amending Minnesota Statutes 1992, section 97A.135, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 17.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 65 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Day	Knutson	Moe, R.D.	Reichgott Junge
Anderson	Dille	Krentz	Mondale	Riveness
Beckman	Finn	Kroening	Morse	Robertson
Belanger	Flynn	Laidig	Murphy	Runbeck
Benson, D.D.	Frederickson	Langseth	Neuville	Sams
Benson, J.E.	Hanson	Larson	Novak	Samuelson
Berg	Hottinger	Lesewski	Oliver	Solon
Berglin	Janezich	Lessard	Olson	Spear
Bertram	Johnson, D.E.	Luther	Pappas	Stevens
Betzold	Johnson, D.J.	Marty	Pariseau	Stumpf
Chandler	Johnson, J.B.	McGowan	Piper	Terwilliger
Chmielewski	Johnston	Merriam	Pogemiller	Vickerman
Cohen	Kiscaden	Metzen	Price	Wiener

So the bill passed and its title was agreed to.

S.F. No. 2348: A bill for an act relating to the legislature; clarifying the appropriate committees to which certain reports are to be directed; amending Minnesota Statutes 1992, sections 244.09, subdivision 11; 244.13, subdivisions 1 and 3; 244.173; 299A.35, subdivision 3; and 484.74, subdivision 4.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 65 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Berg	Cohen	Hanson	Johnston
Anderson	Berglin	Day	Hottinger	Kiscaden
Beckman	Bertram	Dille	Janezich	Knutson
Belanger	Betzold	Finn	Johnson, D.E.	Krentz
Benson, D.D.	Chandler	Flynn	Johnson, D.J.	Kroening
Benson, J.E.	Chmielewski	Frederickson	Johnson, J.B.	Laidig

Langseth	Merriam	Novak	Price	Solon
Larson	Metzen	Oliver	Reichgott Junge	Spear
Lesewski	Moe, R.D.	Olson	Riveness	Stevens
Lessard	Mondale	Pappas	Robertson	Stumpf
Luther	Morse	Pariseau	Runbeck	Terwilliger
Marty	Murphy	Piper	Sams	Vickerman
McGowan	Neuville	Pogemiller	Samuelson	Wiener

So the bill passed and its title was agreed to.

H.F. No. 2772: A bill for an act relating to state government; public employment; establishing a pilot project in certain agencies; permitting the waiver of rules governing the classified and unclassified service of the state by joint committees.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Day	Knutson	Moe, R.D.	Reichgott Junge
Anderson	Dille	Krentz	Mondale	Riveness
Beckman	Finn	Kroening	Morse	Runbeck
Belanger	Flynn	Laidig	Murphy	Sams
Benson, D.D.	Frederickson	Langseth	Neuville	Samuelson
Benson, J.E.	Hanson	Larson	Novak	Solon
Berg	Hottinger	Lesewski	Oliver	Spear
Berglin	Janezich	Lessard	Olson	Stevens
Bertram	Johnson, D.E.	Luther	Pappas	Stumpf
Betzold	Johnson, D.J.	Marty	Pariseau	Terwilliger
Chandler	Johnson, J.B.	McGowan	Piper	Vickerman
Chmielewski	Johnston	Merriam	Pogemiller	Wiener
Cohen	Kiscaden	Metzen	Price	

So the bill passed and its title was agreed to.

S.F. No. 2690: A bill for an act relating to insurance; township mutual fire insurance; allowing companies to issue policies in combination with the policies of other insurers; proposing coding for new law in Minnesota Statutes, chapter 67A.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 65 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Day	Knutson	Moe, R.D.	Reichgott Junge
Anderson	Dille	Krentz	Mondale	Riveness
Beckman	Finn	Kroening	Morse	Robertson
Belanger	Flynn	Laidig	Murphy	Runbeck
Benson, D.D.	Frederickson	Langseth	Neuville	Sams
Benson, J.E.	Hanson	Larson	Novak	Samuelson
Berg	Hottinger	Lesewski	Oliver	Solon
Berglin	Janezich	Lessard	Olson	Spear
Bertram	Johnson, D.E.	Luther	Pappas	Stevens
Betzold	Johnson, D.J.	Marty	Pariseau	Stumpf
Chandler	Johnson, J.B.	McGowan	Piper	Terwilliger
Chmielewski	Johnston	Merriam	Pogemiller	Vickerman
Cohen	Kiscaden	Metzen	Price	Wiener

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS – CONTINUED

SUSPENSION OF RULES

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate take up the Calendar and that the rules of the Senate be so far suspended as to waive the lie-over requirement. The motion prevailed.

CALENDAR

H.F. No. 2373: A bill for an act relating to agriculture; modifying certain provisions relating to wheat and barley promotion orders and the payment and refund of checkoff fees; amending Minnesota Statutes 1992, sections 17.53, subdivisions 2, 8, and 13; 17.59, subdivision 2; and 17.63.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 1, as follows:

Those who voted in the affirmative were:

Adkins	Day	Knutson	Mondale	Riveness
Anderson	Dille	Krentz	Morse	Robertson
Beckman	Finn	Kroening	Murphy	Runbeck
Belanger	Flynn	Laidig	Neuville	Sams
Benson, D.D.	Frederickson	Langseth	Novak	Samuelson
Benson, J.E.	Hanson	Larson	Oliver	Solon
Berg	Hottinger	Lesewski	Olson	Spear
Berglin	Janezich	Lessard	Pappas	Stevens
Bertram	Johnson, D.E.	Luther	Pariseau	Stumpf
Betzold	Johnson, D.J.	Marty	Piper	Terwilliger
Chandler	Johnson, J.B.	McGowan	Pogemiller	Vickerman
Chmielewski	Johnston	Metzen	Price	Wiener
Cohen	Kiscaden	Moe, R.D.	Reichgott Junge	

Mr. Merriam voted in the negative.

So the bill passed and its title was agreed to.

H.F. No. 2646: A bill for an act relating to agriculture; expanding the restricted seed potato growing area; amending Minnesota Statutes 1992, section 21.1196, subdivision 1.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 65 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Day	Knutson	Moe, R.D.	Reichgott Junge
Anderson	Dille	Krentz	Mondale	Riveness
Beckman	Finn	Kroening	Morse	Robertson
Belanger	Flynn	Laidig	Murphy	Runbeck
Benson, D.D.	Frederickson	Langseth	Neuville	Sams
Benson, J.E.	Hanson	Larson	Novak	Samuelson
Berg	Hottinger	Lesewski	Oliver	Solon
Berglin	Janezich	Lessard	Olson	Spear
Bertram	Johnson, D.E.	Luther	Pappas	Stevens
Betzold	Johnson, D.J.	Marty	Pariseau	Stumpf
Chandler	Johnson, J.B.	McGowan	Piper	Terwilliger
Chmielewski	Johnston	Merriam	Pogemiller	Vickerman
Cohen	Kiscaden	Metzen	Price	Wiener

So the bill passed and its title was agreed to.

S.F. No. 1896: A bill for an act relating to transportation; including in state transportation plan and development guide certain transportation matters relating to metropolitan area; amending Minnesota Statutes 1992, sections 174.03, subdivision 1a; 473.146, subdivision 3; and 473.371, subdivision 2.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 56 and nays 9, as follows:

Those who voted in the affirmative were:

Adkins	Dille	Kroening	Murphy	Runbeck
Anderson	Finn	Langseth	Novak	Sams
Beckman	Flynn	Larson	Oliver	Samuelson
Benson, D.D.	Frederickson	Lessard	Olson	Solon
Benson, J.E.	Hanson	Luther	Pappas	Spear
Berg	Hottinger	Marty	Pariseau	Stumpf
Berglin	Janezich	McGowan	Piper	Vickerman
Bertram	Johnson, D.E.	Merriam	Pogemiller	Wiener
Betzold	Johnson, D.J.	Metzen	Price	
Chandler	Johnson, J.B.	Moe, R.D.	Reichgott Junge	
Chmielewski	Kiscaden	Mondale	Riveness	
Cohen	Krentz	Morse	Robertson	

Those who voted in the negative were:

Belanger	Johnston	Laidig	Neuville	Terwilliger
Day	Knutson	Lesewski	Stevens	

So the bill passed and its title was agreed to.

S.F. No. 2297: A bill for an act relating to elections; eliminating combined precincts but authorizing a combined polling place under the same conditions; adding three years to the time precinct boundaries may be changed; requiring separate precincts for each congressional district; limiting precinct boundary changes close to an election; amending Minnesota Statutes 1992, sections 204B.14, subdivisions 2 and 3; 204B.22, subdivision 1; and 205A.11; Minnesota Statutes 1993 Supplement, section 204B.14, subdivisions 4 and 5; repealing Minnesota Statutes 1992, sections 204B.14, subdivision 8; and 204B.16, subdivision 2.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Day	Knutson	Mondale	Riveness
Anderson	Dille	Krentz	Morse	Robertson
Beckman	Finn	Kroening	Murphy	Runbeck
Belanger	Flynn	Laidig	Neuville	Sams
Benson, D.D.	Frederickson	Langseth	Novak	Samuelson
Benson, J.E.	Hanson	Larson	Oliver	Solon
Berg	Hottinger	Lesewski	Olson	Spear
Berglin	Janezich	Lessard	Pappas	Stevens
Bertram	Johnson, D.E.	Luther	Pariseau	Stumpf
Betzold	Johnson, D.J.	Marty	Piper	Terwilliger
Chandler	Johnson, J.B.	Merriam	Pogemiller	Vickerman
Chmielewski	Johnston	Metzen	Price	Wiener
Cohen	Kiscaden	Moe, R.D.	Reichgott Junge	

So the bill passed and its title was agreed to.

H.F. No. 1890: A bill for an act relating to Lake of the Woods county; allowing the county to forgive the amount owing on a contract for deed.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 65 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Day	Knutson	Moe, R.D.	Reichgott Junge
Anderson	Dille	Krentz	Mondale	Riveness
Beckman	Finn	Kroening	Morse	Robertson
Belanger	Flynn	Laidig	Murphy	Runbeck
Benson, D.D.	Frederickson	Langseth	Neuville	Sams
Benson, J.E.	Hanson	Larson	Novak	Samuelson
Berg	Hottinger	Lesewski	Oliver	Solon
Berglin	Janezich	Lessard	Olson	Spear
Bertram	Johnson, D.E.	Luther	Pappas	Stevens
Betzold	Johnson, D.J.	Marty	Pariseau	Stumpf
Chandler	Johnson, J.B.	McGowan	Piper	Terwilliger
Chmielewski	Johnston	Merriam	Pogemiller	Vickerman
Cohen	Kiscaden	Metzen	Price	Wiener

So the bill passed and its title was agreed to.

S.F. No. 1903: A bill for an act relating to agricultural economy; increasing extent of authorized state participation in rural finance authority loan restructuring program; repealing authorization for the commissioner of finance to issue obligations to assist agricultural-industrial facilities in Detroit Lakes; amending Minnesota Statutes 1992, section 41B.04, subdivision 8; repealing Laws 1992, chapter 543.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 66 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dille	Kroening	Murphy	Runbeck
Anderson	Finn	Laidig	Neuville	Sams
Beckman	Flynn	Langseth	Novak	Samuelson
Belanger	Frederickson	Larson	Oliver	Solon
Benson, D.D.	Hanson	Lesewski	Olson	Spear
Benson, J.E.	Hottinger	Lessard	Pappas	Stevens
Berg	Janezich	Luther	Pariseau	Stumpf
Berglin	Johnson, D.E.	Marty	Piper	Terwilliger
Bertram	Johnson, D.J.	McGowan	Pogemiller	Vickerman
Betzold	Johnson, J.B.	Merriam	Price	Wiener
Chandler	Johnston	Metzen	Ranum	
Chmielewski	Kiscaden	Moe, R.D.	Reichgott Junge	
Cohen	Knutson	Mondale	Riveness	
Day	Krentz	Morse	Robertson	

So the bill passed and its title was agreed to.

H.F. No. 2362: A bill for an act relating to animals; changing the definition of a potentially dangerous dog; changing the identification tag requirements for a dangerous dog; amending Minnesota Statutes 1992, sections 347.50, subdivision 3; and 347.51, subdivision 7.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 65 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Day	Knutson	Moe, R.D.	Ranum
Anderson	Dille	Krentz	Mondale	Reichgott Junge
Beckman	Finn	Kroening	Morse	Riveness
Belanger	Flynn	Laidig	Murphy	Robertson
Benson, D.D.	Frederickson	Langseth	Neuville	Runbeck
Benson, J.E.	Hanson	Larson	Novak	Sams
Berg	Hottinger	Lesewski	Oliver	Samuelson
Berglin	Janezich	Lessard	Olson	Solon
Bertram	Johnson, D.E.	Luther	Pappas	Spear
Betzold	Johnson, D.J.	Marty	Pariseau	Stevens
Chandler	Johnson, J.B.	McGowan	Piper	Stumpf
Chmielewski	Johnston	Merriam	Pogemiller	Vickerman
Cohen	Kiscaden	Metzen	Price	Wiener

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate reverted to the Orders of Business of Reports of Committees, Second Reading of Senate Bills and Second Reading of House Bills.

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted, with the exception of the reports on S.F. Nos. 1944, 1991 and 1961. The motion prevailed.

Mr. Novak from the Committee on Jobs, Energy and Community Development, to which was referred

H.F. No. 2007: A bill for an act relating to employment; making clear that employee includes "at pleasure" employees under the whistleblower law; amending Minnesota Statutes 1992, section 181.931, subdivision 2.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Novak from the Committee on Jobs, Energy and Community Development, to which was referred

H.F. No. 1957: A bill for an act relating to housing and redevelopment authorities; providing for the membership in the Olmsted county housing and redevelopment authority and for dissolution of the Rochester housing and redevelopment authority; making conforming changes; allowing certain cities the option to form their own authorities.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Novak from the Committee on Jobs, Energy and Community Development, to which was referred

H.F. No. 1859: A bill for an act relating to housing; establishing penalties

for failure to provide a written lease; amending Minnesota Statutes 1993 Supplement, section 504.12.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Novak from the Committee on Jobs, Energy and Community Development, to which was referred

S.F. No. 2443: A bill for an act relating to economic development; providing for creation of enterprise zones within the cities of Minneapolis and St. Paul; providing incentives for business to locate within an enterprise zone; proposing coding for new law in Minnesota Statutes, chapter 469.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. [469.301] [DEFINITIONS.]

Subdivision 1. [GENERALLY.] In sections 469.301 to 469.31, the terms defined in this section have the meanings given them, unless the context indicates a different meaning.

Subd. 2. [COMMISSIONER.] “Commissioner” means the commissioner of jobs and training.

Subd. 3. [ENTERPRISE ZONE.] “Enterprise zone” means an area in the state designated as such by the commissioner.

Subd. 4. [CITY.] “City” means any city that contains an area that meets the criteria for designation as a federal empowerment zone or enterprise community, or a city of the second class that is designated as an economically depressed area by the United States Department of Commerce.

Subd. 5. [GOVERNING BODY.] “Governing body” means the city council or other body designated by its charter.

Subd. 6. [RESIDENT.] “Resident” means an individual residing within the enterprise zone.

Subd. 7. [BUSINESS.] “Business” means any business entity not restricted under section 469.303.

Subd. 8. [ENTERPRISE ZONE PROPERTY.] “Enterprise zone property” means taxable property, excluding land but including buildings, structures, fixtures, and improvements, that is located within an enterprise zone designated according to section 469.304.

Sec. 2. [469.302] [PROGRAM OBJECTIVES.]

Subdivision 1. [JOB CREATION AND RETENTION.] An objective of the enterprise zone program is to stimulate job creation and retention in designated geographical areas for residents of the areas.

Subd. 2. [INVESTMENT STIMULATION.] An objective of the enterprise zone program is to stimulate public and private investment in designated geographical areas.

Sec. 3. [469.303] [RESTRICTIONS.]

The tax credits provided by section 7 do not apply to:

- (1) nonpublicly accessible sports, fitness, and health facilities;*
- (2) a racetrack;*
- (3) property of a public utility;*
- (4) property used in the operation of a financial institution;*
- (5) property owned by a fraternal, veterans', or nonpublicly accessible organization; and*
- (6) a gambling facility.*

Sec. 4. [469.304] [DESIGNATIONS OF ENTERPRISE ZONES.]

Subdivision 1. [PROCESS.] The commissioner shall designate an area as an enterprise zone if:

- (1) the application is made by the governing body of the city as prescribed by section 469.306;*
- (2) the application is made according to statutory criteria; and*
- (3) the area is determined by the commissioner to be eligible for designation under section 469.305.*

Subd. 2. [DURATION.] The designation of an area as an enterprise zone is effective for ten years after the date of designation.

Subd. 3. [DATE OF DESIGNATION.] Designation is effective immediately following approval of the enterprise zone application by the commissioner.

Subd. 4. [TAX CREDIT MODIFICATIONS.] The commissioner may make modifications in the design of or limitations on the tax credits contained in the city's application to facilitate an equitable distribution of credits and to meet the enterprise zone objectives. The commissioner may further make modifications to tax credit awards to individual businesses to meet the enterprise zone objectives.

Sec. 5. [469.305] [ELIGIBILITY REQUIREMENTS.]

An area within the city is eligible for designation as an enterprise zone if the area is designated as a proposed federal empowerment zone or enterprise community by the city in an application to the United States Department of Housing and Urban Development under HR. 2264, or a city of the second class that is designated as an economically depressed area by the United States Department of Commerce.

Sec. 6. [469.306] [APPLICATION FOR ENTERPRISE ZONE DESIGNATION.]

Subdivision 1. [SUBMISSION OF APPLICATIONS.] An applicant eligible under the criteria in section 469.305 may seek enterprise zone designation by submitting an application to the commissioner. The commissioner shall establish procedures and forms for the submission of applications for enterprise zone designation.

Subd. 2. [APPLICATIONS; CONTENTS.] The application for designation as an enterprise zone must contain, at a minimum:

(1) verification that the area is eligible for designation pursuant to section 469.305;

(2) the agency or unit of government that will implement the program;

(3) any additional information required by the commissioner; and

(4) any additional information that the municipality considers relevant to the designation of the area as an enterprise zone.

Subd. 3. [CERTIFICATION.] The commissioner shall receive certification from the governing body stating that activity within the municipality's enterprise zone:

(1) will meet the objectives of the enterprise zone in section 469.302; and

(2) will not transfer existing employment from other municipalities within the state.

Sec. 7. [469.307] [ENTERPRISE ZONE CREDITS.]

Subdivision 1. [INCOME OR FRANCHISE TAX CREDIT.] The commissioner may approve an income or corporate franchise tax credit for businesses located in an enterprise zone. The maximum tax credit allowable is \$5,000 per employee to an employer for a zone resident employed in the zone at full-time wage levels of not less than 160 percent of minimum wage, excluding workers employed in construction. Employees must be employed at a rate of not less than 160 percent of the minimum wage at the time the business applies for a tax credit, and the employee must have been employed for at least one year at the business. The credit applies to new jobs created as well as for existing jobs for which zone residents have been hired as a result of job vacancies in the business.

Subd. 2. [COMMISSIONER OF REVENUE ACTION.] Upon designation of an enterprise zone and approval of tax credits by the commissioner of jobs and training, the commissioner of revenue shall apply the tax credits.

Subd. 3. [REFUNDABLE CREDITS.] The income or corporate franchise tax credits provided under subdivision 1 may be refundable to a business that has no tax liability for which to apply credits subject to sections 270.76 and 289A.50.

Subd. 4. [REVIEW AND ANALYSIS.] The city must submit the proposed tax credit proposal to the commissioner for approval. The tax credit proposal shall be approved unless the commissioner finds that the proposal is not in conformity with the provisions of sections 1 to 10.

If the city submits the tax credit proposal to the commissioner before the expiration of the zone designation pursuant to section 469.304, subdivision 2, the authority of the commissioner to approve the tax credit proposal continues until the commissioner acts on the proposal.

Subd. 5. [DURATION OF CREDIT DRAW-DOWN BY BUSINESS.] A business will draw down the tax credits within a five-year period beginning on the date the commissioner approves the tax credits.

Sec. 8. [469.308] [REVOCAION.]

The commissioner may revoke a business' tax credit if the applicant has not proceeded in good faith with its operations in a manner which is consistent

with the purpose of this section and is possible under circumstances reasonably within the control of the applicant.

Upon the discretion of the commissioner, the revocation of the tax credit may be reconsidered given evidence from the business that circumstances were beyond its control or that it did not act in good faith.

Sec. 9. [469.309] [RECAPTURE.]

Subdivision 1. [TERMINATION OF OPERATIONS.] Any business that receives a tax credit authorized by section 469.307 and ceases to operate its facility located within the enterprise zone within seven years after the business' first tax credit draw shall repay the amount of the tax credit pursuant to the following schedule:

<i>Termination of Operations</i>	<i>Repayment of Portion</i>
<i>Less than two years</i>	<i>100 percent</i>
<i>Between two years and four years</i>	<i>75 percent</i>
<i>Between four years and seven years</i>	<i>50 percent</i>
<i>More than seven years</i>	<i>0 percent</i>

Subd. 2. [REPAYMENT.] The repayment must be paid to the state to the extent it represents a tax credit under section 469.307. Any amount repaid to the state must be credited to the amount certified as available for tax credits in the zone under section 469.307.

Sec. 10. [469.31] [ADMINISTRATION.]

Subdivision 1. [TECHNICAL ASSISTANCE.] The commissioner shall provide technical assistance to the city seeking an enterprise zone designation.

Subd. 2. [ADMINISTRATIVE PROCEDURE ACT.] Chapter 14 does not apply to the designation of enterprise zones.

Subd. 3. [REPORTING.] The commissioner shall require cities receiving enterprise zone designations to report to the commissioner regarding the economic activity that has occurred in the zone following the designation.

Subd. 4. [REPORT TO THE LEGISLATURE.] The commissioner of jobs and training, in consultation with the commissioner of revenue and the cities, shall prepare a plan for expanding the enterprise zone program to businesses throughout the area that hire zone residents. The commissioner of jobs and training shall submit its plan in a report to the 1995 session of the state legislature."

Delete the title and insert:

"A bill for an act relating to economic development; providing for creation of enterprise zones; providing incentives for business to locate within an enterprise zone; proposing coding for new law in Minnesota Statutes, chapter 469."

And when so amended the bill do pass and be re-referred to the Committee on Taxes and Tax Laws. Amendments adopted. Report adopted.

Mr. Novak from the Committee on Jobs, Energy and Community Development, to which was referred

S.F. No. 2440: A bill for an act relating to local economic development; authorizing the city of Minneapolis to establish a jobs park.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. [CITY OF MINNEAPOLIS; NORTH WASHINGTON INDUSTRIAL PARK REDEVELOPMENT PROJECT.]

Subdivision 1. [AUTHORIZATION; SPECIAL RULES.] With respect to a hazardous substance subdistrict to be established by the Minneapolis community development agency and the city of Minneapolis within the North Washington industrial park redevelopment project in the city of Minneapolis:

(1) in addition to the authorized uses of tax increment revenues provided at Minnesota Statutes, section 469.176, subdivision 4e, either the city of Minneapolis or the Minneapolis community development agency may use tax increment revenues derived from the hazardous substance subdistrict to acquire property within the hazardous substance subdistrict;

(2) at any time on or after approval of the tax increment financing plan with respect to the hazardous substance subdistrict, the Minneapolis community development agency may elect to designate any tax increment revenues from the hazardous substance subdistrict to be tax increment revenues generated solely from the hazardous substance subdistrict;

(3) a parcel described in the tax increment financing plan or plan amendment may be designated and certified for inclusion in the hazardous substance subdistrict without approval of a development action response plan;

(4) the provisions of Minnesota Statutes, section 273.2399, do not apply to the hazardous substance subdistrict; and

(5) in addition to the authorized uses of tax increment revenues provided at Minnesota Statutes, sections 469.174 to 469.179, as amended, the Minneapolis community development agency may use tax increment revenues to provide jobs training or job training grants to businesses located or to be located at the jobs park within the North Washington industrial park.

Subd. 2. [EXEMPTION FROM SALES TAX.] Minnesota Statutes, sections 297A.01 to 297A.44, do not apply to the purchase of any machinery or equipment to be located on real property within the hazardous substance subdistrict to be located within the North Washington industrial park redevelopment project.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective upon compliance by the governing body of the city of Minneapolis with Minnesota Statutes, section 645.021, subdivision 2.”

Delete the title and insert:

“A bill for an act relating to the city of Minneapolis; authorizing special rules for hazardous substance subdistrict; providing for exemption from sales tax.”

And when so amended the bill do pass and be re-referred to the Committee on Taxes and Tax Laws. Amendments adopted. Report adopted.

Mr. Novak from the Committee on Jobs, Energy and Community Development, to which was referred

S.F. No. 2539: A bill for an act relating to utilities; eliminating duplicate reporting relating to energy demand forecasting information by public utilities; amending Minnesota Statutes 1992, sections 116C.57, subdivision 3; 216B.241, subdivision 1a; and 216C.17, subdivision 2; Minnesota Statutes 1993 Supplement, sections 216B.2422, by adding a subdivision; and 216C.17, subdivision 3; repealing Minnesota Statutes 1993 Supplement, section 116C.54.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, after line 3, insert:

"Sec. 2. Minnesota Statutes 1992, section 216B.16, is amended by adding a subdivision to read:

Subd. 14. [LOW-INCOME RATES.] (a) The commission may consider ability to pay as a factor in setting utility rates and may establish programs for low-income residential ratepayers in order to ensure affordable, reliable, and continuous service to low-income utility customers. The commission shall order a pilot program for at least one utility. In ordering pilot programs, the commission shall consider the following:

(1) the potential for low-income programs to provide savings to the utility for all collection costs including but not limited to: costs of disconnecting and reconnecting residential ratepayers' service, all activities related to the utilities' attempt to collect past due bills, utility working capital costs, and any other administrative costs related to inability to pay programs and initiatives;

(2) the potential for leveraging federal low-income energy dollars to the state; and

(3) the impact of energy costs as a percentage of the total income of a low-income residential customer.

(b) In determining the structure of the pilot utility program, the commission shall:

(1) consult with advocates for and representatives of low-income utility customers, administrators of energy assistance and conservation programs, and utility representatives;

(2) coordinate eligibility for the program with the state and federal energy assistance program and low-income residential energy programs, including weatherization programs; and

(3) evaluate comprehensive low-income programs offered by utilities in other states.

(c) The commission shall implement at least one pilot project by January 1, 1995, and shall allow a utility required to implement a pilot project to recover the net costs of the project in the utility's rates.

(d) The commission, in conjunction with the commissioner of the department of public service and the commissioner of jobs and training, shall review

low-income rate programs and shall report to the legislature by January 1, 1998. The report must include:

(1) the increase in federal energy assistance money leveraged by the state as a result of this program;

(2) the effect of the program on low-income customer's ability to pay energy costs;

(3) the effect of the program on utility customer bad debt and arrearages;

(4) the effect of the program on the costs and numbers of utility disconnections and reconnections and other costs incurred by the utility in association with inability to pay programs;

(5) the ability of the utility to recover the costs of the low-income program without a general rate change;

(6) how other ratepayers have been affected by this program;

(7) recommendations for continuing, eliminating, or expanding the low-income pilot program; and

(8) how general revenue funds may be utilized in conjunction with low-income programs."

Page 3, line 33, strike "Public"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, after the semicolon, insert "authorizing public utilities commission to consider ability to pay as factor in setting utility rates and to establish programs for low-income consumers;"

Page 1, line 5, after the semicolon, insert "216B.16, by adding a subdivision;"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Novak from the Committee on Jobs, Energy and Community Development, to which was referred

S.F. No. 1971: A bill for an act relating to limited liability companies; providing for the application of workers' compensation and unemployment compensation laws; amending Minnesota Statutes 1992, section 176.041, subdivision 1; Minnesota Statutes 1993 Supplement, sections 176.041, subdivision 1a; and 268.04, subdivision 12.

Reports the same back with the recommendation that the bill be amended as follows:

Page 3, delete lines 13 to 25 and insert:

"(r) a manager of a limited liability company having ten or fewer members and having less than 22,880 hours of payroll in the preceding calendar year, if that manager owns at least a 25 percent membership interest in the limited liability company;

(s) a spouse, parent, or child, regardless of age, of a manager of a limited liability company described in paragraph (r);

(t) persons employed by a limited liability company having ten or fewer members and having less than 22,880 hours of payroll in the preceding

calendar year who are related by blood or marriage, within the third degree of kindred according to the rules of civil law, to a manager of a limited liability company described in paragraph (r), if the company files a written election with the commissioner to exclude these persons. A written election is not required for a person who is otherwise excluded from this chapter by this section; or

(u) members of limited liability companies who satisfy the requirements of paragraph (l)."

Page 4, lines 8 and 9, delete the new language and insert "A limited liability company which had less than 22,880 hours of payroll in the previous calendar year may elect coverage for any manager if that manager is also an owner of at least 25 percent membership interest in the limited liability company."

Page 4, lines 23 and 27, delete "member,"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Novak from the Committee on Jobs, Energy and Community Development, to which was referred

S.F. No. 1944: A bill for an act relating to employment; restoring the purchasing power of a minimum wage salary; amending Minnesota Statutes 1992, section 177.24, subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, lines 12 and 17, strike "\$362,500" and insert "\$500,000"

Page 1, line 23, delete "\$5" and insert "\$4.75"

Page 1, line 24, delete "\$5.75" and insert "\$5.25"

Page 1, line 25, delete "\$6.50" and insert "\$5.75"

Page 2, line 1, delete "\$4.75" and insert "\$4.50"

Page 2, line 2, delete "\$5.50" and insert "\$5"

Page 2, line 3, delete "\$6.25" and insert "\$5.50" and delete "On"

Page 2, delete lines 4 to 6

Page 2, line 7, delete the new language

Page 2, delete lines 8 to 11

Page 2, after line 15, insert:

"Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective July 1, 1994."

And when so amended the bill do pass. Mr. Frederickson questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Mr. Novak from the Committee on Jobs, Energy and Community Development, to which was referred

S.F. No. 2540: A bill for an act relating to energy; classifying and requiring information on applications for the municipal energy conservation investment loan program; amending Minnesota Statutes 1992, sections 13.99, by adding a subdivision; 216C.37, subdivision 3, and by adding subdivisions; Minnesota Statutes 1993 Supplement, section 216C.37, subdivision 1; repealing Minnesota Statutes 1992, section 216C.37, subdivision 8.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 16, delete "*subdivision*" and insert "*subdivisions*" and after "*3a*" insert "*and 3b*"

Page 3, line 16, delete "*is classified as "nonpublic"*"

Page 3, delete lines 17 and 18

Page 3, line 19, delete the first "*data*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Novak from the Committee on Jobs, Energy and Community Development, to which was referred

S.F. No. 2849: A resolution memorializing the President and Congress to maintain funding for the low-income home energy assistance program and to continue its operation in Minnesota.

Reports the same back with the recommendation that the resolution do pass. Report adopted.

Mr. Novak from the Committee on Jobs, Energy and Community Development, to which was referred

S.F. No. 1698: A bill for an act relating to manufactured home parks; prohibiting manufactured home parks from prohibiting senior citizens from keeping pet dogs, cats, and birds on the park premises; amending Minnesota Statutes 1992, section 327.27, by adding a subdivision.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 11, after the second "*a*" insert "*house*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Novak from the Committee on Jobs, Energy and Community Development, to which was referred

S.F. No. 2885: A bill for an act relating to employment; establishing the governor's workforce development council to replace the governor's job training council; proposing coding for new law in Minnesota Statutes, chapter 268; repealing Minnesota Statutes 1993 Supplement, section 268.9755.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Novak from the Committee on Jobs, Energy and Community Development, to which was referred

S.F. No. 1808: A bill for an act relating to workers' compensation; providing coverage for certain civil air patrol volunteers; amending Minnesota Statutes 1992, section 176.011, subdivision 9.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Novak from the Committee on Jobs, Energy and Community Development, to which was referred

S.F. No. 1991: A bill for an act relating to metropolitan government; requiring the metropolitan council to adopt rules allocating comprehensive choice housing among cities and towns in the metropolitan area; requiring metropolitan council review of efforts of cities and towns to comply with the allocation; establishing penalties for noncompliance; proposing coding for new law in Minnesota Statutes, chapters 16A; and 473.

Reports the same back with the recommendation that the bill do pass. Mr. Oliver questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Mr. Novak from the Committee on Jobs, Energy and Community Development, to which was referred

S.F. No. 2778: A bill for an act relating to housing; requiring copies of evacuation plans for residents of manufactured home parks; amending Minnesota Statutes 1992, sections 290A.19; 327C.01, by adding a subdivision; and 327C.02, subdivision 5; Minnesota Statutes 1993 Supplement, section 327.20, subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Page 5, line 15, delete "*that has been*" and insert a period

Page 5, delete lines 16 to 22

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Metzen from the Committee on Governmental Operations and Reform, to which was referred

S.F. No. 374: A bill for an act relating to public safety; requiring installation of automatic sprinkler systems in certain existing high-rise buildings; excluding the market value of these systems for purposes of property taxation; amending Minnesota Statutes 1992, section 273.11, subdivision 6a; proposing coding for new law in Minnesota Statutes, chapter 299F.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [299F.365] [FIRE SAFETY SPRINKLERS IN EXISTING HIGH-RISE BUILDINGS.]

Subdivision 1. [REQUIREMENTS.] This section applies to an existing building in which at least one story used for human occupancy is at least 75 feet or more above the lowest level of fire department vehicle access. An automatic fire safety sprinkler system must be installed in those portions of the entire existing building in which an automatic fire safety sprinkler system would be required if the building were constructed after the effective date of this section. The automatic fire safety sprinkler system must comply with standards in the Minnesota uniform fire code and state building code.

Subd. 2. [EXEMPTIONS.] (a) Subdivision 1 does not apply to an area used exclusively for telecommunications equipment and associated generator and power equipment and under exclusive control of a telecommunications provider if:

(1) the area is separated from the remainder of the building by construction equivalent to a one-hour fire resistant wall and two-hour floor/ceiling assemblies; and

(2) the area has an automatic fire detection and alarm system to respond to visible and invisible particles of combustion and transmit an alarm and comply with standards in the Minnesota uniform fire code and state building code.

(b) Subdivision 1 does not apply to:

(1) a monument or war memorial that is included in the national register of historic places or the Minnesota state register of historic sites and structures;

(2) an airport control tower or control room;

(3) an open parking structure;

(4) a building used for agricultural purposes;

(5) a manufacturing facility that is required to meet the fire safety standards adopted by the Occupational Safety and Health Administration in Code of Federal Regulations, title 29, part 1910, subpart L; or

(6) elevator equipment rooms and elevator shafts.

(c) The commissioner, or the state fire marshal as the commissioner's designee, may grant extensions for the times prescribed in subdivision 3 or 4 for the submission of plans or completion of work, or both, if the applicant for extension demonstrates an appropriate effort and a genuine inability to comply with the time prescribed.

(d) When there are practical difficulties involved in complying with the times prescribed in subdivision 3 or 4, the commissioner, or the state fire marshal as the commissioner's designee, may vary or modify the times upon application of a building owner or the owner's representative, provided that the spirit and intent of the law are observed and public welfare and safety are ensured.

Subd. 3. [REPORTING.] By January 1, 1996, the owner of a building subject to subdivision 1 shall submit to the state fire marshal a letter stating the owner's intention to comply with this act and providing a schedule for completion.

Subd. 4. [TRANSITION.] (a) Within three years of the effective date of this section there must be water supplies for the fire safety sprinkler system to all

floors of the buildings subject to subdivision 1. Installation of operational automatic fire safety sprinkler systems or an accepted equivalent alternative method must comply with the following schedule:

<i>Years after effective date</i>	<i>Percent of nonexempt portions of building with operational automatic sprinkler system or protected by an accepted alternative method</i>
6 years	25 percent
9 years	50 percent
12 years	75 percent
15 years	100 percent

(b) For office buildings and individual spaces within office buildings having documented leases that presently extend beyond six years after the effective date, an extension of an additional one year must be added to each phase of the time table in paragraph (a) for completion.

(c) The following requirements are the responsibility of the authorized licensed sprinkler contractor and apply where existing class I, class II, or class III standpipes are used to provide a combined standpipe system:

(1) during the installation of sprinkler systems, no standpipe or fire pump may be made inoperative unless the local fire department is given 24-hour prior notice;

(2) if the building contains two or more standpipes, at least one standpipe must be maintained so that water can be discharged through piping, valves, hose outlets, and allied equipment to extinguish a fire;

(3) if a building contains only one standpipe riser, modifications to the system must be conducted after normal working hours; and

(4) appropriate temporary signage must be provided at all fire department connections on the building, indicating the operational status of the sprinkler system.

Subd. 5. [RULES.] The commissioner of public safety may adopt rules for: the application of fire safety sprinkler systems in existing high-rise buildings under this section; exemptions permitted by this section; reporting of compliance by owners; and scheduling of installation of fire safety sprinkler systems or alternate methods. The commissioner of public safety shall explore alternative sources of funding for those buildings in need of retrofit. The commissioner shall coordinate with the housing finance agency director for such alternative sources of funding.

Subd. 6. [EFFECT ON OTHER LAWS.] This section does not supersede the Minnesota state building code or Minnesota uniform fire code.

Sec. 2. [WORKING GROUP.]

The commissioner of public safety shall appoint a working group to advise the commissioner on implementation of section 1, including specifically the adoption of rules, and to advise the commissioner on appeals. The group must include a representative from: the state fire marshal's office, the department of administration, the Minnesota state fire chiefs association, a chapter of the Minnesota building owners and managers association, the Minnesota multi-housing association, the Minnesota hotel and motel association, the Minne-

sota condominium association, the fire marshals association of Minnesota, professional engineers or licensed architects, and the general public.

Sec. 3. [HOUSING BUDGET PRIORITIES.]

Section 1 does not affect the existing budget priorities of public housing facilities in Minnesota."

Delete the title and insert:

"A bill for an act relating to public safety; requiring installation of automatic sprinkler systems in certain existing high-rise buildings; proposing coding for new law in Minnesota Statutes, chapter 299F."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Metzen from the Committee on Governmental Operations and Reform, to which was referred

S.F. No. 2288: A bill for an act relating to retirement; making various administrative and minor substantive changes in the laws governing the Minnesota state retirement system, the public employees retirement association, and the teachers retirement association; amending Minnesota Statutes 1992, sections 176.021, subdivision 7; 352.01, subdivisions 11 and 13; 352.04, subdivisions 2 and 3; 352.119, by adding a subdivision; 352D.04, subdivision 2; 353.03, subdivisions 1 and 3a; 353.33, subdivisions 5 and 7; 353.656, subdivisions 2 and 4; 354.05, subdivisions 2, 21, 22, 35, and by adding subdivisions; 354.06, subdivisions 2a and 4; 354.071, subdivision 5; 354.091; 354.10, subdivisions 1 and 2; 354.42, subdivisions 3 and 5; 354.44, subdivisions 1a, 4, 5, and 5a; 354.47; 354.48, subdivision 2; 354.49, subdivision 1; 354.50, subdivision 1; 354.52, subdivisions 2, 2a, 4, and by adding subdivisions; 354.66, subdivisions 2, 3, and by adding a subdivision; and 356.30, subdivision 1; Minnesota Statutes 1993 Supplement, sections 3A.02, subdivision 5; 352.22, subdivision 2; 352.93, subdivision 2a; 352.96, subdivision 4; 352B.08, subdivision 2a; 352D.02, subdivision 1a; 353.01, subdivisions 10, 12a, 16, and 28; 353.017, by adding a subdivision; 353.27, subdivision 7; 353.33, subdivisions 11 and 12; 353.37, subdivisions 1, 2, and 4; 353.65, subdivision 3a; 353.656, subdivision 6a; 353A.08, subdivision 3; 354.05, subdivision 8; and 354.46, subdivisions 1 and 5; proposing coding for new law in Minnesota Statutes, chapter 354; repealing Minnesota Statutes 1992, sections 352.15, subdivision 2; 352D.09, subdivision 6; 354.05, subdivisions 15 and 29; 354.43, subdivision 3; 354.57; 354.65; and 356.18.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, lines 11 to 13, delete the new language and insert "*plus the actuarial value of any surviving spouse benefit otherwise potentially payable at the time of retirement under section 3A.04, subdivision 1. An individual selecting the optional annuity under this subdivision waives any rights to surviving spouse benefits under section 3A.04, subdivision 1*"

Page 8, delete section 11 and insert:

"Sec. 11. Minnesota Statutes 1992, section 352B.265, is amended to read:

352B.265 [PRE-1973 INCREASE.]

Total benefits payable to a retiree or surviving spouse whose benefits were computed under the law in effect before June 1, 1973, are increased by six percent on July 1, 1982, and on July 1 of each year ~~thereafter~~ until July 1, 1994. Funds sufficient to pay the increases provided by this section are appropriated annually until June 30, 1995, to the executive director from the state patrol retirement fund. On June 30, 1995, amounts paid under this section must be added to and considered a portion of the annuity otherwise payable to the recipient. Assets required to fund these benefits must be transferred in accordance with section 352B.26."

Page 9, after line 8, insert:

"Sec. 13. [356.88] [PUBLIC PENSION ADMINISTRATION LEGISLATION.]

Subdivision 1. [DUE DATES.] (a) Proposed administrative legislation recommended by or on behalf of the Minnesota state retirement system, the public employees retirement association, the teachers retirement association, the Minneapolis employees retirement fund, or a first class city teachers retirement fund association must be presented to the legislative commission on pensions and retirement, the governmental operations and reform committee of the senate, and the governmental operations and gaming committee of the house of representatives on or before October 1 of each year in order for the proposed administrative legislation to be acted upon during the upcoming legislative session. The executive director or the deputy executive director of the legislative commission on pensions and retirement shall provide written comments on the proposed provisions to the public pension plans by November 15 of each year.

(b) Proposed administrative legislation recommended by or on behalf of a public employee pension plan or system under paragraph (a) must address provisions:

(1) authorizing allowable service credit for leaves of absence and related circumstances;

(2) governing offsets or deductions from the amount of disability benefits;

(3) authorizing the purchase of allowable service credit for prior uncredited periods;

(4) governing subsequent employment earnings by reemployed annuitants; and

(5) authorizing retroactive effect for retirement annuity or benefit applications.

(c) Where possible and desirable, taking into account the differences among the public pension plans in existing law and the unique characteristics of the individual public pension fund memberships, uniform provisions relating to paragraph (b) for all applicable public pension plans must be presented for consideration during the legislative session. Supporting documentation setting forth the policy rationale for each set of uniform provisions must accompany the proposed administrative legislation.

Subd. 2. [SALARY-STUDY ADVISORY COMMITTEE.] In an effort to treat public employees in a fair and equitable manner and to protect the financial integrity of the public pension plans, the legislative commission on pensions and retirement shall establish an advisory committee to study the

definitions of salary in chapters 353, 354, and 354A to determine the high-five average consecutive years of salary component for the formula used to calculate retirement annuities and disability benefits.

The advisory committee must be composed of at least three executive directors and executive secretaries of the seven public pension plans, and the chair, vice-chair, and executive director of the pension commission.

The advisory committee shall report its findings and recommendations to the pension commission by February 15, 1995.

Sec. 14. [FISCAL YEAR 1995 ACTUARIAL VALUATIONS.]

For the fiscal year 1995 actuarial valuation period, the legislative commission on pensions and retirement may authorize an alternative set of salary increase assumptions or other assumptions defined under Minnesota Statutes, section 356.215. The actuary retained by the legislative commission on pensions and retirement shall make recommendations for change based on an experience study completed in fiscal year 1994 or 1995."

Page 9, delete line 13 and insert:

"Sections 1, 2, and 5 to 16 are effective the day following final enactment. Sections 3 and 4 are effective January 1, 1995."

Renumber the sections of article 1 in sequence

Pages 9 and 10, delete section 1

Page 10, line 33, delete "certain" and delete "amounts"

Page 10, lines 34 and 35, delete the new language

Page 10, line 36, delete "limited to, employer-paid"

Page 11, line 6, after the stricken period, insert "and certain amounts determined by the executive director to be ineligible"

Page 14, lines 25 to 29, reinstate the stricken language

Page 14, line 30, reinstate the stricken language and delete the new language

Page 14, lines 31 to 36, delete the new language

Page 15, line 1, delete "medical leave"

Page 16, line 11, delete "or" and insert "of"

Pages 17 to 19, delete section 7 and insert:

"Sec. 6. Minnesota Statutes 1992, 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 an 11-member board of trustees consisting of the state auditor and nine ten members and the state auditor who may designate a deputy auditor with expertise in pension matters as the auditor's representative on the board. The governor shall appoint six five 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, including recipients of retirement annuities and disability and survivor benefits, shall elect ~~three~~ five trustees, one of whom must be a member of the police and fire fund and one of whom must be a former member who met the definition of public employee under section 353.01, subdivisions 2 and 2a, for at least five years prior to terminating membership or a member who receives a disability benefit, for terms of four years. Except as provided in this subdivision, 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."

Page 19, line 32, delete "three" and insert "two"

Page 21, line 16, after "proof" insert "by the association"

Page 21, line 17, delete "by the association"

Page 21, line 18, delete "*as determined by the association*" and insert "*of the employing unit*"

Pages 23 to 26, delete sections 10 to 13

Pages 29 to 32, delete sections 18 to 20

Page 35, delete lines 11 to 14 and insert:

"Sections 1, 2, 4, 6, and 10 to 12 are effective July 1, 1994. Section 3 is effective May 1, 1994. Sections 5, 7, and 9 are effective January 1, 1994. Sections 8 and 13 are effective retroactive to July 1, 1993."

Renumber the sections of article 2 in sequence

Page 42, line 7, reinstate the stricken language and delete the new language and insert "*The executive director may:*"

Page 45, line 7, after the stricken comma, insert "*The association may acknowledge a properly completed power of attorney form.*"

Pages 48 and 49, delete section 19

Pages 53 and 54, delete section 26

Page 58, delete lines 21 to 23 and insert:

"Sections 1 to 27 and 30 to 34 are effective the day following final enactment. Sections 28 and 29 are"

Renumber the sections of article 3 in sequence

Page 58, after line 24, insert:

"ARTICLE 4

RESTRICTIONS ON CERTAIN PUBLIC PENSION

PLAN MEMBERSHIP AUTHORIZATIONS

Section 1. Minnesota Statutes 1992, section 352.029, subdivision 1, is amended to read:

Subdivision 1. [QUALIFICATIONS.] ~~An employee of a labor organization that is an exclusive bargaining agent representing state employees or Unless specifically excluded under section 352.01, subdivision 2b,~~ a state employee on leave of absence without pay to provide service as an employee or officer of a labor organization that is an exclusive bargaining agent representing state employees; ~~may choose elect~~ under subdivision 2 to be covered by the general state employees retirement plan of the Minnesota state retirement system for service with the labor organization ~~unless specifically excluded under section 352.01, subdivision 2b,~~ subject to the limitations set forth in subdivisions 2a and 2b.

Sec. 2. Minnesota Statutes 1992, section 352.029, is amended by adding a subdivision to read:

Subd. 2a. [LIMITATIONS ON SALARY FOR BENEFITS AND CONTRIBUTIONS.] (a) *The covered salary for a labor organization employee who qualifies for membership under this section or section 352.75 is limited to the lesser of:*

(1) the employee's actual salary as defined under section 352.01, subdivision 13; or

(2) 75 percent of the salary of the governor as set under section 15A.082.

(b) The limited covered salary determined under this subdivision must be used in determining employee, employer, and employer additional contributions under section 352.04, subdivisions 2 and 3, and in determining retirement annuities and other benefits under this chapter and chapter 356.

Sec. 3. Minnesota Statutes 1992, section 352.029, is amended by adding a subdivision to read:

Subd. 2b. [EARNING RESTRICTIONS APPLY.] A retirement annuity is only payable, if the person has met any other applicable requirements, upon the termination by the person who elected coverage under subdivision 1 of employment by the labor organization. The reemployed annuitant earnings limitation set forth in section 352.115, subdivision 10, applies in the event that the person who elected coverage under subdivision 1 retires and is subsequently reemployed while an annuitant by the labor organization or by any other entity employing persons who are covered by the Minnesota state retirement system by virtue of that employment.

Sec. 4. Minnesota Statutes 1993 Supplement, section 353.017, subdivision 1, is amended to read:

Subdivision 1. [QUALIFICATIONS.] Unless specifically exempt under section 353.01, subdivision 2b, a former member of the association, or a current coordinated member of the association who is on an authorized leave of absence, and who is an employee of a labor organization that represents public employees who are association members may elect, under subdivision 2, to continue to be a coordinated member with respect to service with employment by the labor organization unless specifically exempt under section 353.01, subdivision 2b subject to the limitations set forth in subdivisions 4 and 6.

Sec. 5. Minnesota Statutes 1993 Supplement, section 353.017, subdivision 3, is amended to read:

Subd. 3. [CONTRIBUTIONS.] The employee, employer and additional employer contributions shall be the obligation of the employee who elects coverage herein in accord with this chapter; provided, however, the employer, labor organization, may pay the employer and additional employer contributions. The employer shall, in any event, deduct the necessary contributions from the employee's salary, subject to the limitations under subdivision 6, and remit all contributions to the public employees retirement association pursuant to under section 353.27, subdivisions 4, 7, 10, 11, and 12.

Sec. 6. Minnesota Statutes 1993 Supplement, section 353.017, is amended by adding a subdivision to read:

Subd. 4. [TERMINATION OF MEMBERSHIP FOR RETIREMENT ELIGIBILITY.] A retirement annuity is only payable, if the person has met any other applicable requirements, upon the termination by the person who elected coverage under subdivision 1 of employment by the labor organization. The reemployed annuitant earnings limitation set forth in section 353.37, subdivision 1, applies in the event that the person who elected coverage under subdivision 1 retires and is subsequently reemployed while an annuitant by the labor organization or by any other entity employing persons who are covered by the public employees retirement association by virtue of that employment.

Sec. 7. Minnesota Statutes 1993 Supplement, section 353.017, is amended by adding a subdivision to read:

Subd. 6. [LIMITATIONS ON SALARY AND CONTRIBUTIONS.] The covered salary for a labor organization employee who qualifies for membership under this section is limited to the lesser of:

(1) the employee's actual salary as defined under section 353.01, subdivision 10; or

(2) 75 percent of the salary of the governor as set under section 15A.082.

The limited covered salary determined under this subdivision must be used in determining employee and employer contributions under section 353.27, subdivisions 2, 3, and 3a, and in determining retirement annuities and other benefits under this chapter and chapter 356.

Sec. 8. Minnesota Statutes 1992, section 354.41, subdivision 4, is amended to read:

Subd. 4. Any (a) A person who is a ~~former~~ member on an authorized leave of absence and is ~~presently~~ employed by the Minnesota federation of teachers or its affiliated branches within the state, the Minnesota education association, the Minnesota association of school principals, the Minnesota association of secondary school principals or the Minnesota association of school administrators may elect to be a coordinated member in the fund based on ~~such~~ that employment; ~~provided~~, subject to the limitations set forth in subdivisions 4a and 4b. However, ~~that~~ no person ~~shall also be~~ is entitled to ~~such~~ membership under this section if the person also is a member of a teachers retirement association in a city of the first class organized ~~pursuant to~~ under chapter 354A for the same period of service. ~~For such persons so employed on June 30, 1975, the election must be made prior to July 1, 1976. For such persons so employed after June 30, 1975,~~

(b) The election must be made ~~upon~~ within 90 days of commencing employment by the labor organization.

Sec. 9. Minnesota Statutes 1992, section 354.41, is amended by adding a subdivision to read:

Subd. 4a. [LIMITATIONS ON SALARY AND CONTRIBUTIONS.] The covered salary for a labor organization employee who qualifies for membership under this section is limited to the lesser of:

(1) the employee's actual salary as defined under section 354.05, subdivision 35; or

(2) 75 percent of the salary of the governor as set under section 15A.082.

The limited covered salary determined under this subdivision must be used in determining employee, employer, and employer additional contributions under section 354.42, subdivisions 2, 3, and 5, and in determining retirement annuities and other benefits under this chapter and chapter 356.

Sec. 10. Minnesota Statutes 1992, section 354.41, is amended by adding a subdivision to read:

Subd. 4b. [EARNING RESTRICTIONS APPLY.] A retirement annuity is only payable, if the person has met any other applicable requirements, upon the termination by the person who elected coverage under subdivision 4 of

employment by the labor organization. The reemployed annuitant earnings limitation set forth in section 354.44, subdivision 5, applies in the event that the person who elected coverage under subdivision 4 retires and is subsequently reemployed while an annuitant by the labor organization or by any other entity employing persons who are covered by the Minnesota teachers retirement association by virtue of that employment.

Sec. 11. [356.611] [LIMITATION ON PUBLIC EMPLOYEE SALARIES FOR PENSION PURPOSES.]

(a) Notwithstanding any provision of law, bylaws, articles or incorporation, retirement and disability allowance plan agreements, or retirement plan contracts to the contrary, the covered salary for pension purposes for a plan participant of a covered retirement fund under section 356.30, subdivision 3, may not exceed 95 percent of the salary established for the governor under section 15A.082 at the time the person received the salary.

(b) This section does not apply to a salary paid:

(1) to the governor;

(2) to an employee of a political subdivision in a position that is excluded from the limit as specified under section 43A.17, subdivision 9; or

(3) to a state employee in a position for which the commissioner of employee relations has approved a salary rate that exceeds 95 percent of the governor's salary.

(c) The limited covered salary determined under this section must be used in determining employee and employer contributions and in determining retirement annuities and other benefits under the respective covered retirement fund and under this chapter.

Sec. 12. [EFFECTIVE DATE.]

(a) Sections 1 to 11 are effective the day following final enactment.

(b) Sections 1, 4, and 8 apply to labor organization employees initially employed in that employment position after the effective date specified in paragraph (a). Sections 2, 5, 7, 9, and 11 apply to the plan salary and contributions after July 1, 1994, for labor organization employees who were employees in that employment position before the effective date specified in paragraph (a).

ARTICLE 5

PUBLIC EMPLOYEES RETIREMENT ASSOCIATION

Section 1. [CONSOLIDATED LOCAL RELIEF ASSOCIATIONS; RETIREMENT COVERAGE OPTION.]

Notwithstanding the 180-day limitation contained in Minnesota Statutes, section 353A.08, subdivision 3, an active member of a former local relief association that consolidated with the public employees retirement association before July 1, 1993, may make an election to have retirement benefit coverage provided by the public employees police and fire fund as authorized by the cited law. An election under this section must be made within six months after the effective date of this section, and shall in all other respects be governed by Minnesota Statutes, section 353A.08, and other applicable laws.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective on July 1, 1994.

Amend the title as follows:

Page 1, line 7, delete "176.021, subdivision 7;"

Page 1, line 8, after "13;" insert "352.029, subdivision 1, and by adding subdivisions;"

Page 1, line 9, after the semicolon, insert "352B.265;"

Page 1, lines 10 and 11, delete "353.33, subdivisions 5 and 7; 353.656, subdivisions 2 and 4;"

Page 1, line 14, after "2," insert "354.41, subdivision 4, and by adding subdivisions;"

Page 1, line 16, delete "5,"

Page 1, line 17, delete "354.50, subdivision 1;"

Page 1, line 24, delete "352D.02, subdivision 1a;"

Page 1, line 25, delete "by adding a subdivision" and insert "subdivisions 1, 3, and by adding subdivisions"

Page 1, line 26, delete "353.33, subdivisions 11 and 12;"

Page 1, line 28, delete "353.656, subdivision 6a;"

Page 1, line 31, delete "chapter 354" and insert "chapters 354; and 356"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Mondale, for Mrs. Adkins, from the Committee on Metropolitan and Local Government, to which was referred

H.F. No. 228: A bill for an act relating to local government; providing for annexation elections; changing conditions permitting annexation by ordinance; amending Minnesota Statutes 1992, sections 414.031, by adding a subdivision; and 414.033, subdivision 2; repealing Minnesota Statutes 1992, section 414.033, subdivision 2a.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1992, section 414.01, subdivision 14, is amended to read:

Subd. 14. When a board order enlarges or diminishes the area of an existing municipality or town, the population of the annexed or detached area shall be as found by the board at its hearing *or, in cases in which no hearing by the board for the boundary change is required, as stated in the resolution or ordinance.* The effective date of the population change shall be the same as the effective date of the order *whether or not the order is from a hearing or from the approval of an annexation resolution or ordinance.* The board shall communicate its population finding to the state demographer who shall

incorporate that data into the population estimate for the municipality or town. When a new municipality is created by an order of the board, the municipality shall request a separation census from the United States bureau of the census and bear any costs incurred.

Sec. 2. Minnesota Statutes 1992, section 414.01, is amended by adding a subdivision to read:

Subd. 17. [DATA FROM STATE AGENCIES.] The board may request information from any state department or agency in order to assist it to carry out its duties. The department or agency shall promptly furnish the requested information to the board.

Sec. 3. Minnesota Statutes 1992, section 414.0325, subdivision 1a, is amended to read:

Subd. 1a. [ORDERLY ANNEXATION BY PETITION.] If the board receives a petition for annexation of an area owned by a municipality or from all of the property owners in an area, and the area is within two miles of the corporate boundaries of the municipality, the petition shall confer jurisdiction on the board to consider designation of the area for orderly annexation. Upon receipt of the petition, the board shall inform the affected parties of their opportunity to request a hearing before the board on the petition, and if a hearing is requested, it must be held within 60 days of the request. Any person aggrieved by the board's designation of an area as appropriate for orderly annexation may appeal the board's order to district court in accordance with section 414.07.

At least 60 days before a petition is filed, the petitioner must notify the municipality that the petitioner intends to file a petition for annexation. At least 30 days before a petition is filed for annexation under this subdivision or section 414.033, the petitioner must be notified by the municipality that the cost of electric utility service to the petitioner may change if the land is annexed to the municipality. The notice must include an estimate of the cost impact of any change in electric utility services, including rate changes and assessments, resulting from the annexation.

Sec. 4. Minnesota Statutes 1992, section 414.033, subdivision 2, is amended to read:

Subd. 2. A municipal council may by ordinance declare land annexed to the municipality and any such land is deemed to be urban or suburban in character or about to become so if:

- (1) the land is owned by the municipality;*
- (2) the land is completely surrounded by land within the municipal limits;*

or

(3) the land abuts the municipality and the area to be annexed is 60 acres or less, and the area to be annexed is not presently served by public sewer facilities or public sewer facilities are not otherwise available, and the municipality receives a petition for annexation from all the property owners of the land; or

(4) the land has been approved after August 1, 1995, by a preliminary plat or final plat for subdivision to provide residential lots that average 21,780 square feet or less in area and the land is located within two miles of the municipal limits.

Sec. 5. Minnesota Statutes 1992, section 414.033, subdivision 2a, is amended to read:

Subd. 2a. [MUNICIPALITY MAY ANNEX.] Notwithstanding the abutting requirement of subdivision 1, if land is owned by a municipality or if all of the landowners petition for annexation, and the land is within an existing orderly annexation area as provided by section 414.0325, then the municipality may declare the land annexed. *This municipal action does not otherwise affect the other terms and conditions of existing orderly annexation agreements entered into pursuant to section 414.0325.*

Sec. 6. Minnesota Statutes 1992, section 414.033, is amended by adding a subdivision to read:

Subd. 2b. [NOTICE REQUIRED.] *Before a municipality may adopt an ordinance under subdivision 2, clause (2), (3), or (4), or subdivision 2a, a municipality must hold a public hearing and give 30 days' written notice by certified mail to the town or towns affected by the proposed ordinance and to all landowners within and contiguous to the area to be annexed.*

Sec. 7. Minnesota Statutes 1992, section 414.033, is amended by adding a subdivision to read:

Subd. 11. [FLOOD PLAIN; SHORELAND AREA.] *When a municipality declares land annexed to the municipality under subdivision 2, clause (3), or subdivision 2a, and the land is within a designated flood plain, as provided by section 103F.111, subdivision 4, or a shoreland area, as provided by section 103F.205, subdivision 4, the municipality shall adopt or amend its land use controls to conform to chapter 103F, and any new development of the annexed land shall be subject to chapter 103F.*

Sec. 8. Minnesota Statutes 1992, section 414.033, is amended by adding a subdivision to read:

Subd. 12. [PROPERTY TAXES.] *When a municipality annexes land under subdivision 2, clause (2), (3) or (4), or subdivision 2a, property taxes payable on the annexed land shall continue to be paid to the affected town or towns for the year in which the annexation becomes effective. Thereafter, property taxes on the annexed land shall be paid to the municipality. In the first year following the year the land was annexed, the municipality shall make a cash payment to the affected town or towns in an amount equal to 90 percent of the property taxes paid in the year the land was annexed; in the second year, an amount equal to 70 percent of the property taxes paid in the year the land was annexed; in the third year, an amount equal to 50 percent of the property taxes paid in the year the land was annexed; in the fourth year, an amount equal to 30 percent of the property taxes paid in the year the land was annexed; and in the fifth year, an amount equal to ten percent of the property taxes paid in the year the land was annexed. The municipality and the affected township may agree to a different payment.*

Sec. 9. Minnesota Statutes 1992, section 414.061, subdivision 5, is amended to read:

Subd. 5. [PROPERTY OWNER INITIATION.] Property owners may initiate proceedings for the concurrent detachment of their property from one municipality and its annexation to an adjacent municipality by a petition signed by all of them *that they submit to the board accompanied by a resolution of the city council of at least one of the affected municipalities.* The

board shall conduct hearings and issue its order as in the case of consolidations of two or more municipalities under sections 414.041, subdivision 5 and 414.09.

Sec. 10. Minnesota Statutes 1992, section 414.07, subdivision 1, is amended to read:

Subdivision 1. [ORDERS OF BOARD, TIME LIMITATION.] All orders of the board shall be issued within ~~two years~~ *one year* from the date of the *day of the* first hearing thereon provided that the time may be extended for a fixed additional period upon consent of all parties of record. Failure to so order shall be deemed to be an order denying the matter before the board. An appeal may be taken from such failure to so order in the same manner as an appeal from an order as provided in subdivision 2.

Sec. 11. Minnesota Statutes 1992, section 414.09, subdivision 1, is amended to read:

Subdivision 1. [HEARINGS.] Proceedings initiated by the submission of an initiating document or by the board of its own motion shall come on for hearing within 30 to ~~120~~ *60* days from receipt of the document by the board or from the date of board action *and the board must submit its order no later than one year from the date of the day of the first hearing.* In any proceeding before the board and upon the request of any party, the board shall meet physically rather than by means of electronic media. The place of the hearing shall be in the county where a majority of the affected territory is situated, and shall be established for the convenience of the parties. The executive director shall mail notice of the hearing to the following parties: the township or municipality presently governing the affected territory; any township or municipality abutting the affected territory; the county where the affected territory is situated; and each planning agency which has jurisdiction over the affected area. The executive director shall cause notice of the hearing to be published for two successive weeks in a legal newspaper of general circulation in the affected area. When the board exercises its authority to change the boundaries of the affected area so as to increase the quantity of the land, the hearing shall be recessed and reconvened upon two weeks published notice in a legal newspaper of general circulation in the affected area.

Sec. 12. Minnesota Statutes 1992, section 414.09, subdivision 2, is amended to read:

Subd. 2. [TRANSMITTAL OF BOARD'S ORDER.] The executive director shall cause copies of the board's order to be mailed to all parties entitled to mailed notice of hearing under subdivision 1, the secretary of state, the department of revenue, the state demographer, individual property owners if initiated in that manner, *affected county auditor*, and any other party of record. *The affected county auditor shall record the order against the affected property.*

Sec. 13. [REPORT TO LEGISLATURE.]

The office of strategic and long-range planning shall establish criteria for defining the terms "urban or suburban in character," and "rural residential" as the terms are used in Minnesota Statutes, chapter 414, and report the criteria to the legislature by February 1, 1995.

Sec. 14. [EFFECTIVE DATE.]

Section 4 is effective August 1, 1995. The other sections are effective August 1, 1994, and apply to annexations initiated on or after that date."

Delete the title and insert:

"A bill for an act relating to local government; providing procedures and criteria for municipal annexations; providing for the application of city development regulations; amending Minnesota Statutes 1992, sections 414.01, subdivision 14, and by adding a subdivision; 414.0325, subdivision 1a; 414.033, subdivisions 2, 2a, and by adding subdivisions; 414.061, subdivision 5; 414.07, subdivision 1; and 414.09, subdivisions 1 and 2."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Crime Prevention, to which was referred

S.F. No. 1961: A bill for an act relating to driving while intoxicated; authorizing imposition of a two-year gross misdemeanor sentence on certain repeat DWI offenders; requiring consecutive sentences for multiple crimes committed by repeat DWI offenders and DWI offenders who drive without insurance or after license cancellation or revocation; imposing misdemeanor penalties on persons who knowingly lend their motor vehicles to intoxicated or unlicensed drivers; amending Minnesota Statutes 1992, sections 169.797, subdivision 4; 609.02, subdivision 2, and by adding a subdivision; 609.105; Minnesota Statutes 1993 Supplement, sections 169.121, subdivision 3; and 171.24; proposing coding for new law in Minnesota Statutes, chapter 169.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1992, section 84.91, subdivision 5, is amended to read:

Subd. 5. [PENALTIES.] (a) A person who violates any prohibition contained in subdivision 1, or an ordinance in conformity with it, is guilty of a misdemeanor.

(b) A person *is guilty of a gross misdemeanor* who violates any prohibition contained in subdivision 1:

(1) within five years of a prior:

(i) conviction under ~~that subdivision~~ *or subdivision 1, section 169.121, section 169.129, or any of clauses (2) to (4) of subdivisions 1 to 4 of section 609.21;*

(ii) civil liability under section 84.911, subdivision 2; or

(iii) *conviction under an ordinance in conformity with either any of them;*
or

(2) within ten years of the first of two or more prior:

(i) convictions under ~~that subdivision~~ *or subdivision 1, section 169.121, section 169.129, or any of clauses (2) to (4) of subdivisions 1 to 4 of section 609.21;*

(ii) ~~civil liability liabilities~~ under section 84.911, subdivision 2, ~~or an ordinance;~~

(iii) ~~convictions of ordinances~~ in conformity with ~~either~~ any of them; ~~is guilty of a gross misdemeanor;~~ or

(iv) ~~convictions or liabilities~~ under any combination of items (i) to (iii).

(c) The attorney in the jurisdiction where the violation occurred who is responsible for prosecuting misdemeanor violations of this section is also responsible for prosecuting 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 from a court, the court must furnish the information without charge.

(d) A person who operates a snowmobile or all-terrain vehicle during the period the person is prohibited from operating the vehicle under subdivision 6 is guilty of a misdemeanor.

Sec. 2. Minnesota Statutes 1992, section 86B.331, subdivision 5, is amended to read:

Subd. 5. [PENALTIES.] (a) A person who violates a prohibition contained in subdivision 1, or an ordinance in conformity with it, is guilty of a misdemeanor.

(b) A person *is guilty of a gross misdemeanor* who violates a prohibition contained in subdivision 1:

(1) within five years of a prior:

(i) conviction under ~~that subdivision or subdivision 1, section 169.121, section 169.129, or any of clauses (2) to (4) of subdivisions 1 to 4 of section 609.21;~~

(ii) civil liability under section 86B.335, subdivision 2; or

(iii) *conviction under an ordinance* in conformity with ~~either~~ any of them; or

(2) within ten years of the first of two or more prior:

(i) convictions under ~~that subdivision or subdivision 1, section 169.121, section 169.129, or any of clauses (2) to (4) of subdivisions 1 to 4 of section 609.21;~~

(ii) ~~civil liability liabilities~~ under section 86B.335, subdivision 2, ~~or an ordinance;~~

(iii) *convictions of ordinances* in conformity with ~~either~~ any of them; ~~is guilty of a gross misdemeanor;~~ or

(iv) ~~convictions or liabilities~~ under any combination of items (i) to (iii).

(c) The attorney in the jurisdiction where the violation occurred who is responsible for prosecution of misdemeanor violations of this section is also 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 from a court, the court must furnish the information without charge.

(d) A person who operates a motorboat on the waters of this state during the period the person is prohibited from operating any motorboat or after the person's watercraft operator's permit has been revoked, as provided under subdivision 6, is guilty of a misdemeanor.

Sec. 3. Minnesota Statutes 1993 Supplement, section 169.121, subdivision 3, is amended to read:

Subd. 3. [CRIMINAL PENALTIES.] (a) As used in this subdivision:

(1) "prior impaired driving conviction" means a prior conviction under this section; section 84.91, subdivision 1, paragraph (a); 86B.331, subdivision 1, paragraph (a); 169.129; 360.0752; 609.21, subdivision 1, clauses (2) to (4); 609.21, subdivision 2, clauses (2) to (4); 609.21, subdivision 2a, clauses (2) to (4); 609.21, subdivision 3, clauses (2) to (4); 609.21, subdivision 4, clauses (2) to (4); or an ordinance from this state, or a statute or ordinance from another state in conformity with any of them. A prior impaired driving conviction also includes a prior juvenile adjudication that would have been a prior impaired driving conviction if committed by an adult; and

(2) "prior license revocation" means a driver's license suspension, revocation, or cancellation under this section; section 169.123; 171.04; 171.14; 171.16; 171.17; or 171.18 because of an alcohol-related incident; 609.21, subdivision 1, clauses (2) to (4); 609.21, subdivision 2, clauses (2) to (4); 609.21, subdivision 2a, clauses (2) to (4); 609.21, subdivision 3, clauses (2) to (4); or 609.21, subdivision 4, clauses (2) to (4).

(b) A person who violates subdivision 1 or 1a, or an ordinance in conformity with either of them, is guilty of a misdemeanor.

(c) A person is guilty of a gross misdemeanor under any of the following circumstances:

(1) the person violates subdivision 1 within five years of a prior impaired driving conviction, or within ten years of the first of two or more prior impaired driving convictions;

(2) the person violates subdivision 1a within five years of a prior license revocation, or within ten years of the first of two or more prior license revocations;

(3) the person violates section 169.26 while in violation of subdivision 1; or

(4) the person violates subdivision 1 while a child under the age of 16 is in the vehicle, if the child is more than 36 months younger than the violator.

(d) The attorney in the jurisdiction in which the violation occurred who is responsible for prosecution of misdemeanor violations of this section shall also be responsible for prosecution of gross misdemeanor violations of this section.

(e) When an attorney responsible for prosecuting gross misdemeanors under this section requests criminal history information relating to prior impaired driving convictions from a court, the court must furnish the information without charge.

(f) A violation of subdivision 1a may be prosecuted either in the jurisdiction where the defendant first was stopped by the peace officer or in the jurisdiction where the refusal occurred.

Sec. 4. Minnesota Statutes 1993 Supplement, section 169.121, subdivision 3a, is amended to read:

Subd. 3a. [HABITUAL OFFENDER PENALTIES.] (a) If a person has been convicted under this section, section 169.129, an ordinance in conformity with either of them, or a statute or ordinance from another state in conformity with either of them, and if the person is then convicted of a gross misdemeanor violation of this section, a violation of section 169.129, or an ordinance in conformity with either of them (1) once within five years after the first conviction or (2) two or more times within ten years after the first conviction, the person must be sentenced to a minimum of 30 days imprisonment or to eight hours of community work service for each day less than 30 days that the person is ordered to serve in jail. Provided, that if a person is convicted of violating this section, section 169.129, or an ordinance in conformity with either of them two or more times within five years after the first conviction, or within five years after the first of two or more license revocations, as defined in subdivision 3, paragraph (a), clause (2), the person must be sentenced to a minimum of 30 days imprisonment and the sentence may not be waived under paragraph (b) or (c). Notwithstanding section 609.135, the above sentence must be executed, unless the court departs from the mandatory minimum sentence under paragraph (b) or (c).

(b) Prior to sentencing the prosecutor may file a motion to have the defendant sentenced without regard to the mandatory minimum sentence established by this subdivision. The motion must be accompanied by a statement on the record of the reasons for it. When presented with the prosecutor's motion and if it finds that substantial mitigating factors exist, the court shall sentence the defendant without regard to the mandatory minimum sentence established by this subdivision.

(c) The court may, on its own motion, sentence the defendant without regard to the mandatory minimum sentence established by this subdivision if it finds that substantial mitigating factors exist and if its sentencing departure is accompanied by a statement on the record of the reasons for it.

(d) The court may sentence the defendant without regard to the mandatory minimum sentence established by this subdivision if the defendant is sentenced to probation and ordered to participate in a program established under section 169.1265.

(e) When any portion of the sentence required by this subdivision is not executed, the court should impose a sentence that is proportional to the extent of the offender's prior criminal and moving traffic violation record. *Any sentence required by this subdivision must include a mandatory sentence, that shall not be subject to suspension or probation, of imprisonment for no less than 48 consecutive hours or 80 hours of community work service.*

Sec. 5. Minnesota Statutes 1992, section 169.797, subdivision 4, is amended to read:

Subd. 4. [PENALTY.] (a) A person who violates this section is guilty of a misdemeanor. A person is guilty of a gross misdemeanor who violates this section within ten years of the first of two prior convictions under this section, section 169.791, or a statute or ordinance in conformity with one of those sections. The operator of a vehicle who violates subdivision 3 and who causes or contributes to causing a vehicle accident that results in the death of any person or in substantial bodily harm to any person, as defined in section

609.02, subdivision 7a, is guilty of a gross misdemeanor. The same prosecuting authority who is responsible for prosecuting misdemeanor violations of this section is responsible for prosecuting gross misdemeanor violations of this section. In addition to any sentence of imprisonment that the court may impose on a person convicted of violating this section, the court shall impose a fine of not less than \$200 nor more than the maximum amount authorized by law. The court may allow community service in lieu of any fine imposed if the defendant is indigent.

(b) In addition to the criminal penalty, the driver's license of an operator convicted under this section shall be revoked for not more than 12 months. If the operator is also an owner of the vehicle, the registration of the vehicle shall also be revoked for not more than 12 months. Before reinstatement of a driver's license or registration, the operator shall file with the commissioner of public safety the written certificate of an insurance carrier authorized to do business in this state stating that security has been provided by the operator as required by section 65B.48.

(c) The commissioner shall include a notice of the penalties contained in this section on all forms for registration of vehicles required to maintain a plan of reparation security.

(d) The attorney in the jurisdiction in which the violation occurred who is responsible for prosecution of misdemeanor violations of this section is also responsible for prosecution of gross misdemeanor violations of this section.

Sec. 6. Minnesota Statutes 1993 Supplement, section 171.24, is amended to read:

171.24 [VIOLATIONS; DRIVING WITHOUT VALID LICENSE.]

(a) Except as otherwise provided in paragraph (c), any person whose driver's license or driving privilege has been canceled, suspended, or revoked and who has been given notice of, or reasonably should know of the revocation, suspension, or cancellation, and who disobeys such order by operating anywhere in this state any motor vehicle, the operation of which requires a driver's license, while such license or privilege is canceled, suspended, or revoked is guilty of a misdemeanor.

(b) Any person who has been disqualified from holding a commercial driver's license or been denied the privilege to operate a commercial motor vehicle, who has been given notice of or reasonably should know of the disqualification, and who disobeys the order by operating in this state a commercial motor vehicle while the person is disqualified to hold the license or privilege, is guilty of a misdemeanor.

(c) A person is guilty of a gross misdemeanor if:

(1) the person's driver's license or driving privileges has been canceled under section 171.04, subdivision 1, clause (8), and the person has been given notice of or reasonably should know of the cancellation; and

(2) the person disobeys the order by operating in this state any motor vehicle, the operation of which requires a driver's license, while the person's license or privilege is canceled.

(d) The attorney in the jurisdiction in which the violation occurred who is responsible for prosecution of misdemeanor violations of this section is also responsible for prosecution of gross misdemeanor violations of this section.

(e) Notice of revocation, suspension, cancellation, or disqualification is sufficient if personally served, or if mailed by first class mail to the person's last known address or to the address listed on the person's driver's license. Notice is also sufficient if the person was informed that revocation, suspension, cancellation, or disqualification would be imposed upon a condition occurring or failing to occur, and where the condition has in fact occurred or failed to occur. It is not a defense that a person failed to file a change of address with the post office, or failed to notify the department of public safety of a change of name or address as required under section 171.11.

Sec. 7. Minnesota Statutes 1993 Supplement, section 487.25, subdivision 10, is amended to read:

Subd. 10. [PROSECUTING ATTORNEYS.] Except as otherwise provided by law, violations of state law that are petty misdemeanors or misdemeanors must be prosecuted by the attorney of the statutory or home rule charter city where the violation is alleged to have occurred, if the city has a population greater than 500 600. If a city has a population of 500 600 or less, it may, by resolution of the city council, and with the approval of the board of county commissioners, give the duty to the county attorney. In cities of the first, second, and third class, gross misdemeanor violations of sections 609.52, 609.535, 609.595, 609.631, and 609.821 must be prosecuted by the attorney of the city where the violation is alleged to have occurred. The statutory or home rule charter city may enter into an agreement with the county board and the county attorney to provide prosecution services for any criminal offense. All other petty misdemeanors, misdemeanors, and gross misdemeanors must be prosecuted by the county attorney of the county in which the alleged violation occurred. All violations of a municipal ordinance, charter provision, rule, or regulation must be prosecuted by the attorney for the governmental unit that promulgated the municipal ordinance, charter provision, rule, or regulation, regardless of its population, or by the county attorney with whom it has contracted to prosecute these matters.

In the counties of Anoka, Carver, Dakota, Scott, and Washington, violations of state law that are petty misdemeanors, misdemeanors, or gross misdemeanors except as provided in section 388.051, subdivision 2, must be prosecuted by the attorney of the statutory or home rule charter city where the violation is alleged to have occurred. The statutory or home rule charter city may enter into an agreement with the county board and the county attorney to provide prosecution services for any criminal offense. All other petty misdemeanors, misdemeanors, or gross misdemeanors must be prosecuted by the county attorney of the county in which the alleged violation occurred. All violations of a municipal ordinance, charter provision, rule, or regulation must be prosecuted by the attorney for the governmental unit that promulgated the municipal ordinance, charter provision, rule, or regulation or by the county attorney with whom it has contracted to prosecute these matters.

Sec. 8. Minnesota Statutes 1993 Supplement, section 609.035, is amended to read:

609.035 [CRIME PUNISHABLE UNDER DIFFERENT PROVISIONS.]

Subdivision 1. Except as provided in *subdivision 2*, and in sections 609.251, 609.585, 609.21, subdivisions 3 and 4, 609.2691, 609.486, 609.494, and 609.856, if a person's conduct constitutes more than one offense under the laws of this state, the person may be punished for only one of the offenses and a conviction or acquittal of any one of them is a bar to prosecution for any

other of them. All the offenses, if prosecuted, shall be included in one prosecution which shall be stated in separate counts.

Subd. 2. (a) When a person is being sentenced for a violation of a provision listed in paragraph (f), the court may sentence the person to a consecutive term of imprisonment for a violation of any other provision listed in paragraph (f), notwithstanding the fact that the offenses arose out of the same course of conduct, subject to the limitation on consecutive sentences contained in section 609.15, subdivision 2, and except as provided in paragraphs (b), (c), and (d) of this subdivision.

(b) When a person is being sentenced for a violation of section 169.129 the court may not impose a consecutive sentence for a violation of a provision of section 169.121, subdivision 1, or for a violation of a provision of section 171.20, 171.24, or 171.30.

(c) When a person is being sentenced for a violation of section 171.20, 171.24, or 171.30, the court may not impose a consecutive sentence for another violation of a provision in chapter 171.

(d) When a person is being sentenced for a violation of section 169.791 or 169.797, the court may not impose a consecutive sentence for another violation of a provision of sections 169.79 to 169.7995.

(e) This subdivision does not limit the authority of the court to impose consecutive sentences for crimes arising on different dates or to impose a consecutive sentence when a person is being sentenced for a crime and is also in violation of the conditions of a stayed or otherwise deferred sentence under section 609.135.

(f) This subdivision applies to misdemeanor and gross misdemeanor violations of the following if the offender has two or more prior impaired driving convictions as defined in section 169.121, subdivision 3:

- (1) section 169.121, subdivision 1, driving while intoxicated;*
- (2) section 169.121, subdivision 1a, testing refusal;*
- (3) section 169.129, aggravated driving while intoxicated;*
- (4) section 169.791, failure to provide proof of insurance;*
- (5) section 169.797, failure to provide vehicle insurance;*
- (6) section 171.20, subdivision 2, operation after revocation, suspension, cancellation, or disqualification;*
- (7) section 171.24, driving without valid license;*
- (8) section 171.30, violation of condition of limited license; and*
- (9) section 609.487, fleeing a peace officer.*

Sec. 9. Minnesota Statutes 1993 Supplement, section 609.135, subdivision 2, is amended to read:

Subd. 2. (a) If the conviction is for a felony the stay shall be for not more than ~~three~~ four years or the maximum period for which the sentence of imprisonment might have been imposed, whichever is longer.

(b) If the conviction is for a gross misdemeanor violation of section 169.121 or 169.129, the stay shall be for not more than ~~three~~ four years. The court shall provide for unsupervised probation for the last one year of the stay unless the court finds that the defendant needs supervised probation for all or part of the last one year.

(c) If the conviction is for a gross misdemeanor not specified in paragraph (b), the stay shall be for not more than two years.

(d) If the conviction is for any misdemeanor under section 169.121; 609.746, subdivision 1; 609.79; or 617.23; 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.

(e) If the conviction is for a misdemeanor not specified in paragraph (d), the stay shall be for not more than one year.

(f) The defendant shall be discharged six months after the term of the stay expires, unless the stay has been revoked or extended under paragraph (g), or the defendant has already been discharged.

(g) Notwithstanding the maximum periods specified for stays of sentences under paragraphs (a) to (f), a court may extend a defendant's term of probation for up to one year if it finds, at a hearing conducted under subdivision 1a, that:

(1) the defendant has not paid court-ordered restitution or a fine in accordance with the payment schedule or structure; and

(2) the defendant is likely to not pay the restitution or fine the defendant owes before the term of probation expires.

This one-year extension of probation for failure to pay restitution or a fine may be extended by the court for up to one additional year if the court finds, at another hearing conducted under subdivision 1a, that the defendant still has not paid the court-ordered restitution or fine that the defendant owes.

Sec. 10. Minnesota Statutes 1993 Supplement, section 609.15, subdivision 2, is amended to read:

Subd. 2. [LIMIT ON SENTENCES; MISDEMEANOR AND GROSS MISDEMEANOR.] If the court specifies that the sentence shall run consecutively and all of the sentences are for misdemeanors, the total of the sentences shall not exceed one year. *If the sentences are for a gross misdemeanor and one or more misdemeanors, the total of the sentences shall not exceed two years.* If all of the sentences are for gross misdemeanors, the total of the sentences shall not exceed ~~three~~ four years.

Sec. 11. [EFFECTIVE DATE.]

Sections 1 to 10 are effective August 1, 1994, and apply to crimes committed on or after that date."

Delete the title and insert:

"A bill for an act relating to driving while intoxicated; imposing increased penalties on persons who operate a snowmobile or motorboat while intoxi-

cated and who have previously been convicted of driving a motor vehicle while intoxicated; extending maximum length for multiple gross misdemeanor sentences and combined gross misdemeanor and misdemeanor sentences; extending maximum length of a stayed gross misdemeanor DWI sentence and certain felony sentences; authorizing consecutive sentences for multiple crimes committed by repeat DWI offenders; authorizing certain cities to transfer responsibility for petty misdemeanor and misdemeanor offenses to the county attorney; clarifying prosecution authority for certain offenses; amending Minnesota Statutes 1992, sections 84.91, subdivision 5; 86B.331, subdivision 5; 169.797, subdivision 4; Minnesota Statutes 1993 Supplement, sections 169.121, subdivisions 3 and 3a; 171.24; 487.25, subdivision 10; 609.035; 609.135, subdivision 2; and 609.15, subdivision 2.”

And when so amended the bill do pass.

Pursuant to Joint Rule 2.03, the bill was referred to the Committee on Rules and Administration.

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was re-referred

S.F. No. 2192: A bill for an act relating to health; MinnesotaCare; establishing and regulating community integrated service networks; defining terms; creating a reinsurance and risk adjustment association; classifying data; requiring reports; mandating studies; modifying provisions relating to the regulated all-payer option; requiring administrative rulemaking; setting time-lines and requiring plans for implementation; designating essential community providers; establishing an expedited fact finding and dispute resolution process; requiring proposed legislation; establishing task forces; providing for demonstration models; mandating universal coverage; requiring insurance reforms; providing grant programs; establishing the Minnesota health care administrative simplification act; implementing electronic data interchange standards; creating the Minnesota center for health care electronic data interchange; providing standards for the Minnesota health care identification card; appropriating money; providing penalties; amending Minnesota Statutes 1992, sections 60A.15, subdivision 1; 62A.303; 62D.04, by adding a subdivision; 62E.02, subdivisions 10, 18, 20, and 23; 62E.10, subdivisions 1, 2, and 3; 62E.141; 62E.16; 62J.03, by adding a subdivision; 62L.02, subdivisions 9, 13, 17, 24, and by adding subdivisions; 62L.03, subdivision 1; 62L.05, subdivisions 1, 5, and 8; 62L.08, subdivisions 2, 5, 6, and 7; 62L.12; 62L.21, subdivision 2; 62M.02, subdivisions 5 and 21; 62M.03, subdivisions 1, 2, and 3; 62M.05, subdivision 3; 62M.06, subdivision 3; 62M.09, subdivision 5; and 295.50, by adding subdivisions; Minnesota Statutes 1993 Supplement, sections 43A.317, by adding a subdivision; 60K.14, subdivision 7; 61B.20, subdivision 13; 62A.011, subdivision 3; 62A.65, subdivisions 2, 3, 4, 5, and by adding subdivisions; 62D.12, subdivision 17; 62J.03, subdivision 6; 62J.04, subdivisions 1 and 1a; 62J.09, subdivision 2; 62J.33, by adding subdivisions; 62J.35, subdivisions 2 and 3; 62J.38; 62J.41, subdivision 2; 62J.45, by adding subdivisions; 62L.02, subdivisions 8, 11, 15, 16, 19, and 26; 62L.03, subdivisions 3, 4, and 5; 62L.04, subdivision 1; 62L.08, subdivisions 4 and 8; 62N.01; 62N.02, subdivisions 1, 8, and by adding a subdivision; 62N.06, subdivision 1; 62N.065, subdivision 1; 62N.10, subdivisions 1 and 2; 62N.22; 62N.23; 62P.01; 62P.03; 62P.04; 62P.05; 144.1486; 151.21, subdivisions 7 and 8; 256.9352, subdivision 3; 256.9356, subdivision 3; 256.9657, subdivision 3; 295.50, subdivisions 3, 4, and 12b; 295.52, subdivision 5;

295.53; subdivisions 1, 2, and 5; 295.54; 295.58; and 295.582; proposing coding for new law in Minnesota Statutes, chapters 62A; 62J; 62N; 62P; and 144; proposing coding for new law as Minnesota Statutes, chapter 62Q; repealing Minnesota Statutes 1992, sections 62A.02, subdivision 5; 62E.51; 62E.52; 62E.53; 62E.531; 62E.54; 62E.55; and 256.362, subdivision 5; Minnesota Statutes 1993 Supplement, sections 62J.04, subdivision 8; 62N.07; 62N.075; 62N.08; 62N.085; and 62N.16.

Reports the same back with the recommendation that the bill be amended as follows:

Page 6, line 17, delete "*community network may*" and insert "*managed care plan shall*"

Page 6, lines 19, 24, 26, 27, and 35, delete "*community network*" and insert "*managed care plan*"

Page 6, lines 21 and 22, delete "*community network's*" and insert "*managed care plan's*"

Page 7, lines 2 and 3, delete "*community network*" and insert "*managed care plan*"

Page 7, lines 11, 23, and 32, delete "*community network*" and insert "*managed care plan*"

Page 70, line 1, delete "*study*"

Page 70, line 2, delete everything before "*report*"

Page 70, line 3, delete "*specific recommendations*" and insert "*with an implementation schedule and plan*"

Page 70, line 4, after "*, long-term*" insert "*health care*"

Page 70, line 22, delete from "*by*" through page 70, line 26, to "*with*" and insert "*through an income or payroll tax with consideration given to providing*"

Page 71, line 3, before the period, insert "*such as an income or payroll tax*"

Page 99, after line 19, insert:

"Sec. 29. Minnesota Statutes 1992, section 144.581, subdivision 2, is amended to read:

Subd. 2. [USE OF HOSPITAL FUNDS FOR CORPORATE PROJECTS.] In the event that the municipality, political subdivision, state agency, or other governmental entity provides direct financial subsidy to the hospital from tax revenue at the time an undertaking authorized under subdivision 1, *clauses (a) to (g)*, is established or funded, the hospital may not contribute funds to the undertaking for more than three years and thereafter all funds must be repaid, with interest in no more than ten years."

Page 102, line 1, delete "*31, and 32*" and insert "*29, 32, and 33*"

Page 102, lines 2 and 3, delete "*to 30, 33, and 34*" and insert "*, 28, 30, 31, 34, and 35*"

Renumber the sections of article 8 in sequence

Page 150, line 28, strike "*1994*" and insert "*1995*"

Page 150, line 35, strike "the 1996-1997 biennium" and insert "*fiscal year 1997*" and strike "Notwithstanding any law to the"

Page 150, strike line 36

Page 151, strike lines 1 to 4

Page 151, after line 4, insert:

"Sec. 2. Minnesota Statutes 1993 Supplement, section 256.9354, subdivision 5, is amended to read:

Subd. 5. [ADDITION OF SINGLE ADULTS AND HOUSEHOLDS WITH NO CHILDREN.] *(a) Beginning July October 1, 1994, "eligible persons" means shall include all families and individuals and households with no children who have gross family incomes that are equal to or less than 125 percent of the federal poverty guidelines and who are not eligible for medical assistance under chapter 256B.*

(b) Beginning October 1, 1995, "eligible persons" means all individuals and families who are not eligible for medical assistance under chapter 256B.

(c) These persons All eligible persons under paragraphs (a) and (b) are eligible for coverage through the MinnesotaCare plan program but must pay a premium as determined under sections 256.9357 and 256.9358. Individuals and families whose income is greater than the limits established under section 256.9358 may not enroll in the MinnesotaCare plan program."

Page 151, after line 25, insert:

"Sec. 4. Minnesota Statutes 1992, section 256.9358, subdivision 4, is amended to read:

Subd. 4. [INELIGIBILITY.] ~~An individual or family~~ *Families with children whose gross monthly income is above the amount specified in subdivision 3 is are not eligible for the plan. Beginning October 1, 1994, an individual or households with no children whose gross monthly income is greater than \$767 for a single individual and \$1,025 for a married couple without children are ineligible for the plan. Beginning October 1, 1995, an individual or families whose gross monthly income is above the amount specified in subdivision 3 are not eligible for the plan."*

Page 158, after line 19, insert:

"(c) The commissioner; upon application by a pharmacy, shall reimburse the pharmacy for the amount of any additional expenses generated by section 295.52 that the pharmacy has in good faith attempted to transfer to a third-party purchaser as provided in paragraph (a), and that is not paid by the third-party purchaser because of preemption under the Employee Retirement and Income Security Act, jurisdictional limits, lack of enforceability, or for any other reason. The commissioner shall notify all pharmacies of the availability of this reimbursement and of the procedures to apply for reimbursement.

Sec. 16. Laws 1992, chapter 549, article 9, section 22, is amended to read:

Sec. 22. [GROSS RECEIPTS TAX; EFFECTIVE DATE.]

Sections 1 and 16 to 21 are effective the day following final enactment. Section 4 is effective for taxable years beginning after December 31, 1992.

Section 7, subdivision 1, is effective for gross revenues generated by services performed and goods sold after December 31, 1992. Section 7, subdivisions 2 to 4, are effective for gross revenues generated by services performed and goods sold after December 31, 1993. *Section 8 is effective for hospitals and surgical centers for gross revenues generated by services performed and goods sold after December 31, 1992, except the exclusion under subdivision 1, clause (6), applies to payments for prescription drug purchases made after December 31, 1993. Section 8 is effective for health care providers for gross revenues generated by services performed and goods sold after December 31, 1993, except the exclusion under subdivision 1, clause (6), applies to payments for prescription drug purchases made after December 31, 1993.* Sections 14 and 15 are effective July 1, 1992.

Sec. 17. [CORRECTION; STATEMENT OF INTENT.]

The amendment in section 16 corrects and clarifies an effective date in the 1992 legislation enacting the gross receipts tax on hospitals and health care providers. This legislation imposed a gross receipts tax on hospitals effective January 1, 1993, and on health care providers and wholesale drug distributors effective January 1, 1994. To avoid double taxation or pyramiding of the tax burden, hospitals and health care providers were allowed an exclusion for amounts paid to wholesale drug distributors for prescription drugs. These amounts would already be taxed to the wholesale drug distributors. The section creating this exclusion did not contain an effective date. As a result, under Minnesota Statutes, section 645.02, the law may permit hospitals to deduct these amounts for prescription drugs purchased during 1993, even though no tax was imposed on the wholesale drug distributor and no double taxation or pyramiding of the tax could occur. Section 16 corrects this by providing an explicit effective date that makes it clear that the exclusion applies only after the wholesale drug distributor tax goes into effect."

Page 158, line 21, delete "4, 6, and 9" and insert "2, 4, 6, 8, 11, 16, and 17"

Page 158, line 23, delete "2" and insert "3"

Page 158, line 24, delete "3, 5, 7, 8, and 10 to 13" and insert "5, 7, 9, 10, and 12 to 15"

Page 158, line 25, after the period, insert "Section 15, paragraph (c), is effective for additional expenses that a pharmacy attempts to transfer on or after January 1, 1994."

Renumber the sections of article 11 in sequence

Amend the title as follows:

Page 1, line 32, after "5;" insert "144.581, subdivision 2; 256.9358, subdivision 4;"

Page 2, line 2, after "3;" insert "256.9354, subdivision 5;"

Page 2, line 6, after "295.582;" insert "Laws 1992, chapter 549, article 9, section 22;"

And when so amended the bill do pass and be re-referred to the Committee on Health Care. Amendments adopted. Report adopted.

SECOND READING OF SENATE BILLS

S.F. Nos. 2539, 1971, 2540, 2849, 1698, 2885, 1808, 2778, 374 and 2288 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 2007, 1957, 1859 and 228 were read the second time.

MOTIONS AND RESOLUTIONS – CONTINUED

Mr. Belanger introduced—

Senate Resolution No. 71: A Senate resolution congratulating the Bloomington Jefferson High School girls basketball team for winning the 1994 State High School Class AA Girls Basketball Tournament.

Referred to the Committee on Rules and Administration.

Mr. Mondale moved that S.F. No. 1826 be taken from the table. The motion prevailed.

S.F. No. 1826: A bill for an act relating to metropolitan government; extending reporting and effective dates for radio systems planning by the metropolitan council; extending the moratorium on applications for 800 megahertz channels.

CONCURRENCE AND REPASSAGE

Mr. Mondale moved that the Senate concur in the amendments by the House to S.F. No. 1826 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 1826 was read the third time, as amended by the House, and placed on its repassage.

The question was taken on the repassage of the bill, as amended.

The roll was called, and there were yeas 62 and nays 1, as follows:

Those who voted in the affirmative were:

Adkins	Dille	Kroening	Murphy	Robertson
Anderson	Finn	Laidig	Neuville	Runbeck
Beckman	Flynn	Langseth	Novak	Sams
Belanger	Frederickson	Larson	Oliver	Solon
Benson, D.D.	Hanson	Lesewski	Olson	Spear
Benson, J.E.	Hottinger	Lessard	Pappas	Stevens
Berg	Janezich	Luther	Pariseau	Stumpf
Bertram	Johnson, D.E.	Marty	Piper	Terwilliger
Betzold	Johnson, D.J.	McGowan	Pogemiller	Vickerman
Chandler	Johnson, J.B.	Metzen	Price	Wiener
Chmielewski	Johnston	Moe, R.D.	Ranum	
Cohen	Kiscaden	Mondale	Reichgott Junge	
Day	Krentz	Morse	Riveness	

Ms. Berglin voted in the negative.

So the bill, as amended, was repassed and its title was agreed to.

MOTIONS AND RESOLUTIONS – CONTINUED

Mr. Betzold moved that S.F. No. 1692 be taken from the table. The motion prevailed.

S.F. No. 1692: A bill for an act relating to contracts; creating the public contractors' performance and payment bond act by amending existing

provisions; amending Minnesota Statutes 1992, sections 574.26; 574.261; 574.262, subdivision 1; 574.263, by adding a subdivision; 574.264, subdivision 1; 574.27; 574.28; 574.29; 574.30; 574.31; and 574.32.

CONCURRENCE AND REPASSAGE

Mr. Betzold moved that the Senate concur in the amendments by the House to S.F. No. 1692 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 1692: A bill for an act relating to contracts; creating the public contractors' performance and payment bond act by amending existing provisions; amending Minnesota Statutes 1992, sections 574.26; 574.261; 574.262, subdivision 1; 574.263, subdivision 3, and by adding a subdivision; 574.264; 574.27; 574.28; 574.29; 574.30; 574.31; and 574.32.

Was read the third time, as amended by the House, and placed on its repassage.

The question was taken on the repassage of the bill, as amended.

The roll was called, and there were yeas 65 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Day	Knutson	Moe, R.D.	Ranum
Anderson	Dille	Krentz	Mondale	Reichgott Junge
Beckman	Finn	Kroening	Morse	Riveness
Belanger	Flynn	Laidig	Murphy	Robertson
Benson, D.D.	Frederickson	Langseth	Neuville	Runbeck
Benson, J.E.	Hanson	Larson	Novak	Sams
Berg	Hottinger	Lesewski	Oliver	Solon
Berglin	Janezich	Lessard	Olson	Spear
Bertram	Johnson, D.E.	Luther	Pappas	Stevens
Betzold	Johnson, D.J.	Marty	Pariseau	Stumpf
Chandler	Johnson, J.B.	McGowan	Piper	Terwilliger
Chmielewski	Johnston	Merriam	Pogemiller	Vickerman
Cohen	Kiscaden	Metzen	Pricé	Wiener

So the bill, as amended, was repassed and its title was agreed to.

MEMBERS EXCUSED

Mr. Kelly was excused from the Session of today. Mr. Johnson, D.J. was excused from the Session of today from 11:10 to 11:15 a.m. Mr. Knutson was excused from the Session of today from 11:23 to 11:30 a.m. Mr. Novak was excused from the Session of today from 8:00 to 9:45 a.m. Ms. Ranum was excused from the Session of today from 11:10 to 11:30 a.m. Mr. Samuelson was excused from the Session of today from 10:45 to 11:10 a.m.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 10:00 a.m., Thursday, April 7, 1994. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

EIGHTY-FIFTH DAY

St. Paul, Minnesota, Thursday, April 7, 1994

The Senate met at 10:00 a.m. and was called to order by the President.

CALL OF THE SENATE

Mr. Moe, R.D. imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

Prayer was offered by the Chaplain, Rev. Richard Keene Smith.

The roll was called, and the following Senators answered to their names:

Adkins	Finn	Kroening	Murphy	Runbeck
Anderson	Flynn	Laidig	Neuville	Sams
Belanger	Frederickson	Langseth	Novak	Samuelson
Benson, D.D.	Hanson	Larson	Oliver	Solon
Benson, J.E.	Hottinger	Lesewski	Olson	Spear
Berg	Janezich	Lessard	Pappas	Stevens
Berglin	Johnson, D.E.	Luther	Pariseau	Stumpf
Bertram	Johnson, D.J.	Marty	Piper	Terwilliger
Betzold	Johnson, J.B.	McGowan	Pogemiller	Vickerman
Chandler	Johnston	Merriam	Price	Wiener
Chmielewski	Kelly	Metzen	Ranum	
Cohen	Kiscaden	Moe, R.D.	Reichgott Junge	
Day	Knutson	Mondale	Riveness	
Dille	Krentz	Morse	Robertson	

The President declared a quorum present.

The reading of the Journal was dispensed with and the Journal, as printed and corrected, was approved.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communication was received.

April 6, 1994

The Honorable Allan H. Spear
President of the Senate

Dear President Spear:

It is my honor to inform you that I have received, approved, signed and deposited in the Office of the Secretary of State, S.F. Nos. 2383, 2086 and 2274.

Warmest regards,
Arne H. Carlson, Governor

RECESS

Mr. Moe, R.D. moved that the Senate do now recess until 10:45 a.m. The motion prevailed.

The hour of 10:45 a.m. having arrived, the President called the Senate to order.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate Files, herewith returned: S.F. Nos. 2135, 2345, 2462, 2464, 2598, 2671, 1959, 2503, 2572 and 2582.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 6, 1994

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S.F. No. 1898: A bill for an act relating to insurance; health; requiring coverage for equipment and supplies for the management and treatment of diabetes; proposing coding for new law in Minnesota Statutes, chapter 62A.

Senate File No. 1898 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 6, 1994

Ms. Wiener moved that the Senate do not concur in the amendments by the House to S.F. No. 1898, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S.F. No. 1912: A bill for an act relating to insurance; accident and health; permitting short-term coverage; amending Minnesota Statutes 1993 Supplement, section 62A.65, by adding a subdivision.

Senate File No. 1912 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 6, 1994

Mr. Vickerman moved that the Senate do not concur in the amendments by the House to S.F. No. 1912, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S.F. No. 1744: A bill for an act relating to the city of Lakefield; allowing the city of Lakefield to expand its public utilities' commission to five members.

Senate File No. 1744 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 6, 1994

Mr. Vickerman moved that the Senate do not concur in the amendments by the House to S.F. No. 1744, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S.F. No. 2246: A bill for an act relating to natural resources; authorizing the exchange of certain state lands in Wabasha and Fillmore counties under certain conditions.

Senate File No. 2246 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 6, 1994

Mr. Murphy moved that the Senate do not concur in the amendments by the House to S.F. No. 2246, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S.F. No. 1911: A bill for an act relating to the secretary of state; changing filing procedures for corporations and certain organizations; providing for

service of process on limited partnerships; changing requirements for filings governed by the uniform commercial code; amending Minnesota Statutes 1992, sections 302A.821, subdivision 1; 303.07, subdivision 2; 303.17, subdivisions 2 and 4; 315.23, subdivision 3; 315.44; Minnesota Statutes 1993 Supplement, sections 336.9-403; 336.9-407; 336.9-413; 336A.04, subdivision 3; 336A.09, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 322A.

Senate File No. 1911 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 6, 1994

CONCURRENCE AND REPASSAGE

Mr. Finn moved that the Senate concur in the amendments by the House to S.F. No. 1911 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 1911: A bill for an act relating to the secretary of state; modifying requirements for electronic filing of tax liens and notices; changing filing procedures for corporations and certain organizations; providing for service of process on limited partnerships; changing requirements for filings governed by the uniform commercial code; amending Minnesota Statutes 1992, sections 272.488, subdivision 1, and by adding subdivisions; 302A.821, subdivision 1; 303.07, subdivision 2; 303.17, subdivisions 2 and 4; 315.23, subdivision 3; 315.44; Minnesota Statutes 1993 Supplement, sections 336.9-403; 336.9-407; 336.9-413; 336A.04, subdivision 3; 336A.09, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 322A.

Was read the third time, as amended by the House, and placed on its repassage.

The question was taken on the repassage of the bill, as amended.

The roll was called, and there were yeas 66 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Finn	Kroening	Murphy	Runbeck
Anderson	Flynn	Laidig	Neuville	Sams
Belanger	Frederickson	Langseth	Novak	Samuelson
Benson, D.D.	Hanson	Larson	Oliver	Solon
Benson, J.E.	Hottinger	Lesewski	Olson	Spear
Berg	Janezich	Lessard	Pappas	Stevens
Berglin	Johnson, D.E.	Luther	Pariseau	Stumpf
Bertram	Johnson, D.J.	Marty	Piper	Terwilliger
Betzold	Johnson, J.B.	McGowan	Pogemiller	Vickerman
Chandler	Johnston	Merriam	Price	Wiener
Chmielewski	Kelly	Metzen	Ranum	
Cohen	Kiscaden	Moe, R.D.	Reichgott Junge	
Day	Knutson	Mondale	Riveness	
Dille	Krentz	Morse	Robertson	

So the bill, as amended, was repassed and its title was agreed to.

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce the passage by the House of the following

April 7, 1994

Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S.F. No. 2118: A bill for an act relating to local government; clarifying that the Moose Lake Fire Protection District is a governmental subdivision for certain purposes; making other clarifications; amending Laws 1987, chapter 402, section 2, subdivisions 2, 3, and by adding a subdivision.

Senate File No. 2118 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 6, 1994

Mr. Chmielewski moved that S.F. No. 2118 be laid on the table. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S.F. No. 1951: A bill for an act relating to insurance; health; restricting termination or reductions of coverage for fibrocystic conditions; proposing coding for new law in Minnesota Statutes, chapter 62A.

Senate File No. 1951 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 6, 1994

CONCURRENCE AND REPASSAGE

Ms. Johnston moved that the Senate concur in the amendments by the House to S.F. No. 1951 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 1951 was read the third time, as amended by the House, and placed on its repassage.

The question was taken on the repassage of the bill, as amended.

The roll was called, and there were yeas 66 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Finn	Kroening	Murphy	Runbeck
Anderson	Flynn	Laidig	Neuville	Sams
Belanger	Frederickson	Langseth	Novak	Samuelson
Benson, D.D.	Hanson	Larson	Oliver	Solon
Benson, J.E.	Hottinger	Lesewski	Olson	Spear
Berg	Janezich	Lessard	Pappas	Stevens
Berglin	Johnson, D.E.	Luther	Pariseau	Stumpf
Bertram	Johnson, D.J.	Marty	Piper	Terwilliger
Betzold	Johnson, J.B.	McGowan	Pogemiller	Vickerman
Chandler	Johnson	Merriam	Price	Wiener
Chmielewski	Kelly	Metzen	Ranum	
Cohen	Kiscaden	Moe, R.D.	Reichgott Junge	
Day	Knutson	Mondale	Riveness	
Dille	Krentz	Morse	Robertson	

So the bill, as amended, was repassed and its title was agreed to.

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 2553 and 2278.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 6, 1994

FIRST READING OF HOUSE BILLS

The following bills were read the first time and referred to the committees indicated.

H.F. No. 2553: A bill for an act relating to retirement; public employees retirement association; permitting purchase of service credit by certain soil and water conservation district employees.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2332, now on General Orders.

H.F. No. 2278: A bill for an act relating to state government; requiring the governor to develop a plan to create a secretarial system of executive branch organization.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2259, now on General Orders.

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was re-referred

S.F. No. 2006: A bill for an act relating to taxation; motor fuels; establishing permit system for alternate fuel vehicles; setting permit fees based on vehicle weight; amending Minnesota Statutes 1993 Supplement, sections 296.02, subdivision 1a; and 296.025, subdivision 1a; proposing coding for new law in Minnesota Statutes, chapter 296.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Finance. Report adopted.

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was re-referred

S.F. No. 2590: A bill for an act relating to criminal justice; providing for public defense services; providing for public defense of juveniles and persons charged with misdemeanors; providing for a reduction in aid to counties equal to public defense costs assumed by the state; providing for certain disclosure of data; appropriating money; amending Minnesota Statutes 1992, sections 477A.012, by adding a subdivision; and 611.26, subdivisions 4 and 6;

Minnesota Statutes 1993 Supplement, sections 611.17; 611.20, subdivision 2; and 611.27, subdivision 4.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Finance. Report adopted.

Mr. Chmielewski from the Committee on Transportation and Public Transit, to which was referred

S.F. No. 2151: A bill for an act relating to motor vehicles; requiring motor vehicles sold in Minnesota on and after January 1, 2000, to be equipped with an automatic mileage recorder meeting certain specifications; requiring a study and report by the commissioner of transportation on replacing the present highway user tax system with a system based on charges per mile traveled; proposing coding for new law in Minnesota Statutes, chapter 169.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. [ROAD PRICING STUDY.]

The commissioner of transportation and the metropolitan council shall jointly conduct a study of road pricing options with the potential for implementation in the state of Minnesota and the metropolitan area as defined in Minnesota Statutes, section 473.121, subdivision 2. The road pricing options studied must include the option of replacing the present highway user taxes on motor fuel and motor vehicle licenses with a highway user revenue system based on a charge on each vehicle based on the number of miles traveled by that vehicle in each year. The study must also include, but is not limited to:

(1) an analysis of the potential for charging motorists based upon the time of day the travel takes place and the level of congestion on the roadway;

(2) an evaluation of public acceptance and understanding of alternative road pricing options;

(3) a detailed analysis, evaluation, and quantification of the impacts of various road pricing options;

(4) a financial analysis of each road pricing option, including the implementation costs, users costs, and revenue estimates;

(5) selection of specific road pricing options for future demonstration and testing in the metropolitan area and/or statewide; and

(6) a detailed study design, schedule, and cost estimate for a draft environmental impact statement meeting appropriate state and federal requirements.

The commissioner and metropolitan council shall report the results of the study to the legislature no later than January 15, 1996. The report must include recommendations regarding future actions needed to move towards implementation of road pricing in Minnesota and/or the metropolitan area.

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 transportation; requiring a study and report by the commissioner of transportation and metropolitan council examining road pricing options in the state of Minnesota and the metropolitan area; examining options to replace the current highway user taxes on motor fuels and motor vehicle licenses.”

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Lessard from the Committee on Environment and Natural Resources, to which was referred

H.F. No. 2010: A bill for an act relating to the environment; requiring a person who arranges for management of solid waste in an environmentally inferior manner to indemnify generators of the waste and, for a landfill, set aside a fund to pay for contamination from the landfill; proposing coding for new law in Minnesota Statutes, chapter 115A.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. [115A.47] [SOLID WASTE MANAGEMENT; USE OF ENVIRONMENTALLY INFERIOR FACILITIES.]

Subdivision 1. [LEGISLATIVE FINDINGS.] The legislature finds that:

(1) public health and the environment are threatened when persons who arrange for management of solid waste choose to manage the waste in an environmentally inferior manner;

(2) historical state and local efforts to protect public health and the environment and to take responsibility for waste generated by their citizens, as encouraged under the federal Resource Conservation and Recovery Act and required under this chapter and chapter 473, are undermined when persons choose to manage waste in an environmentally inferior manner;

(3) a person who arranges for management of solid waste in an environmentally inferior manner, places generators at additional risk of liability for contamination that is likely to occur from environmentally inferior facilities and practices;

(4) as provided in section 115A.02, land disposal is the least environmentally preferred solid waste management practice, and solid waste disposal facilities that do not meet the standards for new facilities in Code of Federal Regulations, title 40, chapters 257 and 258, are environmentally inferior to facilities that do meet these standards;

(5) under federal law, land disposal facilities are not required to provide financial assurance for response costs to clean up contamination until the contamination occurs and under state rules have not been required to provide financial assurance for the total amount of potential response costs;

(6) the partial financial assurance for response costs at land disposal facilities located in the state that is required under present state rules amounts to an average of \$2.80 per cubic yard or \$9.25 per ton of waste managed at

a disposal facility that does not meet the standards for new facilities in Code of Federal Regulations, title 40, chapters 257 and 258, and 60 cents per cubic yard or \$2 per ton of waste managed at a disposal facility that does meet those standards;

(7) the potential defense costs for response actions under the federal Comprehensive Environmental Response, Compensation and Liability Act, United States Code, title 42, sections 9601 to 9675, amount to approximately 130 percent of the actual costs to respond to contamination; and

(8) it is not in the public interest, in a county that has developed a comprehensive solid waste management plan under this chapter or chapter 473 and is implementing that plan, that a solid waste generator continue to accrue liability for contamination from a waste management facility or method that is environmentally inferior to a facility or method chosen by the county for management of the waste generated in the county.

Subd. 2. [DEFINITIONS.] (a) The definitions in sections 115A.03 and 115B.02 and this subdivision apply to this section.

(b) "Arrange for management" means an activity undertaken by a person that determines the ultimate disposition of solid waste that is under the control of the person, including delivery of the waste to a transfer station for transport to another solid waste management facility. Knowledge of the destination of waste by a generator is by itself insufficient for arranging for management unless the generator knows that the destination is an environmentally inferior facility as defined in this section, has the ability to redirect the waste to an environmentally superior facility and ensure its delivery to that facility, and chooses not to redirect the waste.

(c) "Environmentally inferior" means a solid waste management method that is lower on the list of preferred waste management methods in section 115A.02 than a solid waste management method chosen by a county or, as applied to a facility, means a waste management facility that utilizes a waste management method that is lower on the list of preferred waste management methods than the waste management method chosen by a county. In addition, as applied to disposal facilities, a facility that does not meet the standards for new facilities in Code of Federal Regulations, title 40, chapters 257 and 258, is environmentally inferior to a facility that does meet these standards.

(d) "Inferior disposal facility" means a solid waste disposal facility that does not meet the standards for a new facility in Code of Federal Regulations, title 40, chapters 257 and 258.

(e) "Superior disposal facility" means a solid waste disposal facility that does meet the standards for a new facility in Code of Federal Regulations, title 40, chapters 257 and 258.

(f) "Waste management method chosen by a county" means:

(1) a waste management method that is mandated for waste generated in the county by section 115A.415, 473.848, 473.849, or other state law, or by county ordinance based on the county solid waste management plan developed, adopted, and approved under section 115A.46 or the county solid waste management master plan developed, adopted, and approved under section 473.803; or

(2) a waste management facility or facilities, developed under the county solid waste management plan or master plan, to which solid waste generated in a county is directed by an ordinance developed, adopted, and approved under sections 115A.80 to 115A.893.

Subd. 3. [INDEMNIFICATION; FINANCIAL ASSURANCE FOR LAND DISPOSAL.] (a) A person who arranges for management of solid waste at a facility that uses a primary waste management method that is environmentally inferior to the primary waste management method chosen by the county in which the waste is generated:

(1) indemnifies and holds harmless each solid waste generator whose waste is under the control of the person who arranges for management for all costs that may be assessed against the generator for response to a release from the facility of a hazardous substance or pollutant or contaminant under chapter 115B or United States Code, title 42, sections 9601 to 9675; and

(2) shall defend each generator indemnified under clause (1) against any action to recover response costs related to that facility.

(b) When the environmentally inferior facility chosen by the person who arranges for management is a disposal facility, the person shall also provide to the commissioner proof of the person's financial capability to provide for response and defense costs as required in clauses (1) and (2). For the purpose of this paragraph, "proof of financial capability" means a trust fund into which the person must pay:

(1) \$2.80 per cubic yard or \$9.25 per ton of waste delivered to an inferior disposal facility or to an intermediate facility that transfers waste to an inferior disposal facility for potential response costs at the inferior disposal facility;

(2) \$3.65 per cubic yard or \$12 per ton of waste delivered to the inferior disposal facility or to an intermediate facility that transfers waste to the inferior disposal facility for potential defense costs related to response actions at the inferior disposal facility;

(3) 60 cents per cubic yard or \$2 per ton of waste delivered to a superior disposal facility or to an intermediate facility that transfers waste to a superior disposal facility for potential response costs at the superior disposal facility; and

(4) 78 cents per cubic yard or \$2.60 per ton of waste delivered to a superior disposal facility or to an intermediate facility that transfers waste to a superior disposal facility for potential defense costs related to response actions at the superior disposal facility.

(c) Payment into a trust fund must be made on a monthly basis for use of the environmentally inferior facility or for use of intermediate facilities that transfer waste to the facility. A person that arranges for management of solid waste at more than one environmentally inferior facility that is a disposal facility may establish a single trust fund with separate accounting for each facility.

(d) The trustee of a trust required in paragraph (b) must be an entity that has the authority to act as a trustee and whose trust operations are regulated under state or federal law.

(e) *Until 30 years after closure of the facility, money in a trust fund established under paragraphs (b) and (c) may be spent only on approval of the commissioner for response and defense costs as provided in paragraph (a).*

(f) *A person subject to this subdivision shall provide a quarterly report to the commissioner that includes:*

(1) *the number of cubic yards or tons of waste for which the person arranged for management at an environmentally inferior facility during each quarter;*

(2) *the amount paid or to be paid into the trust fund each quarter;*

(3) *any request for use of money in the trust fund; and*

(4) *any other information necessary for the commissioner to adequately monitor and audit the trust fund or the need for payment from it.*

(g) *The requirements of this section that apply to an environmentally inferior facility also apply to a transfer station from which waste is primarily transferred to the facility.*

(h) *A person required to make payments to a trust fund under this subdivision shall pay to the commissioner a fee of 35 cents per cubic yard or \$1.20 per ton of waste delivered to the environmentally inferior facility. Proceeds of the fee must be credited to the environmental fund and are annually appropriated to the commissioner for implementation of this section.*

Subd. 4. [RULES.] The commissioner shall adopt rules to implement this section.

Subd. 5. [RECORD KEEPING.] A hauler of solid waste shall keep records at its central record keeping location regarding the date, amount of solid waste by cubic yard or ton, and facility to which each load of solid waste is delivered for disposal by the hauler. The hauler shall keep the records for two years and, when reasonable notice has been given, shall make the records available to the commissioner for inspection. Records inspected by the commissioner under this section are nonpublic data as defined in section 13.02, subdivision 9, and may be used solely for the purpose of enforcing this section.

Subd. 6. [ENFORCEMENT.] The commissioner may enforce this section under section 116.072.

Subd. 7. [EFFECT.] This section has no effect on the operation of an ordinance adopted under sections 115A.80 to 115A.893. Nothing in this section authorizes a person to arrange for the management of solid waste that is subject to a designation ordinance at a facility other than the designated facility or facilities."

Delete the title and insert:

"A bill for an act relating to the environment; requiring a person who arranges for management of solid waste in an environmentally inferior manner to indemnify generators of the waste and, for a landfill, set aside a fund to pay for contamination from the landfill; proposing coding for new law in Minnesota Statutes, chapter 115A."

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Ms. Berglin from the Committee on Health Care, to which was referred

H.F. No. 423: A bill for an act relating to health; clean indoor air act; adding common areas of apartments to public places where smoking is prohibited; amending Minnesota Statutes 1992, section 144.413, subdivision 2.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 16, after "of" insert "rental"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Lessard from the Committee on Environment and Natural Resources, to which was referred

S.F. No. 1922: A bill for an act relating to wild animals; restricting the killing of dogs wounding, killing, or pursuing big game within the metropolitan area; amending Minnesota Statutes 1992, section 97B.011.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1992, section 97B.011, is amended to read:

97B.011 [DOGS PURSUING BIG GAME.]

A person who observes a dog that is known to have killed or is observed wounding, killing, or pursuing in a manner that endangers big game may be killed by kill the dog:

- (1) at any time, if the person is a peace officer or conservation officer; or,
- (2) between January 1 and July 14, by any if the person is not a peace officer or conservation officer and the discharge of firearms is allowed.

The officer or person is not liable for damages for killing the dog."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Lessard from the Committee on Environment and Natural Resources, to which was referred

S.F. No. 2429: A bill for an act relating to game and fish; authorizing nonresident multiple zone antlerless deer licenses; purchase of archery deer licenses after the firearms season opens; taking big game by handgun in a shotgun deer zone; possession of firearms in muzzle-loader only deer zones; amending Minnesota Statutes 1992, sections 97A.475, subdivision 3; 97A.485, subdivision 9; and 97B.031, subdivision 2; Minnesota Statutes 1993 Supplement, section 97B.041.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, after line 11, insert:

“Section 1. Minnesota Statutes 1992, section 18.317, subdivision 1, is amended to read:

18.317 [~~WATER TRANSMITTED HARMFUL EXOTIC SPECIES UNDESIRABLE EXOTIC AQUATIC PLANTS OR WILD ANIMALS.~~]

Subdivision 1. [TRANSPORTATION PROHIBITED.] Except as provided in subdivision 2, a person may not transport Eurasian or Northern water milfoil, *myriophyllum spicatum* or *exalbescens*, zebra mussels, or ~~other water transmitted harmful exotic species undesirable exotic aquatic plants or wild animals~~ identified by the commissioner of natural resources on a road or highway, as defined in section 160.02, subdivision 7, or on forest roads.

Sec. 2. Minnesota Statutes 1992, section 18.317, subdivision 1a, is amended to read:

Subd. 1a. [PLACEMENT PROHIBITED.] A person may not intentionally place ~~ecologically harmful exotic species undesirable exotic aquatic plants or wild animals~~, as defined in section 84.967, in public waters within the state.

Sec. 3. Minnesota Statutes 1992, section 18.317, subdivision 2, is amended to read:

Subd. 2. [EXCEPTION.] A person may transport Eurasian or Northern water milfoil, *myriophyllum spicatum* or *exalbescens*, or other ~~water transmitted harmful exotic species undesirable exotic aquatic plants or wild animals~~ identified by the commissioner of natural resources for disposal as part of a harvest or control activity *conducted under a permit or as specified by the commissioner.*

Sec. 4. Minnesota Statutes 1992, section 18.317, subdivision 3, is amended to read:

Subd. 3. [LAUNCHING OF WATERCRAFT WITH EURASIAN OR NORTHERN WATER MILFOIL OR OTHER HARMFUL SPECIES PROHIBITED.] (a) A person may not place a trailer or launch a watercraft ~~with into waters of the state if the trailer or watercraft has attached to it~~ Eurasian or Northern water milfoil, zebra mussels, or other ~~water transmitted harmful exotic species undesirable exotic aquatic plants or wild animals~~ identified by the commissioner of natural resources ~~attached into waters of the state.~~ A conservation officer or other licensed peace officer may order the removal of Eurasian or Northern water milfoil, zebra mussels, or other ~~water transmitted harmful exotic species undesirable exotic aquatic plants or wild animals~~ identified by the commissioner of natural resources from a trailer or watercraft before being placed or launched into waters of the state.

(b) For purposes of this section, the meaning of watercraft includes a float plane and “waters of the state” has the meaning given in section 103G.005, subdivision 17.

(c) A commercial harvester shall clean aquatic plant harvesting equipment of all aquatic vegetation at a suitable location before launching the equipment in another body of water.

Sec. 5. Minnesota Statutes 1993 Supplement, section 18.317, subdivision 3a, is amended to read:

Subd. 3a. [INSPECTION OF WATERCRAFT AND EQUIPMENT.] ~~Li-~~ ~~ensed~~ Watercraft and associated equipment, including weed harvesters, that

are removed from any waters of the state that the commissioner of natural resources identifies as being contaminated with Eurasian water milfoil, zebra mussels, or other ~~water-transmitted exotic harmful species~~ *undesirable exotic aquatic plants or wild animals* identified by the commissioner of natural resources, shall be randomly inspected between May 1 and October 15 for a minimum of 10,000 hours by personnel authorized by the commissioner of natural resources. Beginning in calendar year 1994, a minimum of 20,000 hours of random inspections must be conducted per year.

Sec. 6. Minnesota Statutes 1992, section 18.317, subdivision 4, is amended to read:

Subd. 4. [ENFORCEMENT.] This section may be enforced by conservation officers under sections 97A.205 ~~and~~, 97A.211, ~~and~~ 97A.221, *subdivision 1, paragraph (a), clause (1)*, and by other licensed peace officers.

Sec. 7. Minnesota Statutes 1992, section 18.317, subdivision 5, is amended to read:

Subd. 5. [PENALTY.] A person who violates subdivision 1, 1a, 3, or 3a is guilty of a misdemeanor. A person who refuses to obey the order of a peace officer or conservation officer to remove Eurasian or Northern water milfoil, zebra mussels, or other *undesirable exotic aquatic plants or wild animals* from a trailer or watercraft is guilty of a misdemeanor.

Sec. 8. Minnesota Statutes 1992, section 84.966, subdivision 1, is amended to read:

Subdivision 1. [DEFINITION.] For the purpose of this section, "purple loosestrife" means *lythrum salicaria, lythrum virgatum, or combinations thereof*.

Sec. 9. Minnesota Statutes 1992, section 84.967, is amended to read:

84.967 [ECOLOGICALLY HARMFUL SPECIES; ~~DEFINITION~~ DEFINITIONS.]

Subdivision 1. [SCOPE.] For the purposes of sections 84.967 to ~~84.969~~ 84.9692, the following terms have the meanings given them.

Subd. 2. [ECOLOGICALLY HARMFUL EXOTIC SPECIES.] "Ecologically harmful exotic species" means nonnative aquatic plants or wild animals that can naturalize, have high propagation potential, are highly competitive for limiting factors, and cause or may cause displacement of, or otherwise threaten, native plants or native animals in their natural communities.

Subd. 3. [LIMITED INFESTATION OF EURASIAN WATER MILFOIL.] "Limited infestation of Eurasian water milfoil" or "limited infestation" means an infestation of Eurasian water milfoil that occupies less than 20 percent of the littoral area of a water body up to a maximum of 75 acres, excluding water bodies where mechanical harvesting is used to manage Eurasian water milfoil or where no Eurasian water milfoil control is planned.

Sec. 10. Minnesota Statutes 1992, section 84.968, subdivision 2, is amended to read:

Subd. 2. [REPORT.] The commissioner of natural resources shall by January 1 each year submit a report on ecologically harmful exotic species to

the legislative committees having jurisdiction over environmental and natural resource issues. The report must include:

- (1) detailed information on expenditures for administration, education, eradication, inspections, and research;
- (2) an analysis of the effectiveness of management activities conducted in the state, including chemical eradication, harvesting, educational efforts, and inspections;
- (3) information on the participation of other state agencies, local government units, and interest groups in control efforts;
- (4) information on management efforts in other states;
- (5) information on the progress made by species; *and*
- (6) an estimate of future management needs; *and*
- ~~(7) an analysis of the financial impact on persons who transport weed harvesters of the prohibition in section 18.317, subdivision 1.~~

Sec. 11. Minnesota Statutes 1992, section 84.9691, is amended to read:

84.9691 [RULEMAKING.]

(a) The commissioner of natural resources may adopt emergency and permanent rules restricting the introduction, propagation, use, possession, and spread of ecologically harmful exotic species in the state, as outlined in section 84.967. The emergency rulemaking authority granted in this paragraph expires July 1, 1994.

(b) The commissioner shall adopt rules to identify bodies of water with limited infestation of Eurasian water milfoil. The areas that are infested shall be marked and prohibited for use.

(c) A violation of a rule adopted under this section is a misdemeanor.

Sec. 12. Minnesota Statutes 1993 Supplement, section 84.9692, subdivision 1, is amended to read:

Subdivision 1. [AUTHORITY TO ISSUE.] After appropriate training, conservation officers, peace officers, and other staff designated by the commissioner may issue warnings or citations to persons who:

- (1) unlawfully transport ecologically harmful exotic species on a public road;
- (2) place a trailer or launch a watercraft with ecologically harmful species attached into waters of the state;
- (3) operate a watercraft in a *marked* Eurasian water milfoil *limited* infestation area; or
- (4) damage, remove, or sink a buoy marking a Eurasian water milfoil infestation area.

Sec. 13. Minnesota Statutes 1993 Supplement, section 84.9692, subdivision 2, is amended to read:

Subd. 2. [PENALTY AMOUNT.] A citation issued under this section may impose up to the following penalty amounts:

(1) \$50 for transporting visible Eurasian water milfoil on a public road in each of the following locations:

(i) the exterior of the watercraft below the gunwales including the propulsion system;

(ii) any surface of a watercraft trailer;

(iii) any surface of a watercraft interior of the gunwales;

(iv) any water container including live wells, minnow buckets, or coolers which hold water; or

(v) any other area where visible Eurasian water milfoil is found not previously described in items (i) to (iv);

(2) \$150 for transporting visible zebra mussels on a public road;

(3) \$300 for transporting live ruffe or live rusty crayfish on a public road;

(4) for attempting to launch or launching into noninfested waters a watercraft with visible Eurasian water milfoil or adult zebra mussels attached, \$500 for a first offense and \$1,000 for a second or subsequent offense;

(5) \$100 for operating a watercraft in a marked Eurasian water milfoil *limited* infestation area other than as provided by law;

(6) \$150 for intentionally damaging, moving, removing, or sinking a milfoil buoy; or

(7) \$150 for launching or attempting to launch into infested waters a watercraft with visible Eurasian water milfoil or visible zebra mussels attached.

Sec. 14. Minnesota Statutes 1992, section 86B.401, subdivision 11, is amended to read:

Subd. 11. [SUSPENSION FOR NOT REMOVING EURASIAN OR NORTHERN WATER MILFOIL OR OTHER HARMFUL UNDESIRABLE EXOTIC SPECIES.] The commissioner, after notice and an opportunity for hearing, may suspend for a period of not more than one year the license of a watercraft if the owner or person in control of the watercraft or its trailer refuses to comply with an inspection order of a conservation officer or other licensed peace officer or an order to remove Eurasian or Northern water milfoil, *Myriophyllum spicatum* or *exalbescens*, zebra mussels, or other ~~ecologically harmful undesirable exotic aquatic plant and wild animal~~ species identified by the commissioner from the watercraft or its trailer as provided in section 18.317, subdivision 3.

Sec. 15. Minnesota Statutes 1992, section 97A.015, subdivision 24, is amended to read:

Subd. 24. [GAME BIRDS.] "Game birds" means migratory waterfowl, pheasant, ruffed grouse, sharp-tailed grouse, Canada spruce grouse, prairie chickens, ~~chukar partridge~~, gray partridge, *bob-white* quail, turkeys, coots, gallinules, sora and Virginia rails, American woodcock, and common snipe.

Sec. 16. Minnesota Statutes 1992, section 97A.115; subdivision 2, is amended to read:

Subd. 2. [GAME AVAILABLE.] Game that may be released and hunted in a licensed shooting preserve must be specified in the license and is limited to adult pheasant; *and bob-white quail, and chukar partridge* for private shooting preserves and adult pheasant, *bob-white quail, chukar partridge,* turkey, mallard duck, black duck, and other species designated by the commissioner for commercial shooting preserves. These game birds must be pen hatched and raised."

Page 2, after line 11, insert:

"Sec. 19. Minnesota Statutes 1992, section 97A.501, is amended by adding a subdivision to read:

Subd. 3. [CONTRACEPTIVE CHEMICALS.] *(a) A person may not administer contraceptive chemicals to non-captive wild animals without a permit issued by the commissioner.*

(b) The commissioner shall adopt rules establishing standards and guidelines for the administration of contraceptive chemicals to non-captive wild animals. The rules may specify chemical delivery methods and devices and monitoring requirements."

Page 3, after line 10, insert:

"Sec. 22. Minnesota Statutes 1993 Supplement, section 97B.071, is amended to read:

97B.071 [BLAZE ORANGE REQUIREMENTS.]

A person may not hunt or trap during the open season ~~in a zone or area~~ where deer may be taken by firearms, unless the visible portion of the person's cap and outer clothing above the waist, excluding sleeves and gloves, is blaze orange. Blaze orange includes a camouflage pattern of at least 50 percent blaze orange within each foot square. This section does not apply to migratory waterfowl hunters on waters of this state or in a stationary shooting location.

~~This section is effective for the 1994 firearms deer season and subsequent firearms deer seasons. The commissioner of natural resources shall, by way of public service announcements and other means, inform the public of the provisions of this section.~~

Sec. 23. Minnesota Statutes 1992, section 97B.701, is amended by adding a subdivision to read:

Subd. 3. [RECAPTURE OF RELEASED BOB-WHITE QUAIL.] *Released bob-white quail may be recaptured without a license.*

Sec. 24. Minnesota Statutes 1992, section 97B.711, subdivision 1, is amended to read:

Subdivision 1. [SEASONS FOR CERTAIN UPLAND GAME BIRDS.] (a) The commissioner may, by rule, prescribe an open season in designated areas between September 16 and December 31 for:

- (1) pheasant;
- (2) ruffed grouse;

- (3) sharp tailed grouse;
- (4) Canada spruce grouse;
- (5) prairie chicken;
- (6) gray partridge;
- (7) ~~chukar~~ partridge;
- (8) bob-white quail; and
- (9) (8) turkey.

(b) The commissioner may by rule prescribe an open season for turkey in the spring.

Sec. 25. Minnesota Statutes 1993 Supplement, section 97B.711, subdivision 2, is amended to read:

Subd. 2. [DAILY AND POSSESSION LIMITS FOR CERTAIN UPLAND GAME BIRDS.] (a) A person may not take more than five in one day or possess more than ten of each of the following:

- (1) pheasant;
- (2) ruffed grouse;
- (3) sharp tailed grouse;
- (4) Canada spruce grouse;
- (5) prairie chicken; *and*
- (6) gray partridge; *and*
- (7) ~~chukar~~ partridge.

(b) A person may not take more than ten ~~quail~~ in one day or possess more than 15 bob-white quail.

(c) The commissioner may, by rule, reduce the daily and possession limits established in this subdivision.

Sec. 26. Minnesota Statutes 1992, section 97C.321, subdivision 2, is amended to read:

Subd. 2. [ICE FISHING.] A person may use an unattended line to take fish through the ice if:

- (1) the person is within sight of the line; or
- (2) a tip-up is attached to the line and the person is within 80 feet of the tip-up.

For the purposes of this subdivision, "tip-up" includes a nonmotorized device with a recoil mechanism.

Sec. 27. Minnesota Statutes 1992, section 97C.381, is amended to read:
97C.381 [HARPOONING ROUGH FISH.]

A resident *or nonresident* may use a rubber powered gun, spring gun, or compressed air gun to take rough fish by harpooning. The harpoon must be

fastened to a line not more than 20 feet long. The commissioner may prescribe the times, the waters, and the manner for harpooning rough fish.

Sec. 28. Minnesota Statutes 1992, section 344.03, subdivision 1, is amended to read:

Subdivision 1. [ADJOINING OWNERS.] If all or a part of adjoining Minnesota land is improved and used, and one or both of the owners of the land desires the land to be partly or totally fenced, the land owners or occupants shall build and maintain a partition fence between their lands in equal shares. *The requirement in this section and the procedures in this chapter apply to the department of natural resources when it owns land adjoining privately owned land subject to this section and chapter and the landowner desires the land permanently fenced for the purpose of restraining livestock.*

Sec. 29. [REPEALER.]

Minnesota Statutes 1992, section 97A.475, subdivision 17, is repealed.

Sec. 30. [EFFECTIVE DATE.]

This act is effective the day following final enactment.

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, delete "game and fish" and insert "natural resources; modifying the list of protected game birds"

Page 1, line 3, delete "antlerless" and insert "antlered"

Page 1, line 4, after the semicolon, insert "administration of contraceptive chemicals to wild animals;"

Page 1, line 7, after the semicolon, insert "undesirable exotic aquatic plants and wild animals; clarifying the requirement to wear blaze orange clothing during deer season; allowing released game birds to be recaptured without a license; defining tip-up to include certain mechanical devices for hooking fish; allowing nonresidents to take rough fish by harpooning; requiring the department of natural resources to share in the expense of partition fences; abolishing the nonresident bear guide license;" and after "sections" insert "18.317, subdivisions 1, 1a, 2, 3, 4, and 5; 84.966, subdivision 1; 84.967; 84.968, subdivision 2; 84.9691; 86B.401, subdivision 11; 97A.015, subdivision 24; 97A.115, subdivision 2;"

Page 1, line 8, delete "and" and insert "97A.501, by adding a subdivision;"

Page 1, line 9, after the semicolon, insert "97B.701, by adding a subdivision; 97B.711, subdivision 1; 97C.321, subdivision 2; 97C.381; and 344.03, subdivision 1;"

Page 1, line 10, delete "section" and insert "sections 18.317, subdivision 3a; 84.9692, subdivisions 1 and 2;" and before the period, insert "97B.071; and 97B.711, subdivision 2; repealing Minnesota Statutes 1992, section 97A.475, subdivision 17"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Novak from the Committee on Jobs, Energy and Community Development, to which was referred

S.F. No. 2636: A bill for an act relating to manufactured housing; requiring a study of state administration, regulation, and enforcement; requiring a report to the legislature.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1992, section 16B.75, is amended to read:

16B.75 [INTERSTATE COMPACT ON INDUSTRIALIZED/MODULAR BUILDINGS.]

The state of Minnesota ratifies and approves the following compact:

INTERSTATE COMPACT ON INDUSTRIALIZED/ MODULAR BUILDINGS

ARTICLE I

FINDINGS AND DECLARATIONS OF POLICY

(1) The compacting states find that:

(a) Industrialized/modular buildings are constructed in factories in the various states and are a growing segment of the nation's affordable housing and commercial building stock.

(b) The regulation of industrialized/modular buildings varies from state to state and locality to locality, which creates confusion and burdens state and local building officials and the industrialized/modular building industry.

(c) Regulation by multiple jurisdictions imposes additional costs, which are ultimately borne by the owners and users of industrialized/modular buildings, restricts market access and discourages the development and incorporation of new technologies.

(2) It is the policy of each of the compacting states to:

(a) Provide the states which regulate the design and construction of industrialized/modular buildings with a program to coordinate and uniformly adopt and administer the states' rules and regulations for such buildings, all in a manner to assure interstate reciprocity.

(b) Provide to the United States Congress assurances that would preclude the need for a voluntary preemptive federal regulatory system for modular housing, as outlined in Section 572 of the Housing and Community Development Act of 1987, including development of model standards for modular housing construction, such that design and performance will insure quality, durability and safety; will be in accordance with life-cycle cost-effective energy conservation standards; all to promote the lowest total construction and operating costs over the life of such housing.

ARTICLE II

DEFINITIONS

As used in this compact, unless the context clearly requires otherwise:

(1) "Commission" means the interstate industrialized/modular buildings commission.

(2) "Industrialized/modular building" means any building which is of closed construction, i.e. constructed in such a manner that concealed parts or processes of manufacture cannot be inspected at the site, without disassembly, damage or destruction, and which is made or assembled in manufacturing facilities, off the building site, for installation, or assembly and installation, on the building site. "Industrialized/modular building" includes, but is not limited to, modular housing which is factory-built single-family and multi-family housing (including closed wall panelized housing) and other modular, nonresidential buildings. "Industrialized/modular building" does not include any structure subject to the requirements of the National Manufactured Home Construction and Safety Standards Act of 1974.

(3) "Interim reciprocal agreement" means a formal reciprocity agreement between a noncompacting state wherein the noncompacting state agrees that labels evidencing compliance with the model rules and regulations for industrialized/modular buildings, as authorized in Article VIII, section (9), shall be accepted by the state and its subdivisions to permit installation and use of industrialized/modular buildings. Further, the noncompacting state agrees that by legislation or regulation, and appropriate enforcement by uniform administrative procedures, the noncompacting state requires all industrialized/modular building manufacturers within that state to comply with the model rules and regulations for industrialized/modular buildings.

(4) "State" means a state of the United States, territory or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

(5) "Uniform administrative procedures" means the procedures adopted by the commission (after consideration of any recommendations from the rules development committee) which state and local officials, and other parties, in one state, will utilize to assure state and local officials, and other parties, in other states, of the substantial compliance of industrialized/modular building construction with the construction standard of requirements of such other states; to assess the adequacy of building systems; and to verify and assure the competency and performance of evaluation and inspection agencies.

(6) "Model rules and regulations for industrialized/modular buildings" means the construction standards adopted by the commission (after consideration of any recommendations from the rules development committee) which govern the design, manufacture, handling, storage, delivery and installation of industrialized/modular buildings and building components. The construction standards and any amendments thereof shall conform insofar as practicable to model building codes and referenced standards generally accepted and in use throughout the United States.

ARTICLE III

CREATION OF COMMISSION

The compacting states hereby create the Interstate Industrialized/Modular Buildings Commission, hereinafter called commission. Said commission shall be a body corporate of each compacting state and an agency thereof. The commission shall have all the powers and duties set forth herein and such additional powers as may be conferred upon it by subsequent action of the respective legislatures of the compacting states.

ARTICLE IV

SELECTION OF COMMISSIONERS

The commission shall be selected as follows. As each state becomes a compacting state, one resident shall be appointed as commissioner. The commissioner shall be selected by the governor of the compacting state, being designated from the state agency charged with regulating industrialized/modular buildings or, if such state agency does not exist, being designated from among those building officials with the most appropriate responsibilities in the state. The commissioner may designate another official as an alternate to act on behalf of the commissioner at commission meetings which the commissioner is unable to attend.

Each state commissioner shall be appointed, suspended, or removed and shall serve subject to and in accordance with the laws of the state which said commissioner represents; and each vacancy occurring shall be filled in accordance with the laws of the state wherein the vacancy exists.

~~When For every three state commissioners who have been appointed in the manner described, those state commissioners shall select one additional commissioner who shall be a representative of manufacturers of industrial-residential- or commercial-use industrialized/modular buildings. When For every six state commissioners who have been appointed in the manner described, the state commissioners shall select a second one additional commissioner who shall be a representative of consumers of industrialized/modular buildings. With each addition of three state commissioners, the state commissioners shall appoint one additional representative commissioner, alternating between a representative of manufacturers of industrialized/modular buildings and consumers of industrialized/modular buildings. The ratio between state commissioners and representative commissioners shall be three to one. In the event states withdraw from the compact or, for any other reason, the number of state commissioners is reduced, the state commissioners shall remove the last added representative commissioner as necessary to maintain a the ratio of state commissioners to representative commissioners of three to one described herein.~~

Upon a majority vote of the state commissioners, the state commissioners may remove, fill a vacancy created by, or replace any representative commissioner, provided that any replacement is made from the same representative group and a ~~three to one ratio~~ the ratio described herein is maintained. Unless provided otherwise, the representative commissioners have the same authority and responsibility as the state commissioners.

In addition, the commission may have as a member one commissioner representing the United States government if federal law authorizes such representation. Such commissioner shall not vote on matters before the commission. Such commissioner shall be appointed by the President of the United States, or in such other manner as may be provided by Congress.

ARTICLE V

VOTING

Each commissioner (except the commissioner representing the United States government) shall be entitled to one vote on the commission. A majority of the commissioners shall constitute a quorum for the transaction of

business. Any business transacted at any meeting of the commission must be by affirmative vote of a majority of the quorum present and voting.

ARTICLE VI

ORGANIZATION AND MANAGEMENT

The commission shall elect annually, from among its members, a chairman, a vice chairman and a treasurer. The commission shall also select a secretariat, which shall provide an individual who shall serve as secretary of the commission. The commission shall fix and determine the duties and compensation of the secretariat. The commissioners shall serve without compensation, but shall be reimbursed for their actual and necessary expenses from the funds of the commission.

The commission shall adopt a seal.

The commission shall adopt bylaws, rules, and regulations for the conduct of its business, and shall have the power to amend and rescind these bylaws, rules, and regulations.

The commission shall establish and maintain an office at the same location as the office maintained by the secretariat for the transaction of its business and may meet at any time, but in any event must meet at least once a year. The chairman may call additional meetings and upon the request of a majority of the commissioners of three or more of the compacting states shall call an additional meeting.

The commission annually shall make the governor and legislature of each compacting state a report covering its activities for the preceding year. Any donation or grant accepted by the commission or services borrowed shall be reported in the annual report of the commission and shall include the nature, amount and conditions, if any, of the donation, gift, grant or services borrowed and the identity of the donor or lender. The commission may make additional reports as it may deem desirable.

ARTICLE VII

COMMITTEES

The commission will establish such committees as it deems necessary, including, but not limited to, the following:

(1) An executive committee which functions when the full commission is not meeting, as provided in the bylaws of the commission. The executive committee will ensure that proper procedures are followed in implementing the commission's programs and in carrying out the activities of the compact. The executive committee shall be elected by vote of the commission. It shall be comprised of at least three and no more than nine commissioners, selected from ~~those commissioners who are representatives of the governor of their respective state~~ *the state commissioners and one member of the industry commissioners and one member of the consumer commissioners.*

(2) A rules development committee appointed by the commission. The committee shall be consensus-based and consist of not less than seven nor more than 21 members. Committee members will include state building regulatory officials; manufacturers of industrialized/modular buildings; private, third-party inspection agencies; and consumers. This committee may

recommend procedures which state and local officials, and other parties, in one state, may utilize to assure state and local officials, and other parties, in other states, of the substantial compliance of industrialized/modular building construction with the construction standard requirements of such other states; to assess the adequacy of building systems; and to verify and assure the competency and performance of evaluation and inspection agencies. This committee may also recommend construction standards for the design, manufacture, handling, storage, delivery and installation of industrialized/modular buildings and building components. The committee will submit its recommendations to the commission, for the commission's consideration in adopting and amending the uniform administrative procedures and the model rules and regulations for industrialized/modular buildings. The committee may also review the regulatory programs of the compacting states to determine whether those programs are consistent with the uniform administrative procedures or the model rules and regulations for industrialized/modular buildings and may make recommendations concerning the states' programs to the commission. In carrying out its functions, the rules committee may conduct public hearings and otherwise solicit public input and comment.

(3) Any other advisory, coordinating or technical committees, membership on which may include private persons, public officials, associations or organizations. Such committees may consider any matter of concern to the commission.

(4) Such additional committees as the commission's bylaws may provide.

ARTICLE VIII

POWER AND AUTHORITY

In addition to the powers conferred elsewhere in this compact, the commission shall have power to:

(1) Collect, analyze and disseminate information relating to industrialized/modular buildings.

(2) Undertake studies of existing laws, codes, rules and regulations, and administrative practices of the states relating to industrialized/modular buildings.

(3) Assist and support committees and organizations which promulgate, maintain and update model codes or recommendations for uniform administrative procedures or model rules and regulations for industrialized/modular buildings.

(4) Adopt and amend uniform administrative procedures and model rules and regulations for industrialized/modular buildings.

(5) Make recommendations to compacting states for the purpose of bringing such states' laws, codes, rules and regulations and administrative practices into conformance with the uniform administrative procedures or the model rules and regulations for industrialized/modular buildings, provided that such recommendations shall be made to the appropriate state agency with due consideration for the desirability of uniformity while also giving appropriate consideration to special circumstances which may justify variations necessary to meet unique local conditions.

(6) Assist and support the compacting states with monitoring of plan review programs and inspection programs, which will assure that the compacting states have the benefit of uniform industrialized/modular building plan review and inspection programs.

(7) Assist and support organizations which train state and local government and other program personnel in the use of uniform industrialized/modular building plan review and inspection programs.

(8) Encourage and promote coordination of state regulatory action relating to manufacturers, public or private inspection programs.

(9) Create and sell labels to be affixed to industrialized/modular building units, constructed in or regulated by compacting states, where such labels will evidence compliance with the model rules and regulations for industrialized/modular buildings, enforced in accordance with the uniform administrative procedures. The commission may use receipts from the sale of labels to help defray the operating expenses of the commission.

(10) Assist and support compacting states' investigations into and resolutions of consumer complaints which relate to industrialized/modular buildings constructed in one compacting state and sited in another compacting state.

(11) Borrow, accept or contract for the services of personnel from any state or the United States or any subdivision or agency thereof, from any interstate agency, or from any institution, association, person, firm or corporation.

(12) Accept for any of its purposes and functions under this compact any and all donations, and grants of money, equipment, supplies, materials and services (conditional or otherwise) from any state or the United States or any subdivision or agency thereof, from any interstate agency, or from any institution, person, firm or corporation, and may receive, utilize and dispose of the same.

(13) Establish and maintain such facilities as may be necessary for the transacting of its business. The commission may acquire, hold, and convey real and personal property and any interest therein.

(14) Enter into contracts and agreements, including but not limited to, interim reciprocal agreements with noncompacting states.

ARTICLE IX

FINANCE

The commission shall submit to the governor or designated officer or officers of each compacting state a budget of its estimated expenditures for such period as may be required by the laws of that state for presentation to the legislature thereof.

Each of the commission's budgets of estimated expenditures shall contain specific recommendations of the amounts to be appropriated by each of the compacting states. The total amount of appropriations requested under any such budget shall be apportioned among the compacting states as follows: one-half in equal shares; one-fourth among the compacting states in accordance with the ratio of their populations to the total population of the compacting states, based on the last decimal federal census; and one-fourth among the compacting states in accordance with the ratio of industrialized/

modular building units manufactured in each state to the total of all units manufactured in all of the compacting states.

The commission shall not pledge the credit of any compacting state. The commission may meet any of its obligations in whole or in part with funds available to it by donations, grants, or sale of labels: provided that the commission takes specific action setting aside such funds prior to incurring any obligation to be met in whole or in part in such manner. Except where the commission makes use of funds available to it by donations, grants or sale of labels, the commission shall not incur any obligation prior to the allotment of funds by the compacting states adequate to meet the same.

The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the audit and accounting procedures established under its bylaws. All receipts and disbursements of funds handled by the commission shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be included in and become part of the annual report of the commission.

The accounts of the commission shall be open at any reasonable time for inspection by duly constituted officers of the compacting states and any person authorized by the commission.

Nothing contained in this article shall be construed to prevent commission compliance relating to audit or inspection of accounts by or on behalf of any government contributing to the support of the commission.

ARTICLE X

ENTRY INTO FORCE AND WITHDRAWAL

This compact shall enter into force when enacted into law by any three states. Thereafter, this compact shall become effective as to any other state upon its enactment thereof. The commission shall arrange for notification of all compacting states whenever there is a new enactment of the compact.

Any compacting state may withdraw from this compact by enacting a statute repealing the same. No withdrawal shall affect any liability already incurred by or chargeable to a compacting state prior to the time of such withdrawal.

ARTICLE XI

RECIPROCITY

If the commission determines that the standards for industrialized/modular buildings prescribed by statute, rule or regulation of compacting state are at least equal to the commission's model rules and regulations for industrialized/modular buildings, and that such state standards are enforced by the compacting state in accordance with the uniform administrative procedures, industrialized/modular buildings approved by such a compacting state shall be deemed to have been approved by all the compacting states for placement in those states in accordance with procedures prescribed by the commission.

ARTICLE XII

EFFECT ON OTHER LAWS AND JURISDICTION

Nothing in this compact shall be construed to:

(1) Withdraw or limit the jurisdiction of any state or local court or administrative officer or body with respect to any person, corporation or other

entity or subject matter, except to the extent that such jurisdiction pursuant to this compact, is expressly conferred upon another agency or body.

(2) Supersede or limit the jurisdiction of any court of the United States.

ARTICLE XIII

CONSTRUCTION AND SEVERABILITY

This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any state or of the United States or the applicability thereof to any government, agency, person or circumstances is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state participating therein, the compact shall remain in full force and effect as to the remaining party states and in full force and effect as to the state affected as to all severable matters.

Sec. 2. [MANUFACTURED HOUSING STUDY; STATE ADMINISTRATION AND REGULATION.]

The commissioner of administration shall study the current state and local oversight of manufactured housing and manufactured home parks, the regulation of manufactured housing and manufactured home parks, and the statewide enforcement of state laws on manufactured housing and manufactured home parks. Based on the findings, the commissioner shall recommend to the committees of the house of representatives and senate having primary jurisdiction on issues related to the recommendations by January 10, 1995, a plan to consolidate administrative responsibilities, regulatory duties, and enforcement of regulations for manufactured housing and manufactured home parks. In conducting the study, the commissioner shall consult with other state agencies, manufactured home park residents, associations representing manufactured home park residents, manufactured home park owners, associations representing park owners, local governments, and associations representing local governments. State agencies shall cooperate with the commissioner in conducting the study and developing the recommendations. State agencies shall provide any information necessary to complete the study as required under this section. The study shall include:

(1) an inventory of the responsibilities for manufactured homes by agency and level of government including, but not limited to, manufactured home construction and installation standards, licensing of parks, brokers, dealers, and installers, manufactured home park standards, emergency weather procedures, other public safety concerns, consumer protection, and sales of manufactured housing;

(2) an assessment of delegated powers, and the effect, if any, of delegation on statewide standards and statewide application of manufactured housing laws;

(3) an inventory of the existing powers of state agencies and local government units to fulfill their administrative or regulatory responsibility for manufactured homes and manufactured home parks, including authority to

inspect housing, parks, and severe weather shelters with an assessment of the effect, if any, of delegated powers;

(4) an assessment of current enforcement practices to achieve public health and safety goals; and

(5) an evaluation of how accessible and understandable the current system of administration and regulation is for residents of manufactured homes, park owners, local governments, and state and local officials.

The proposal must present a plan to coordinate the administration, regulation, and enforcement of laws on manufactured housing and manufactured home parks so that the services are delivered in a way that increases public safety and confidence, increases administrative efficiency, reduces costs, eliminates duplication of services, promotes access for residents and park owners, increases clarity in the system, and promotes accountability.

Sec. 3. [APPROPRIATION.]

\$. is appropriated from the general fund to the department of health for transfer to the management analysis division of the department of administration for the manufacturing housing study under section 2. This appropriation is available until June 30, 1995.

Sec. 4. [EFFECTIVE DATE.]

Section 1 is effective upon ratification by all signatory states to the interstate compact on industrialized/modular buildings."

Delete the title and insert:

"A bill for an act relating to manufactured housing; modifying the compact on industrialized/modular buildings; requiring a study of state administration, regulation, and enforcement; appropriating money; amending Minnesota Statutes 1992, section 16B.75."

And when so amended the bill do pass and be re-referred to the Committee on Health Care. Amendments adopted. Report adopted.

Mr. Novak from the Committee on Jobs, Energy and Community Development, to which was referred

S.F. No. 1609: A bill for an act relating to utilities; mandating studies of effects of earth as conductor of electricity, stray voltage, and electromagnetic fields; providing complaint procedure and remedies; appropriating money.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [SCIENTIFIC ADVISORY TASK FORCE.]

Subdivision 1. [CREATION.] The public utilities commission shall appoint a scientific advisory task force consisting of at least five members, including members with education and scientific specialties in physics, electrical engineering, animal physiology, veterinary medicine, dairy science, soil science specializing in the electrical nature of soil, or epidemiology. The task force may not include representatives from utilities or other parties with a

financial interest in the outcome of the research recommended or performed by the task force.

The commission shall appoint a representative from the scientific community to serve as liaison between the commission and the task force.

Subd. 2. [PRELIMINARY RESEARCH ASSESSMENT.] The task force shall conduct a preliminary assessment and report to the commission by January 1, 1995, on the need for research projects to identify and examine the potential for and actual effects on dairy cow production and animal health of current in the earth, originating from the utility distribution systems and other sources.

If the task force finds a need for research, it shall frame and recommend to the commission a specific research question on questions and the design, scope, and estimated cost of further research.

The commission shall order research based on the task force report and available funds.

Subd. 3. [SPECIFIC DUTIES.] The task force shall:

(1) review existing information from other sources, including other states and dairy producers or farm organizations, on the use of the earth for carrying current and its effects on animal health and production and on human health and report to the commission on its findings and recommendations;

(2) determine the qualifications of researchers and make recommendations to the commission on their selection;

(3) explore the availability of nonstate and nonutility funds for research under subdivision 2;

(4) monitor the research into the use of the earth for carrying current and its effects on animal health and production;

(5) submit study results for proper scientific peer review; and

(6) make on-site visits to farms with formal and informal complaints concerning stray voltage and earth as the conductor.

Subd. 4. [FINDINGS AND RECOMMENDATIONS.] The task force shall make findings or recommendations to the commission regarding potential actions to mitigate or eliminate any effects found from current in the earth on dairy cow production or animal health.

Subd. 5. [INDEPENDENT RESEARCHERS REQUIRED.] The commission may only contract with researchers to conduct research under this section who are not employed or contracted by, or receive funding from, either public or municipal utilities, or cooperative electric associations for research or investigation of stray voltage.

Subd. 6. [RESEARCH DEADLINE.] The research conducted under this section and any recommendations by the task force to the commission must be completed or made by June 30, 1996.

Subd. 7. [EXPIRATION.] The task force expires June 30, 1996.

Sec. 2. [SURVEY OF FACILITIES.]

The public utilities commission shall determine the age and condition of electric distribution facilities in the state. The task force shall determine the extent to which these facilities use the earth as a conductor of electric current, whether intentionally or unintentionally, and shall study the risks to dairy animal health and welfare associated with the practice of bonding distribution system conductors to the earth using research conducted under section 1. At the recommendation of the task force, the commission may order the production of any records, maps, plans, or any other documents, testimony, or recollections, relating to stray voltage, ground current, or similar phenomenon, of any owner or operator of any distribution facility or any employee of any owner or operator or any other person with knowledge related to the issue of using the earth to conduct electric current. Data collected by the commission under this section is subject to Minnesota Statutes, chapter 13.

Sec. 3. [DAIRY PRODUCER DATA.]

The department of public service may make grants to a dairy producer or a group of producers organized to address stray voltage issues for data preparation and presentation to the task force. Grantees must complete the preparation of its data for review by the task force and submit their data and recommendations to the task force, within 90 days of receiving a grant. Grantees must provide to the department a specific accounting of grant expenditures. Grantees must also provide a proposed budget to the department that includes performance objectives and deadlines for meeting those objectives.

Data presented for review is public data under Minnesota Statutes, chapter 13.

Sec. 4. [STRAY VOLTAGE ASSESSMENT TEAM.]

The public utilities commission shall establish an interdisciplinary stray voltage assessment team under the direction of commission staff. The stray voltage assessment team under the direction of the executive secretary shall investigate the electrical aspects of an alleged stray voltage problem either through the use of additional in-house staff or through contract services with independent investigators. The team must be responsive to the individual complaints of farmers and any issues in dispute between the farmer and the utility and address potential stray voltage problems including assessment of utility distribution lines. The department of agriculture shall, under contract with the commission, either directly or under contract, provide for nonelectrical aspects of the team's investigations. Nonelectrical activities may include providing advice on farm management and financial aid opportunities, a determination of the adequacy of veterinary care, and a definition of specific herd problems that may exist. A farmer experienced in stray voltage problems must be part of a nonelectrical investigation. A report on these activities shall be provided to the utility, farmer, and the commission. The reports of the assessment team shall be advisory only.

Sec. 5. [ASSESSMENT.]

(a) To provide funding for activities required under this act, the public utilities commission and the department of public service shall assess a total of up to \$1,160,000 under Minnesota Statutes, section 216B.62, against public and municipal utilities providing electrical service and cooperative electric associations. The assessment must be deposited in the general fund. The

assessment is not subject to the limits prescribed under Minnesota Statutes, section 216B.62, subdivision 3.

(b) Each utility or association shall be assessed in proportion that its gross operating revenues for the sale of electric service within the state for the last calendar year bears to the total of those revenues for all public and municipal utilities and cooperative associations.

Sec. 6. [APPROPRIATIONS.]

(a) \$750,000 is appropriated from the general fund to the public utilities commission for the purposes of sections 1 and 2, including expense of the task force and is available until June 30, 1995.

(b) \$300,000 is appropriated from the general fund to the public utilities commission for the purpose of section 4 and is available until June 30, 1995.

(c) \$85,000 is appropriated from the general fund to the department of public service for assistance to producers or producer organizations to assist in the preparation and analysis of data for review by the scientific advisory task force. This appropriation is available until June 30, 1995.

(d) \$25,000 is appropriated from the general fund to the department of public service for fiscal year 1995 for the purpose of making grants to producers or producer organizations to allow participation in the proceedings of the scientific advisory task force. This appropriation is available until June 30, 1995.

Sec. 7. [EFFECTIVE DATE.]

This act is effective the day following final enactment.

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Novak from the Committee on Jobs, Energy and Community Development, to which was referred

S.F. No. 1984: A bill for an act relating to manufactured homes; clarifying certain language governing application fees with in park sales; amending Minnesota Statutes 1992, section 327C.07, subdivisions 1, 2, 3, and 6.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 14, delete "a park" and insert "an approved"

Page 1, delete line 15

Page 1, line 16, delete "subdivision 1"

Page 2, line 1, delete "a park" and insert "an approved" and delete "with a signed lot rental"

Page 2, line 2, delete "agreement under section 327C.02, subdivision 1"

Page 3, line 1, delete "a park" and insert "an approved"

Page 3, line 2, delete everything after "resident"

Page 3, line 3, delete everything before "and"

Page 3, line 17, delete "a park" and insert "an approved"

Page 3, line 18, delete everything after "resident"

Page 3, line 19, delete "327C.02, subdivision 1"

Page 3, line 28, delete "a park" and insert "an approved" and delete everything after "resident"

Page 3, line 29, delete "327C.02, subdivision 1"

Page 3, after line 30, insert:

"Sec. 5. Minnesota Statutes 1992, section 327C.07, is amended by adding a subdivision to read:

Subd. 9. [APPROVED RESIDENT.] For the purpose of this section, "approved resident" means a homeowner who has gone through the park approval process and has a signed rental agreement under section 327C.02, subdivision 1."

Amend the title as follows:

Page 1, line 5, delete "and" and before the period, insert ", and by adding a subdivision"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 2512 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
2512	2240				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 2512 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2512 and insert the language after the enacting clause of S.F. No. 2240, the first engrossment; further, delete the title of H.F. No. 2512 and insert the title of S.F. No. 2240, the first engrossment.

And when so amended H.F. No. 2512 will be identical to S.F. No. 2240, and further recommends that H.F. No. 2512 be given its second reading and substituted for S.F. No. 2240, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 2139 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
				2139	1848

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 2139 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2139 and insert the language after the enacting clause of S.F. No. 1848, the first engrossment; further, delete the title of H.F. No. 2139 and insert the title of S.F. No. 1848, the first engrossment.

And when so amended H.F. No. 2139 will be identical to S.F. No. 1848, and further recommends that H.F. No. 2139 be given its second reading and substituted for S.F. No. 1848, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 942 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
942	759				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 942 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 942 and insert the language after the enacting clause of S.F. No. 759, the first engrossment; further, delete the title of H.F. No. 942 and insert the title of S.F. No. 759, the first engrossment.

And when so amended H.F. No. 942 will be identical to S.F. No. 759, and further recommends that H.F. No. 942 be given its second reading and substituted for S.F. No. 759, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 2426 for comparison with companion Senate File, reports the

following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
2426	2035				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 2426 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2426 and insert the language after the enacting clause of S.F. No. 2035; further, delete the title of H.F. No. 2426 and insert the title of S.F. No. 2035.

And when so amended H.F. No. 2426 will be identical to S.F. No. 2035, and further recommends that H.F. No. 2426 be given its second reading and substituted for S.F. No. 2035, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration, Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 2967 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
		2967	2647		

and that the above Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 1829 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1829	2778				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1829 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1829 and insert the language after the enacting clause of S.F. No. 2778, the first engrossment; further, delete the title of H.F. No. 1829 and insert the title of S.F. No. 2778, the first engrossment.

And when so amended H.F. No. 1829 will be identical to S.F. No. 2778, and further recommends that H.F. No. 1829 be given its second reading and substituted for S.F. No. 2778, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 2135 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
2135	1698				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 2135 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2135 and insert the language after the enacting clause of S.F. No. 1698, the first engrossment; further, delete the title of H.F. No. 2135 and insert the title of S.F. No. 1698, the first engrossment.

And when so amended H.F. No. 2135 will be identical to S.F. No. 1698, and further recommends that H.F. No. 2135 be given its second reading and substituted for S.F. No. 1698, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 2034 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
2034	1802				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 2034 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2034 and insert the language after the enacting clause of S.F. No. 1802; further, delete the title of H.F. No. 2034 and insert the title of S.F. No. 1802.

And when so amended H.F. No. 2034 will be identical to S.F. No. 1802, and further recommends that H.F. No. 2034 be given its second reading and substituted for S.F. No. 1802, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 2882 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
2882	2706				

and that the above Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 2159 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
2159	1971				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 2159 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2159 and insert the language after the enacting clause of S.F. No. 1971, the second engrossment; further, delete the title of H.F. No. 2159 and insert the title of S.F. No. 1971, the second engrossment.

And when so amended H.F. No. 2159 will be identical to S.F. No. 1971, and further recommends that H.F. No. 2159 be given its second reading and substituted for S.F. No. 1971, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was referred

S.F. No. 2685: A bill for an act relating to lawful gambling; regulating the conduct of lawful gambling; adjusting the base of the tax on pull-tabs and tipboards; creating an advisory council on gambling; appropriating money; amending Minnesota Statutes 1992, sections 299L.02, subdivision 5, and by adding a subdivision; 349.12, subdivision 18; 349.13; 349.151, subdivision 4; 349.16, by adding a subdivision; 349.18, subdivision 1; 349.19, subdivision 10; 349.211, subdivision 2a; 349.212, by adding a subdivision; and 541.21; Minnesota Statutes 1993 Supplement, section 349.12, subdivision 25; proposing coding for new law in Minnesota Statutes, chapter 349.

Reports the same back with the recommendation that the bill be amended as follows:

Page 11, line 34, delete "*and*" and insert:

"(6) the likely results of authorization of use of video lottery machines in the state; and"

Page 11, line 35, delete "(6)" and insert "(7)"

Page 12, line 27, delete "1994" and insert "1995"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Chmielewski from the Committee on Transportation and Public Transit, to which was re-referred

S.F. No. 2859: A bill for an act relating to public safety; providing funding for state costs under the 1993 Presidential Disaster Declaration; increasing funding for emergency management staffing and state patrol radio communication consolidation; requiring quarterly report on mix of state road construction appropriation; appropriating money.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 20, delete "\$3,475,000" and insert "\$ (393,000)" and delete "\$624,000" and insert "\$584,000"

Page 1, delete lines 21 to 31

Page 1, line 32, delete "(b)" and insert "(a)"

Page 2, line 7, delete "(c)" and insert "(b)"

Page 2, after line 18, insert:

"Sec. 3. Minnesota Statutes 1992, section 171.06, subdivision 3, is amended to read:

Subd. 3. [CONTENTS OF APPLICATION; OTHER INFORMATION.] 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. *An application for a Class C driver's license must have a space for the applicant's social security number and state that providing the number is optional, or otherwise convey that the applicant is not required to enter the social security number.* The application form must contain a space where the applicant may indicate a desire to make an anatomical gift. If the applicant does not indicate a desire to make an anatomical gift when the application is made, the applicant must be offered a donor document in accordance with section 171.07, subdivision 5. The application form must contain statements sufficient to comply with the requirements of the uniform anatomical gift act (1987), sections 525.921 to 525.924, 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 must also be accompanied by a pamphlet describing Minnesota laws regarding anatomical gifts and the need for and benefits of anatomical gifts."

Page 2, after line 25, insert:

"Sec. 5. [TRAFFIC ESCORT SERVICES REPORT.]

The commissioner of public safety shall report back to the legislature by October 1, 1994, on the usage of the Minnesota state patrol for traffic escort services when a special permit is required for over-sized loads. The report shall include usage from July 1, 1990, until June 30, 1994, and report time worked and amounts paid to patrol officers, amounts reimbursed to the state, accident claims, and all expenses associated with special permit traffic escort services incurred by the state. The report should also include any special training and safety procedures followed for mobile traffic control."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, delete everything after the semicolon

Page 1, delete line 3

Page 1, line 4, delete "Declaration;"

Page 1, line 8, after the semicolon, insert "providing driver's license applicant the option of including social security number on license application; requiring report on usage of state patrol for traffic escort services;" and before the period, insert "; amending Minnesota Statutes 1992, section 171.06, subdivision 3"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Ms. Reichgott Junge from the Committee on Judiciary, to which was referred

S.F. No. 2079: A bill for an act relating to the collection and dissemination of data; proposing classifications of data as private, nonpublic and protected nonpublic; amending Minnesota Statutes 1992, sections 13.38, by adding a subdivision; and 13.71, by adding a subdivision; amending Minnesota Statutes 1993 Supplement, section 13.643, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 13.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1993 Supplement, section 13.32, subdivision 5, is amended to read:

Subd. 5. [DIRECTORY INFORMATION.] (a) *Except as provided in paragraph (b), information designated as directory information pursuant to the provisions of United States Code, title 20, section 1232g and Code of Federal Regulations, title 34, section 99.37 which are in effect on July 1, 1993, is public data on individuals.*

(b) *Public education agencies and institutions are encouraged to designate photographs of students and former students that are published in an official school publication and circulated to students and staff within the school as directory information. A public agency or institution that designates these photographs as directory information may disseminate the photographs to a law enforcement agency for the purpose of carrying on a law enforcement investigation. After the investigation becomes inactive under section 13.82, subdivision 5, clause (b) or (c), a copy of a photograph obtained by a law enforcement agency under this paragraph must be destroyed. A willful violation of this provision shall cause a public employee to be suspended without pay or dismissed, as described in section 13.09.*

Sec. 2. Minnesota Statutes 1992, section 13.38, is amended by adding a subdivision to read:

Subd. 4. [TRANSITION PLANS.] *Transition plans that are submitted to the commissioner of health by health care providers as required by section 62J.23, subdivision 2, are classified as private data on individuals or nonpublic data not on individuals.*

Sec. 3. Minnesota Statutes 1992, section 13.39, subdivision 2, is amended to read:

Subd. 2. [CIVIL ACTIONS.] (a) *Except as provided in paragraph (b), data collected by state agencies, political subdivisions or statewide systems as part of an active investigation undertaken for the purpose of the commencement or defense of a pending civil legal action, or which are retained in anticipation of a pending civil legal action, are classified as protected nonpublic data pursuant to section 13.02, subdivision 13 in the case of data not on individuals and confidential pursuant to section 13.02, subdivision 3 in the case of data on individuals. Any agency, political subdivision or statewide system may make any data classified as confidential or protected nonpublic pursuant to this subdivision accessible to any person, agency or the public if the agency, political subdivision or statewide system determines that the access will aid the law enforcement process, promote public health or safety or dispel widespread rumor or unrest.*

(b) *A complainant has access to a statement provided by the complainant to a state agency, statewide system; or political subdivision under paragraph (a).*

Sec. 4. Minnesota Statutes 1992, section 13.41, subdivision 2, is amended to read:

Subd. 2. [PRIVATE DATA.] (a) *The following data collected, created or maintained by any licensing agency are classified as private, pursuant to section 13.02, subdivision 12: data, other than their names and designated addresses, submitted by applicants for licenses; the identity of complainants who have made reports concerning licensees or applicants which appear in inactive complaint data unless the complainant consents to the disclosure; the nature or content of unsubstantiated complaints when the information is not maintained in anticipation of legal action; the identity of patients whose medical records are received by any health licensing agency for purposes of review or in anticipation of a contested matter; inactive investigative data relating to violations of statutes or rules; and the record of any disciplinary proceeding except as limited by subdivision 4.*

(b) *An applicant for a license shall designate on the application a residence or business address at which the applicant can be contacted in connection with the license application.*

Sec. 5. Minnesota Statutes 1993 Supplement, 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 documenting 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 any dispute arising out of the employment relationship; 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, or upon the failure of the employee to elect arbitration within the time provided by the collective bargaining agreement. 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.

(d) A complainant has access to a statement provided by the complainant to a state agency, statewide system, or political subdivision in connection with a complaint or charge against an employee.

Sec. 6. Minnesota Statutes 1993 Supplement, section 13.46, subdivision 4, is amended to read:

Subd. 4. [LICENSING DATA.] (a) As used in this subdivision:

(1) "licensing data" means all data collected, maintained, used, or disseminated by the welfare system pertaining to persons licensed or registered or who apply for licensure or registration or who formerly were licensed or registered under the authority of the commissioner of human services;

(2) "client" means a person who is receiving services from a licensee or from an applicant for licensure; and

(3) "personal and personal financial data" means social security numbers, identity of and letters of reference, insurance information, reports from the bureau of criminal apprehension, health examination reports, and social/home studies.

(b) Except as provided in paragraph (c), the following data on current and former licensees are public: name, address, telephone number of licensees, licensed capacity, type of client preferred, variances granted, type of dwelling, name and relationship of other family members, previous license history, class of license, and the existence and status of complaints. When disciplinary action has been taken against a licensee or the complaint is resolved, the following data are public: the substance of the complaint, the findings of the investigation of the complaint, the record of informal resolution of a licensing violation, orders of hearing, findings of fact, conclusions of law, and specifications of the final disciplinary action contained in the record of disciplinary action.

The following data on persons ~~licensed~~ *subject to disqualification* under section 245A.04 *in connection with a license to provide family day care for children, child care center services, foster care for children in the provider's home, or foster care or day care services for adults in the provider's home, are public: the nature of any disqualification set aside under section 245A.04, subdivision 3b, and the reasons for setting aside the disqualification; and the reasons for granting any variance under section 245A.04, subdivision 9.*

(c) The following are private data on individuals under section 13.02, subdivision 12, or nonpublic data under section 13.02, subdivision 9: personal and personal financial data on family day care program and family foster care program applicants and licensees and their family members who provide services under the license.

(d) The following are private data on individuals: the identity of persons who have made reports concerning licensees or applicants that appear in inactive investigative data, and the records of clients or employees of the licensee or applicant for licensure whose records are received by the licensing agency for purposes of review or in anticipation of a contested matter. The names of reporters under sections 626.556 and 626.557 may be disclosed only as provided in section 626.556, subdivision 11, or 626.557, subdivision 12.

(e) Data classified as private, confidential, nonpublic, or protected nonpublic under this subdivision become public data if submitted to a court or administrative law judge as part of a disciplinary proceeding in which there is a public hearing concerning the disciplinary action.

(f) Data generated in the course of licensing investigations that relate to an alleged violation of law are investigative data under subdivision 3.

(g) Data that are not public data collected, maintained, used, or disseminated under this subdivision that relate to or are derived from a report as defined in section 626.556, subdivision 2, are subject to the destruction provisions of section 626.556, subdivision 11.

Sec. 7. [13.49] [SOCIAL SECURITY NUMBERS.]

The social security numbers of individuals collected or maintained by a state agency, statewide system, or political subdivision are private data on individuals, except to the extent that access to the social security number is specifically authorized by law.

Sec. 8. Minnesota Statutes 1992, section 13.57, is amended to read:

13.57 [SOCIAL RECREATIONAL DATA.]

The following data *on individuals* collected and maintained by political subdivisions for the purpose of enrolling individuals in recreational and other social programs are ~~classified as private, pursuant to section 13.02, subdivision 12;~~ *data on individuals: (1) data which describes the health or medical condition of the individual, family relationships and living arrangements of an individual or which are opinions as to the emotional makeup or behavior of an individual; (2) data on minors; and (3) data on adults who have requested that the data be maintained as private data on individuals.*

Sec. 9. Minnesota Statutes 1993 Supplement, section 13.643, is amended by adding a subdivision to read:

Subd. 3. [RURAL FINANCE AUTHORITY DATA.] Business plans, income and expense projections, customer lists, and market and feasibility studies, not paid for with public funds are nonpublic data when submitted to the rural finance authority by businesses that are requesting financial assistance.

Sec. 10. [13.646] [GOVERNOR'S LEGISLATIVE AND BUDGET PROPOSAL DATA.]

Subdivision 1. [DEFINITION.] As used in this section, "state administration" means the governor's office, the department of finance, and any state agency which is under the direct control of the governor.

Subd. 2. [CLASSIFICATIONS.] Data relating to anticipated legislative or budget proposals, including preliminary drafts, that are created, collected, or maintained by the governor's office are protected nonpublic data. The governor's office may disclose any of the data within the state administration and to the public. Once protected nonpublic data under this subdivision are disclosed, the data become public. When a budget is made public, the preliminary data shall also be made public. When the legislative session for which data relating to legislative proposals were prepared ends, the legislative proposal data become public.

Sec. 11. Minnesota Statutes 1992, section 13.76, is amended by adding a subdivision to read:

Subd. 4. [URBAN INITIATIVE BOARD.] Business plans, income and expense projections, customer lists, and market and feasibility studies, not paid for with public funds, are nonpublic data when submitted to the commissioner of trade and economic development for the purpose of receiving financial assistance from the urban initiative board under chapter 116M.

Sec. 12. Minnesota Statutes 1992, section 13.82, is amended by adding a subdivision to read:

Subd. 3a. [AUDIO RECORDING OF 911 CALL.] The audio recording of a call placed to a 911 system for the purpose of requesting service from a law enforcement, fire, or medical agency is private data on individuals with respect to the individual making the call, except that a written transcript of the audio recording is public, unless it reveals the identity of an individual otherwise protected under subdivision 10. A transcript shall be prepared upon request. The person requesting the transcript shall pay the actual cost of transcribing the call, in addition to any other applicable costs provided under section 13.03, subdivision 3. The audio recording may be disseminated to law enforcement agencies for investigative purposes. The audio recording may be used for public safety dispatcher training purposes.

Sec. 13. Minnesota Statutes 1992, section 13.84, subdivision 5a, is amended to read:

Subd. 5a. [PUBLIC BENEFIT DATA.] (a) The responsible authority or its designee of a parole or probation authority or correctional agency may release private or confidential court services data related to: (1) criminal acts to any law enforcement agency, if necessary for law enforcement purposes; and (2) criminal acts or delinquent acts to the victims of criminal or delinquent acts to the extent that the data are necessary for the victim to assert the victim's legal right to restitution. ~~In the case of delinquent acts, the data that may be released include only the juvenile's name, address, date of birth, and place of~~

employment; the name and address of the juvenile's parents or guardians; and the factual part of police reports related to the investigation of the delinquent act.

(b) A parole or probation authority, a correctional agency, or agencies that provide correctional services under contract to a correctional agency may release to a law enforcement agency the following data on defendants, parolees, or probationers: current address, dates of entrance to and departure from agency programs, and dates and times of any absences, both authorized and unauthorized, from a correctional program.

(c) The responsible authority or its designee of a juvenile correctional agency may release private or confidential court services data to a victim of a delinquent act to the extent the data are necessary to enable the victim to assert the victim's right to request notice of release under section 611A.06. The data that may be released include only the name, home address, and placement site of a juvenile who has been placed in a juvenile correctional facility as a result of a delinquent act.

Sec. 14. Minnesota Statutes 1993 Supplement, section 121.8355, is amended by adding a subdivision to read:

Subd. 3a. [INFORMATION SHARING.] (a) The school district, county, and public health entity members of a family services collaborative may inform each other as to whether an individual or family is being served by the member, without the consent of the subject of the data. If further information sharing is necessary in order for the collaborative to carry out duties under subdivision 2 or 3, the collaborative may share data if the parent or guardian gives written informed consent. Data on individuals shared under this subdivision retain the original classification as defined under section 13.02, as to each member of the collaborative with whom the data is shared.

(b) If a federal law or regulation impedes information sharing that is necessary in order for a collaborative to carry out duties under subdivision 2 or 3, the appropriate state agencies shall seek a waiver or exemption from the applicable law or regulation.

Sec. 15. Minnesota Statutes 1993 Supplement, section 144.335, subdivision 3a, is amended to read:

Subd. 3a. [PATIENT CONSENT TO RELEASE OF RECORDS; LIABILITY.] (a) A provider, or a person who receives health records from a provider, may not release a patient's health records to a person without a signed and dated consent from the patient or the patient's legally authorized representative authorizing the release, unless the release is specifically authorized by law. Except as provided in paragraph (c), a consent is valid for one year or for a lesser period specified in the consent or for a different period provided by law.

(b) This subdivision does not prohibit the release of health records for a medical emergency when the provider is unable to obtain the patient's consent due to the patient's condition or the nature of the medical emergency.

(c) Notwithstanding paragraph (a), if a patient explicitly gives informed consent to the release of health records for the purposes and pursuant to the restrictions in clauses (1) and (2), the consent does not expire after one year for:

(1) the release of health records to a provider who is being advised or consulted with in connection with the current treatment of the patient;

(2) the release of health records to an accident and health insurer, health service plan corporation, health maintenance organization, or third-party administrator for purposes of payment of claims, fraud investigation, or quality of care review and studies, provided that:

(i) the use or release of the records complies with sections 72A.49 to 72A.505;

(ii) further use or release of the records in individually identifiable form to a person other than the patient without the patient's consent is prohibited; and

(iii) the recipient establishes adequate safeguards to protect the records from unauthorized disclosure, including a procedure for removal or destruction of information that identifies the patient.

(d) Until June 1, 1994 1996, paragraph (a) does not prohibit the release of health records to qualified personnel solely for purposes of medical or scientific research, if the patient has not objected to a release for research purposes and the provider who releases the records makes a reasonable effort to determine that:

(i) the use or disclosure does not violate any limitations under which the record was collected;

(ii) the use or disclosure in individually identifiable form is necessary to accomplish the research or statistical purpose for which the use or disclosure is to be made;

(iii) the recipient has established and maintains adequate safeguards to protect the records from unauthorized disclosure, including a procedure for removal or destruction of information that identifies the patient; and

(iv) further use or release of the records in individually identifiable form to a person other than the patient without the patient's consent is prohibited.

(e) A person who negligently or intentionally releases a health record in violation of this subdivision, or who forges a signature on a consent form, or who obtains under false pretenses the consent form or health records of another person, or who, without the person's consent, alters a consent form, is liable to the patient for compensatory damages caused by an unauthorized release, plus costs and reasonable attorney's fees.

(f) Upon the written request of a spouse, parent, child, or sibling of a patient being evaluated for or diagnosed with mental illness, a provider shall inquire of a patient whether the patient wishes to authorize a specific individual to receive information regarding the patient's current and proposed course of treatment. If the patient so authorizes, the provider shall communicate to the designated individual the patient's current and proposed course of treatment. Paragraph (a) applies to consents given under this paragraph.

Sec. 16. [144.3352] [HEPATITIS B MATERNAL CARRIER DATA; INFANT IMMUNIZATION.]

The commissioner or a local board of health may inform the physician attending a newborn of the hepatitis B infection status of the biological mother.

Sec. 17. [145.90] [FETAL, INFANT, AND MATERNAL DEATH STUDIES.]

Subdivision 1. [PURPOSE.] The commissioner of health may conduct fetal, infant, and maternal death studies in order to assist the planning, implementation, and evaluation of medical, health, and welfare service systems, and to improve pregnancy outcomes and reduce the numbers of preventable fetal, infant, and maternal deaths in Minnesota.

Subd. 2. [ACCESS TO DATA.] (a) The commissioner of health has access to medical data as defined in section 13.42, subdivision 1, paragraph (b), medical examiner data as defined in section 13.83, subdivision 1, and health records created, maintained, or stored by providers as defined in section 144.335, subdivision 1, paragraph (b), without the consent of the subject of the data, and without the consent of the parent, spouse, other guardian, or legal representative of the subject of the data, when the subject of the data is:

(1) a fetus that showed no signs of life at the time of delivery, was 20 or more weeks of gestation at the time of delivery, and was not delivered by an induced abortion;

(2) a liveborn infant that died within the first two years of life;

(3) a woman who died during a pregnancy or within 12 months of a fetal death, a live birth, or other termination of a pregnancy; or

(4) the biological mother of a fetus or infant as described in clause (1) or (2).

With respect to data under clause (4), the commissioner only has access to medical data and health records that contain information that bears upon the pregnancy and the outcome of the pregnancy.

(b) The provider or responsible authority that creates, maintains, or stores the data shall furnish the data upon the request of the commissioner. The provider or responsible authority may charge a fee for providing data, not to exceed the actual cost of retrieving and duplicating the data.

(c) The commissioner shall make a good faith effort to notify the subject of the data, or the parent, spouse, other guardian, or legal representative of the subject of the data, before collecting data on the subject.

(d) The commissioner does not have access to coroner or medical examiner data that are part of an active investigation as described in section 13.83.

Subd. 3. [MANAGEMENT OF RECORDS.] After the commissioner has collected all data about a subject of a fetal, infant, or maternal death study needed to perform the study, the data from source records obtained under subdivision 2, other than data identifying the subject, must be transferred to separate records to be maintained by the commissioner. Notwithstanding section 138.17, after the data have been transferred, all source records obtained under subdivision 2 in the hands of the commissioner must be destroyed.

Subd. 4. [CLASSIFICATION OF DATA.] Data provided to or created by the commissioner for the purpose of carrying out fetal, infant, or maternal death studies, including identifying information on individual providers or patients, are classified as private data on individuals or nonpublic data on deceased individuals, as defined in section 13.02, with the following exceptions:

(1) summary data created by the commissioner, as defined in section 13.02, subdivision 19; and

(2) data provided by the commissioner of human services, which retains the classification it held when in the hands of the commissioner of human services.

Sec. 18. Minnesota Statutes 1993 Supplement, section 148B.04, subdivision 6, is amended to read:

Subd. 6. [CLASSIFICATION OF CERTAIN RESIDENCE ADDRESSES AND TELEPHONE NUMBERS.] Notwithstanding section 13.41, subdivision 2 or 4, the residence address and telephone number of an applicant or licensee are private data on individuals as defined in section 13.02, subdivision 12, if the applicant or licensee *so requests and* provides an alternative address and telephone number.

Sec. 19. Minnesota Statutes 1992, section 214.10, subdivision 8, is amended to read:

Subd. 8. [SPECIAL REQUIREMENTS FOR HEALTH-RELATED LICENSING BOARDS.] In addition to the provisions of this section that apply to all examining and licensing boards, the requirements in this subdivision apply to all health-related licensing boards, except the board of veterinary medicine.

(a) If the executive director or consulted board member determines that a communication received alleges a violation of statute or rule that involves sexual contact with a patient or client, the communication shall be forwarded to the designee of the attorney general for an investigation of the facts alleged in the communication. If, after an investigation it is the opinion of the executive director or consulted board member that there is sufficient evidence to justify disciplinary action, the board shall conduct a disciplinary conference or hearing. If, after a hearing or disciplinary conference the board determines that misconduct involving sexual contact with a patient or client occurred, the board shall take disciplinary action. Notwithstanding subdivision 2, a board may not attempt to correct improper activities or redress grievances through education, conciliation, and persuasion, unless in the opinion of the executive director or consulted board member there is insufficient evidence to justify disciplinary action. The board may settle a case by stipulation prior to, or during, a hearing if the stipulation provides for disciplinary action.

(b) In addition to the information required under section 214.07, subdivision 1, each board shall include in its reports to the legislature summaries of each individual case that involved possible sexual contact with a patient or client. The summary must include a description of the alleged misconduct; the general results of the investigation; the nature of board activities relating to that case; the disposition of the case; and the reasons for board decisions concerning the disposition of the case. The information disclosed under this section must not include the name or specific identifying information about any person, agency, or organization.

(c) A board member who has a direct current or former financial connection or professional relationship to a person who is the subject of board disciplinary activities must not participate in board activities relating to that case.

(d) Each health-related licensing board shall establish procedures for exchanging information with ~~may forward to~~ other Minnesota state boards, agencies, and departments responsible for licensing health-related occupations, facilities, and programs, and for coordinating investigations involving matters within the jurisdiction of more than one licensing body. The procedures must provide for the forwarding to other licensing bodies of all information and evidence, including the results of investigations, that are relevant to matters within that licensing body's regulatory jurisdiction or political subdivisions private or confidential data in its possession about a person regulated by the board, provided the data relate to the licensure power of the regulatory authority of the receiving entity. Another board, agency, department, or political subdivision may forward to a board information in its possession that relates to the regulatory authority of the requesting board. The forwarded data have the same classification under chapter 13 or other statute within the entity receiving the data as the data have within the entity forwarding the data. Investigations involving matters relating to the regulatory authority of more than one entity may be coordinated by the entities involved. Each health-related licensing board shall have access to any data of the department of human services relating to a person subject to the jurisdiction of the licensing board. The data shall have the same classification under ~~sections 13.04 to 13.88~~ chapter 13, the Minnesota government data practices act, in the hands of the agency receiving the data as it had in the hands of the department of human services. *This paragraph does not apply to data collected pursuant to section 13.38 or 214.17 to 214.25.*

(e) Each health-related licensing board shall establish procedures for exchanging information with other states regarding disciplinary actions against licensees. The procedures must provide for the collection of information from other states about disciplinary actions taken against persons who are licensed to practice in Minnesota or who have applied to be licensed in this state and the dissemination of information to other states regarding disciplinary actions taken in Minnesota may forward to regulatory authorities in other states and federal agencies private or confidential data in its possession regarding a regulated person, provided the data relate to the licensure power of the regulatory authority of the other state or federal agency. Each board shall collect information from other state or federal agencies about persons credentialed by the board in this state or who have applied for a credential in this state. In addition to any authority in this subdivision or in chapter 13 permitting the dissemination of data, the board may, in its discretion, disseminate private or confidential data to other states or federal agencies regardless of its classification under chapter 13 or other statute. Before transferring any data that is not public, the board shall obtain reasonable assurances from the receiving state or federal agency that the data will not be made public.

Sec. 20. [245.041] [PROVISION OF FIREARMS BACKGROUND CHECK INFORMATION.]

Notwithstanding section 253B.23, subdivision 9, the commissioner of human services shall provide commitment information to local law enforcement agencies through the Minnesota crime information system for the sole purpose of facilitating a firearms background check under section 624.7131, 624.7132, or 624.714. The information to be provided is limited to whether the person has been committed under chapter 253B and, if so, the type of commitment.

Sec. 21. Minnesota Statutes 1993 Supplement, section 245.493, is amended by adding a subdivision to read:

Subd. 3. [INFORMATION SHARING.] (a) The members of a local children's mental health collaborative may share data on individuals being served by the collaborative or its members if the parent or guardian gives written informed consent and the information sharing is necessary in order for the collaborative to carry out duties under subdivision 2. Data on individuals shared under this subdivision retain the original classification as defined under section 13.02, as to each member of the collaborative with whom the data is shared.

(b) If a federal law or regulation impedes information sharing that is necessary in order for a collaborative to carry out duties under subdivision 2, the appropriate state agencies shall attempt to get a waiver or exemption from the applicable law or regulation.

Sec. 22. [253B.091] [REPORTING JUDICIAL COMMITMENTS INVOLVING PRIVATE TREATMENT PROGRAMS OR FACILITIES.]

Notwithstanding section 253B.23, subdivision 9, when a committing court judicially commits a proposed patient to a treatment program or facility other than a state-operated program or facility, the court shall report the commitment to the commissioner of human services for purposes of providing commitment information for firearm background checks under section 245.041.

Sec. 23. Minnesota Statutes 1992, section 253B.23, subdivision 4, is amended to read:

Subd. 4. [IMMUNITY.] All persons acting in good faith, upon either actual knowledge or information thought by them to be reliable, who act pursuant to any provision of this chapter or who procedurally or physically assist in the commitment of any individual, pursuant to this chapter, are not subject to any civil or criminal liability under this chapter. Any privilege otherwise existing between patient and physician ~~or between~~, patient and examiner, ~~or patient and social worker~~, is waived as to any physician ~~or~~, examiner, ~~or social worker~~ who provides information with respect to a patient pursuant to any provision of this chapter.

Sec. 24. Minnesota Statutes 1992, section 256.0361, is amended by adding a subdivision to read:

Subd. 3. [EVALUATION DATA.] The commissioner may access data maintained by the department of jobs and training under sections 268.03 to 268.231 for the purpose of evaluating the Minnesota family investment plan for persons randomly assigned to a test or comparison group as part of the evaluation. This subdivision authorizes access to data concerning the three years before the time of random assignment for persons randomly assigned to a test or comparison group and data concerning the five years after random assignment.

Sec. 25. Minnesota Statutes 1992, section 260.161, is amended by adding a subdivision to read:

Subd. 1b. [DISPOSITION ORDER; COPY TO SCHOOL.] (a) If a juvenile is enrolled in school, the county attorney shall transmit a copy of the court's disposition order to the principal or chief administrative officer of the

juvenile's school if the juvenile has been adjudicated delinquent for committing an act on the school's property or an act:

(1) that would be a violation of section 609.185 (first-degree murder); 609.19 (second-degree murder); 609.195 (third-degree murder); 609.20 (first-degree manslaughter); 609.205 (second-degree manslaughter); 609.21 (criminal vehicular homicide and injury); 609.221 (first-degree assault); 609.222 (second-degree assault); 609.223 (third-degree assault); 609.2231 (fourth-degree assault); 609.224 (fifth-degree assault); 609.24 (simple robbery); 609.245 (aggravated robbery); 609.25 (kidnapping); 609.255 (false imprisonment); 609.342 (first-degree criminal sexual conduct); 609.343 (second-degree criminal sexual conduct); 609.344 (third-degree criminal sexual conduct); 609.345 (fourth-degree criminal sexual conduct); 609.3451 (fifth-degree criminal sexual conduct); 609.498 (tampering with a witness); 609.561 (first-degree arson); 609.582, subdivision 1 or 2 (burglary); 609.713 (terroristic threats); or 609.749 (harassment and stalking), if committed by an adult;

(2) that would be a violation of section 152.021, subdivision 1 (first-degree sale of a controlled substance); 152.022, subdivision 1 (second-degree sale of a controlled substance); 152.023, subdivision 1 (third-degree sale of a controlled substance); 152.024, subdivision 1 (fourth-degree sale of a controlled substance); 152.025, subdivision 1 (fifth-degree sale of a controlled substance); or 152.027, subdivision 1 (sale of schedule V controlled substance), if committed by an adult; or

(3) that involved the use of a dangerous weapon as defined in section 609.02, subdivision 6.

(b) The disposition order must be accompanied by a notice to the school that the school may obtain additional information from the juvenile's probation officer with the consent of the juvenile or the juvenile's parents, as applicable. The disposition order must be maintained in the student's permanent education record but may not be released outside of the school, other than another secondary school to which the juvenile is transferring. Upon receipt of a disposition order under this subdivision, the school shall notify the juvenile's parents or legal guardian of their right to request a special education assessment or evaluation.

(c) The county attorney shall maintain a record of disposition orders released under this subdivision and the basis for the release. The disposition order must be destroyed when the juvenile graduates from the school or when the juvenile court records from which the order is derived may be destroyed, whichever date is earlier.

(d) The criminal and juvenile justice information policy group, in consultation with representatives of probation officers and educators, shall prepare standard forms for use by county attorneys in forwarding information to schools under this subdivision and in maintaining a record of the information that is released.

Sec. 26. Minnesota Statutes 1992, section 260.161, subdivision 2, is amended to read:

Subd. 2. [PUBLIC INSPECTION LIMITATIONS.] Except as otherwise provided in this subdivision and in subdivision 1 section, and except for legal records arising from proceedings that are public under section 260.155,

subdivision 1, none of the records of the juvenile court and none of the records relating to an appeal from a nonpublic juvenile court proceeding, except the written appellate opinion, shall be open to public inspection or their contents disclosed except (a) by order of a court or (b) as required by sections 245A.04, 611A.03, 611A.04, 611A.06, and 629.73. The records of juvenile probation officers and county home schools are records of the court for the purposes of this subdivision. Court services data relating to delinquent acts that are contained in records of the juvenile court may be released as allowed under section 13.84, subdivision 5a. This subdivision applies to all proceedings under this chapter, including appeals from orders of the juvenile court, except that this subdivision does not apply to proceedings under section 260.255, 260.261, or 260.315 when the proceeding involves an adult defendant. The court shall maintain the confidentiality of adoption files and records in accordance with the provisions of laws relating to adoptions. In juvenile court proceedings any report or social history furnished to the court shall be open to inspection by the attorneys of record and the guardian ad litem a reasonable time before it is used in connection with any proceeding before the court.

When a judge of a juvenile court, or duly authorized agent of the court, determines under a proceeding under this chapter that a child has violated a state or local law, ordinance, or regulation pertaining to the operation of a motor vehicle on streets and highways, except parking violations, the judge or agent shall immediately report the violation to the commissioner of public safety. The report must be made on a form provided by the department of public safety and must contain the information required under section 169.95.

Sec. 27. Minnesota Statutes, 1993 Supplement, section 260.161, subdivision 3, is amended to read:

Subd. 3. [PEACE OFFICER RECORDS OF CHILDREN.] (a) Except for records relating to an offense where proceedings are public under section 260.155, subdivision 1, peace officers' records of children who are or may be delinquent or who may be engaged in criminal acts shall be kept separate from records of persons 18 years of age or older and are private data but shall be disseminated: (1) by order of the juvenile court, (2) as required by section 126.036, (3) as authorized under section 13.82, subdivision 2, (4) to the child or the child's parent or guardian unless disclosure of a record would interfere with an ongoing investigation, or (5) as provided in paragraph (d). 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. Peace officers' records containing data about children who are victims of crimes or witnesses to crimes must be administered consistent with section 13.82, subdivisions 2, 3, 4, and 10. Any person violating any of the provisions of this subdivision shall be guilty of a misdemeanor.

In the case of computerized records maintained about juveniles by peace officers, the requirement of this subdivision that records about juveniles must be kept separate from adult records does not mean that a law enforcement agency must keep its records concerning juveniles on a separate computer system. Law enforcement agencies may keep juvenile records on the same computer as adult records and may use a common index to access both juvenile and adult records so long as the agency has in place procedures that keep juvenile records in a separate place in computer storage and that comply with the special data retention and other requirements associated with protecting data on juveniles.

(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) A photograph may be taken of a child taken into custody pursuant to section 260.165, subdivision 1, clause (b), provided that the photograph must be destroyed when the child reaches the age of 19 years. 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, case supervision by parole agents, 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.

(d) Traffic investigation reports are open to inspection by a person who has sustained physical harm or economic loss as a result of the traffic accident. Identifying information on juveniles who are parties to traffic accidents may be disclosed as authorized under section 13.82, subdivision 4, and accident reports required under section 169.09 may be released under section 169.09, subdivision 13, unless the information would identify a juvenile who was taken into custody or who is suspected of committing an offense that would be a crime if committed by an adult, or would associate a juvenile with the offense, and the offense is not a minor traffic offense under section 260.193.

(e) A law enforcement agency may notify the principal or chief administrative officer of a juvenile's school of an incident occurring within the agency's jurisdiction if the agency has probable cause to believe that the juvenile has committed an offense that would be a crime if committed as an adult, that the victim of the offense is a student or staff member of the school, and that notice to the school is reasonably necessary for the protection of the victim.

Sec. 28. Minnesota Statutes 1992, section 260.161, is amended by adding a subdivision to read:

Subd. 5. [FURTHER RELEASE OF RECORDS.] A person who receives access to juvenile court or peace officer records of children that are not accessible to the public may not release or disclose the records to any other person except as authorized by law. This subdivision does not apply to the child who is the subject of the records or the child's parent or guardian.

Sec. 29. [3251.01] [DEFINITIONS.]

Subdivision 1. [GENERAL.] The definitions in this section apply to sections 3251.01 to 3251.03.

Subd. 2. [CONSUMER.] "Consumer" means a renter, purchaser, or subscriber of goods or services from a videotape service provider or videotape seller.

Subd. 3. [PERSONALLY IDENTIFIABLE INFORMATION.] "Personally identifiable information" means information that identifies a person as having requested or obtained specific video materials or services from a videotape service provider or videotape seller.

Subd. 4. [VIDEOTAPE SELLER.] "Videotape seller" means a person engaged in the business of selling prerecorded videocassette tapes or similar

audiovisual materials, or a person to whom a disclosure is made by a videotape seller under section 3251.02, but only with respect to the information contained in the disclosure.

Subd. 5. [VIDEOTAPE SERVICE PROVIDER.] "Videotape service provider" means a person engaged in the business of rental of prerecorded videocassette tapes or similar audiovisual materials, or a person to whom a disclosure is made by a videotape service provider under section 3251.02, but only with respect to the information contained in the disclosure.

Sec. 30. [3251.02] [DISCLOSURE OF VIDEOTAPE RENTAL OR SALES RECORDS.]

Subdivision 1. [DISCLOSURE PROHIBITED.] Except as provided in subdivisions 2 and 3, a videotape service provider or videotape seller who knowingly discloses, to any person, personally identifiable information concerning any consumer of the provider or seller is liable to the consumer for the relief provided in section 3251.03.

Subd. 2. [DISCLOSURE REQUIRED.] (a) A videotape service provider or videotape seller shall disclose personally identifiable information concerning any consumer:

- (1) to a grand jury pursuant to a grand jury subpoena;
- (2) pursuant to a court order in a civil proceeding upon a showing of compelling need for the information that cannot be accommodated by other means, or in a criminal proceeding upon a showing of legitimate need for the information that cannot be accommodated by other means, if:
 - (i) the consumer is given reasonable notice by the person seeking the disclosure of the court proceeding relevant to the issuance of the court order;
 - (ii) the consumer is afforded the opportunity to appear and contest the disclosure; and
 - (iii) the court imposes appropriate safeguards against unauthorized disclosure; or
- (3) to a law enforcement agency pursuant to a warrant lawfully obtained under the laws of this state or the United States.

(b) A videotape service provider or videotape seller may disclose personally identifiable information concerning any consumer:

- (1) to a court pursuant to a civil action for conversion commenced by the videotape service provider or videotape seller or to enforce collection of fines for overdue or unreturned videotapes or collection for unpaid videotapes, to the extent necessary to establish the fact of the rental or sale, and provided that the court imposes appropriate safeguards against unauthorized disclosure; or
- (2) to a law enforcement agency for purposes of a criminal investigation involving the consumer arising out of the sale or rental of the videotapes.

Subd. 3. [DISCLOSURE PERMITTED.] A videotape service provider or videotape seller may disclose personally identifiable information concerning any consumer:

- (1) to the consumer; or

(2) to any person with the written informed consent of the consumer.

Subd. 4. [EXCLUSION FROM EVIDENCE.] Personally identifiable information obtained in any manner other than as provided in this section may not be received in evidence in any trial, hearing, arbitration, or other proceeding before any court, grand jury, officer, agency, regulatory body, legislative committee, or other authority of the state or any political subdivision.

Subd. 5. [DESTRUCTION OF INFORMATION.] A person subject to this section shall destroy personally identifiable information as soon as practicable, but no later than one year from the date the information is no longer necessary for the purpose for which it was collected and there are no pending requests or orders for access to the information under this section.

Sec. 31. [325I.03] [ENFORCEMENT; CIVIL LIABILITY.]

The public and private remedies in section 8.31 apply to violations of section 325I.02. In addition, a consumer who prevails or substantially prevails in an action brought under this section is entitled to three times the amount of actual damages and a minimum of \$500 in damages, regardless of the amount of actual damage proved, plus costs, disbursements, and reasonable attorney fees. Sections 325I.01 to 325I.03 do not affect any rights or remedies available under other law.

Sec. 32. [403.13] [LIMITATION OF LIABILITY FOR 911 SYSTEMS.]

Telephone subscriber information acquired by a 911 jurisdiction for the purpose of enhancing a 911 emergency reporting system or responding to emergency calls is not subject to public disclosure or subject to use by any other public agencies prior to receipt of a 911 call. A telephone company or telecommunications provider is not liable to any person for the good faith release to emergency communications system personnel of information not in the public record, including but not limited to, nonpublished or nonlisted telephone numbers.

Sec. 33. Minnesota Statutes 1992, section 480.235, is amended to read:

480.235 [TRIAL COURT INFORMATION SYSTEM.]

The cost of operating the trial court information system in a judicial district must be paid by the state. Money collected by state court administration for providing copies or electronic transmittal of computerized court records is appropriated to state court administration and added to the appropriations from which the costs of providing the copies or electronic transmittal were paid.

Sec. 34. Minnesota Statutes 1993 Supplement, section 595.02, subdivision 1, is amended to read:

Subdivision 1. [COMPETENCY OF WITNESSES.] Every person of sufficient understanding, including a party, may testify in any action or proceeding, civil or criminal, in court or before any person who has authority to receive evidence, except as provided in this subdivision:

(a) A husband cannot be examined for or against his wife without her consent, nor a wife for or against her husband without his consent, nor can either, during the marriage or afterwards, without the consent of the other, be examined as to any communication made by one to the other during the

marriage. This exception does not apply to a civil action or proceeding by one against the other, nor to a criminal action or proceeding for a crime committed by one against the other or against a child of either or against a child under the care of either spouse, nor to a criminal action or proceeding in which one is charged with homicide or an attempt to commit homicide and the date of the marriage of the defendant is subsequent to the date of the offense, nor to an action or proceeding for nonsupport, neglect, dependency, or termination of parental rights.

(b) An attorney cannot, without the consent of the attorney's client, be examined as to any communication made by the client to the attorney or the attorney's advice given thereon in the course of professional duty; nor can any employee of the attorney be examined as to the communication or advice, without the client's consent.

(c) A member of the clergy or other minister of any religion shall not, without the consent of the party making the confession, be allowed to disclose a confession made to the member of the clergy or other minister in a professional character, in the course of discipline enjoined by the rules or practice of the religious body to which the member of the clergy or other minister belongs; nor shall a member of the clergy or other minister of any religion be examined as to any communication made to the member of the clergy or other minister by any person seeking religious or spiritual advice, aid, or comfort or advice given thereon in the course of the member of the clergy's or other minister's professional character, without the consent of the person.

(d) A licensed physician or surgeon, dentist, or chiropractor shall not, without the consent of the patient, be allowed to disclose any information or any opinion based thereon which the professional acquired in attending the patient in a professional capacity, and which was necessary to enable the professional to act in that capacity; after the decease of the patient, in an action to recover insurance benefits, where the insurance has been in existence two years or more, the beneficiaries shall be deemed to be the personal representatives of the deceased person for the purpose of waiving this privilege, and no oral or written waiver of the privilege shall have any binding force or effect except when made upon the trial or examination where the evidence is offered or received.

(e) A public officer shall not be allowed to disclose communications made to the officer in official confidence when the public interest would suffer by the disclosure.

(f) Persons of unsound mind and persons intoxicated at the time of their production for examination are not competent witnesses if they lack capacity to remember or to relate truthfully facts respecting which they are examined.

(g) A registered nurse, psychologist or consulting psychologist, or licensed social worker shall not, without the consent of the professional's client, be allowed to disclose any information or opinion based thereon which the professional has acquired in attending the client in a professional capacity, and which was necessary to enable the professional to act in that capacity. *The exception for social workers does not apply to testimony, records, or other evidence relating to a social worker's role as a court-appointed examiner, a probation officer, or an investigator employed by the state or a political subdivision.*

(h) An interpreter for a person handicapped in communication shall not, without the consent of the person, be allowed to disclose any communication if the communication would, if the interpreter were not present, be privileged. For purposes of this section, a "person handicapped in communication" means a person who, because of a hearing, speech or other communication disorder, or because of the inability to speak or comprehend the English language, is unable to understand the proceedings in which the person is required to participate. The presence of an interpreter as an aid to communication does not destroy an otherwise existing privilege.

(i) Licensed chemical dependency counselors shall not disclose information or an opinion based on the information which they acquire from persons consulting them in their professional capacities, and which was necessary to enable them to act in that capacity, except that they may do so:

(1) when informed consent has been obtained in writing, except in those circumstances in which not to do so would violate the law or would result in clear and imminent danger to the client or others;

(2) when the communications reveal the contemplation or ongoing commission of a crime; or

(3) when the consulting person waives the privilege by bringing suit or filing charges against the licensed professional whom that person consulted.

(j) A parent or the parent's minor child may not be examined as to any communication made in confidence by the minor to the minor's parent. A communication is confidential if made out of the presence of persons not members of the child's immediate family living in the same household. This exception may be waived by express consent to disclosure by a parent entitled to claim the privilege or by the child who made the communication or by failure of the child or parent to object when the contents of a communication are demanded. This exception does not apply to a civil action or proceeding by one spouse against the other or by a parent or child against the other, nor to a proceeding to commit either the child or parent to whom the communication was made or to place the person or property or either under the control of another because of an alleged mental or physical condition, nor to a criminal action or proceeding in which the parent is charged with a crime committed against the person or property of the communicating child, the parent's spouse, or a child of either the parent or the parent's spouse, or in which a child is charged with a crime or act of delinquency committed against the person or property of a parent or a child of a parent, nor to an action or proceeding for termination of parental rights, nor any other action or proceeding on a petition alleging child abuse, child neglect, abandonment or nonsupport by a parent.

(k) Sexual assault counselors may not be compelled to testify about any opinion or information received from or about the victim without the consent of the victim. However, a counselor may be compelled to identify or disclose information in investigations or proceedings related to neglect or termination of parental rights if the court determines good cause exists. In determining whether to compel disclosure, the court shall weigh the public interest and need for disclosure against the effect on the victim, the treatment relationship, and the treatment services if disclosure occurs. Nothing in this clause exempts sexual assault counselors from compliance with the provisions of sections 626.556 and 626.557.

“Sexual assault counselor” for the purpose of this section means a person who has undergone at least 40 hours of crisis counseling training and works under the direction of a supervisor in a crisis center, whose primary purpose is to render advice, counseling, or assistance to victims of sexual assault.

(l) A person cannot be examined as to any communication or document, including worknotes, made or used in the course of or because of mediation pursuant to an agreement to mediate. This does not apply to the parties in the dispute in an application to a court by a party to have a mediated settlement agreement set aside or reformed. A communication or document otherwise not privileged does not become privileged because of this paragraph. This paragraph is not intended to limit the privilege accorded to communication during mediation by the common law.

(m) A child under ten years of age is a competent witness unless the court finds that the child lacks the capacity to remember or to relate truthfully facts respecting which the child is examined. A child describing any act or event may use language appropriate for a child of that age.

(n) A communication assistant for a telecommunications relay system for communication-impaired persons shall not, without the consent of the person making the communication, be allowed to disclose communications made to the communication assistant for the purpose of relaying.

Sec. 35. Minnesota Statutes 1993 Supplement, section 624.7131, subdivision 1, is amended to read:

Subdivision 1. [INFORMATION.] Any person may apply for a transferee permit by providing the following information in writing to the chief of police of an organized full time police department of the municipality in which the person resides or to the county sheriff if there is no such local chief of police:

(a) the name, residence, telephone number and driver's license number or nonqualification certificate number, if any, of the proposed transferee;

(b) the sex, date of birth, height, weight and color of eyes, and distinguishing physical characteristics, if any, of the proposed transferee; ~~and~~

(c) *a statement that the proposed transferee authorizes the release to the local police authority of commitment information about the proposed transferee maintained by the commissioner of human services, to the extent that the information relates to the proposed transferee's eligibility to possess a pistol or semiautomatic military-style assault weapon under section 624.713, subdivision 1, clause (c), (e), or (f); and*

(d) a statement by the proposed transferee that the proposed transferee is not prohibited by section 624.713 from possessing a pistol or semiautomatic military-style assault weapon.

The ~~statement~~ statements shall be signed *and dated* by the person applying for a permit. At the time of application, the local police authority shall provide the applicant with a dated receipt for the application. *The statement under clause (c) must comply with any applicable requirements of Code of Federal Regulations, title 42, sections 2.31 to 2.35, with respect to consent to disclosure of alcohol or drug abuse patient records.*

Sec. 36. Minnesota Statutes 1992, section 624.7131, subdivision 2, is amended to read:

Subd. 2. [INVESTIGATION.] The chief of police or sheriff shall check criminal histories, records and warrant information relating to the applicant through the Minnesota crime information system. *The chief of police or sheriff shall obtain commitment information from the commissioner of human services as provided in section 245.041.*

Sec. 37. Minnesota Statutes 1993 Supplement, section 624.7132, subdivision 1, is amended to read:

Subdivision 1. [REQUIRED INFORMATION.] Except as provided in this section and section 624.7131, every person who agrees to transfer a pistol or semiautomatic military-style assault weapon shall report the following information in writing to the chief of police of the organized full-time police department of the municipality where the agreement is made or to the appropriate county sheriff if there is no such local chief of police:

(a) the name, residence, telephone number and driver's license number or nonqualification certificate number, if any, of the proposed transferee;

(b) the sex, date of birth, height, weight and color of eyes, and distinguishing physical characteristics, if any, of the proposed transferee;

(c) *a statement that the proposed transferee authorizes the release to the local police authority of commitment information about the proposed transferee maintained by the commissioner of human services, to the extent that the information relates to the proposed transferee's eligibility to possess a pistol or semiautomatic military-style assault weapon under section 624.713, subdivision 1, clause (c), (e), or (f);*

(d) a statement by the proposed transferee that the transferee is not prohibited by section 624.713 from possessing a pistol or semiautomatic military-style assault weapon; and

~~(e)~~ (e) the address of the place of business of the transferor.

The report shall be signed *and dated* by the transferor and the proposed transferee. The report shall be delivered by the transferor to the chief of police or sheriff no later than three days after the date of the agreement to transfer, excluding weekends and legal holidays. *The statement under clause (c) must comply with any applicable requirements of Code of Federal Regulations, title 42, sections 2.31 to 2.35, with respect to consent to disclosure of alcohol or drug abuse patient records.*

Sec. 38. Minnesota Statutes 1993 Supplement, section 624.7132, subdivision 2, is amended to read:

Subd. 2. [INVESTIGATION.] Upon receipt of a transfer report, the chief of police or sheriff shall check criminal histories, records and warrant information relating to the proposed transferee through the Minnesota crime information system. *The chief of police or sheriff shall obtain commitment information from the commissioner of human services as provided in section 245.041.*

Sec. 39. Minnesota Statutes 1992, section 624.714, subdivision 3, is amended to read:

Subd. 3. [CONTENTS.] Applications for permits to carry shall set forth in writing the following information:

(1) the name, residence, telephone number, and driver's license number or nonqualification certificate number, if any, of the applicant;

(2) the sex, date of birth, height, weight, and color of eyes and hair, and distinguishing physical characteristics, if any, of the applicant;

(3) a statement that the applicant authorizes the release to the local police authority of commitment information about the applicant maintained by the commissioner of human services, to the extent that the information relates to the applicant's eligibility to possess a pistol or semiautomatic military-style assault weapon under section 624.713, subdivision 1, clause (c), (e), or (f);

(4) a statement by the applicant that the applicant is not prohibited by section 624.713 from possessing a pistol or semiautomatic military-style assault weapon; and

~~(4)~~ (5) a recent color photograph of the applicant.

The application shall be signed and dated by the applicant. The statement under clause (3) must comply with any applicable requirements of Code of Federal Regulations, title 42, sections 2.31 to 2.35, with respect to consent to disclosure of alcohol or drug abuse patient records.

Sec. 40. Minnesota Statutes 1992, section 624.714, subdivision 4, is amended to read:

Subd. 4. [INVESTIGATION.] The application authority shall check criminal records, histories, and warrant information on each applicant through the Minnesota Crime Information System. The chief of police or sheriff shall obtain commitment information from the commissioner of human services as provided in section 245.041.

Sec. 41. [INFORMATION POLICY TRAINING PLAN.]

Subdivision 1. [GENERAL.] The commissioner of administration is responsible for the preparation of a plan for training state and local government officials and employees on data practices laws and procedures and other information policy statutes, including official records and records management statutes. The plan must include training models for state agencies, counties, cities, school districts, higher education agencies, and human service agencies. The plan must focus on the development of broad-based training expertise and responsibility for training within these entities. The plan must be developed in consultation with representatives of these entities, including:

(1) information policy council, commissioner of employee relations, and attorney general;

(2) association of counties, county attorneys council, and counties insurance trust;

(3) league of Minnesota cities, city attorneys association, and cities insurance trust;

(4) school boards association and council of school attorneys;

(5) higher education agencies, University of Minnesota, and university attorneys' office; and

(6) commissioner of human services, county human service agencies, and private nonprofit agencies that provide social services.

Subd. 2. [MODELS.] *The training models developed under subdivision 1 must:*

(1) identify training needs within each group of entities, including the need for mandatory training for certain positions and continuing as well as initial training requirements;

(2) provide for assignment of training responsibility within the entities and procedures for training; and

(3) provide for training resources, including the use of electronic communications and other forms of technology, audiovisual materials, and the development of written materials and standard forms, such as consent forms.

Subd. 3. [REPORT.] *The commissioner of administration shall report to the legislature by January 1, 1995, with the results of the plan prepared under this section and any other recommendations for information policy training.*

Sec. 42. [APPROPRIATION.]

§..... is appropriated from the general fund to the commissioner of administration for the purpose of preparing the training plan under section 41, for providing information policy training for state and local officials and employees, and for making grants to local governments for information policy training.

Sec. 43. [EFFECTIVE DATE.]

Sections 14, 15, and 21 are effective the day following final enactment. Section 24 is effective April 1, 1994. Section 25 is effective January 1, 1995."

Delete the title and insert:

"A bill for an act relating to privacy; classifying data; modifying certain human service licensing data provisions; authorizing access by the department of human services to certain data maintained by the department of jobs and training; permitting the commissioner of health to conduct fetal, infant, and maternal death studies; classifying certain data obtained by the department of trade and economic development as nonpublic; providing for release of certain information on juvenile offenders to schools and victims; limiting release of records; providing for the preparation of an information policy training plan; providing for the release of commitment information for firearm background checks; allowing sharing of certain information by family services and local children's mental health collaboratives; proposing classifications of data as private, nonpublic, and protected nonpublic; limiting liability for 911 systems; providing for a social worker witness privilege; appropriating money; amending Minnesota Statutes 1992, sections 13.38, by adding a subdivision; 13.39, subdivision 2; 13.41, subdivision 2; 13.57; 13.76, by adding a subdivision; 13.82, by adding a subdivision; 13.84, subdivision 5a; 214.10, subdivision 8; 253B.23, subdivision 4; 256.0361, by adding a subdivision; 260.161, subdivision 2, and by adding subdivisions; 480.235; 624.7131, subdivision 2; and 624.714, subdivisions 3 and 4; Minnesota Statutes 1993 Supplement, sections 13.32, subdivision 5; 13.43, subdivision 2; 13.46,

subdivision 4; 13.643, by adding a subdivision; 121.8355, by adding a subdivision; 144.335, subdivision 3a; 148B.04, subdivision 6; 245.493, by adding a subdivision; 260.161, subdivision 3; 595.02, subdivision 1; 624.7131, subdivision 1; and 624.7132, subdivisions 1 and 2; proposing coding for new law in Minnesota Statutes, chapters 13; 144; 145; 245; 253B; and 403; proposing coding for new law as Minnesota Statutes, chapter 325L."

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Metzen from the Committee on Governmental Operations and Reform, to which was referred

S.F. No. 1641: A bill for an act relating to the board of investment; requiring the board to provide certain information about its investments; proposing coding for new law in Minnesota Statutes, chapter 356.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1992, section 69.051, subdivision 1, is amended to read:

Subdivision 1. [FINANCIAL REPORT AND AUDIT.] The board of each salaried firefighters' and police relief association and of each volunteer firefighters' relief association with assets of at least \$200,000 or liabilities of at least \$200,000, according to the most recent actuarial valuation or financial report if no valuation is required, shall:

(a) Prepare a financial report covering the special and general funds of the relief association for the preceding fiscal year on a form prescribed by the state auditor. The financial report shall contain financial statements and disclosures which present the true financial condition of the relief association and the results of relief association operations in conformity with generally accepted accounting principles and in compliance with the regulatory, financing and funding provisions of this chapter and any other applicable laws. The financial report shall be countersigned by the municipal clerk or clerk-treasurer of the municipality in which the relief association is located if the relief association is a firefighters' relief association which is directly associated with a municipal fire department or is a police relief association, or countersigned by the secretary of the independent nonprofit firefighting corporation and by the municipal clerk or clerk-treasurer of the largest municipality in population which contracts with the independent nonprofit firefighting corporation if the relief association is a subsidiary of an independent nonprofit firefighting corporation;

(b) File the financial report in its office for public inspection and present it to the city council after the close of the fiscal year. One copy of the financial report shall be furnished to the state auditor after the close of the fiscal year; and

(c) Submit to the state auditor audited financial statements which have been attested to by a certified public accountant, ~~public accountant~~, or the state auditor within 180 days after the close of the fiscal year, except that the state auditor may upon request of a city and a showing of inability to conform,

extend the deadline. The state auditor may accept this report in lieu of the report required in clause (b).

Sec. 2. Minnesota Statutes 1992, section 69.773, subdivision 4, is amended to read:

Subd. 4. [FINANCIAL REQUIREMENTS OF THE SPECIAL FUND.] Prior to August 1 of each year, the officers of the relief association shall determine the financial requirements of the special fund of the relief association in accordance with the requirements of this subdivision. The financial requirements of the relief association shall be based on the most recent actuarial valuation of the special fund prepared in accordance with subdivision 2. If the relief association has an unfunded actuarial accrued liability as reported in the most recent actuarial valuation, the financial requirements shall be determined by adding the figures calculated pursuant to clauses (a), (b), and (c). If the relief association does not have an unfunded actuarial accrued liability as reported in the most recent actuarial valuation, the financial requirements shall be an amount equal to the figure calculated pursuant to clauses (a) and (b), *reduced by an amount equal to one-tenth of the amount of any assets in excess of the actuarial accrued liability of the relief association.* The determination of whether or not the relief association has an unfunded actuarial accrued liability shall be based on the current market value of assets for which a market value is readily ascertainable and the cost or book value, whichever is applicable, for assets for which no market value is readily ascertainable.

(a) The normal level cost requirement for the following year, expressed as a dollar amount, shall be the figure for the normal level cost of the relief association as reported in the actuarial valuation.

(b) The amount of anticipated future administrative expenses of the special fund shall be calculated by multiplying the dollar amount of the administrative expenses of the special fund for the most recent year by the factor of 1.035.

(c) The amortization contribution requirement to retire the current unfunded actuarial accrued liability by the established date for full funding shall be the figure for the amortization contribution as reported in the actuarial valuation. If there has not been a change in the actuarial assumptions used for calculating the actuarial accrued liability of the special fund, a change in the bylaws of the relief association governing the service pensions, retirement benefits, or both payable from the special fund or a change in the actuarial cost method used to value all or a portion of the special fund which change or changes, which by themselves without inclusion of any other items of increase or decrease, produce a net increase in the unfunded actuarial accrued liability of the special fund since December 31, 1970, the established date for full funding shall be December 31, 1990. If there has been a change in the actuarial assumptions used for calculating the actuarial accrued liability of the special fund, a change in the bylaws of the relief association governing the service pensions, retirement benefits, or both payable from the special fund or a change in the actuarial cost method used to value all or a portion of the special fund and the change or changes, by themselves and without inclusion of any other items of increase or decrease, produce a net increase in the unfunded actuarial accrued liability of the special fund since December 31, 1970, but prior to January 1, 1979, the established date for full funding shall be December 31, 1998, and if there has been a change since December 31, 1978, the established date for full funding shall be determined using the following procedure:

(i) the unfunded actuarial accrued liability of the special fund shall be determined in accordance with the provisions governing service pensions, retirement benefits, and actuarial assumptions in effect before an applicable change;

(ii) the level annual dollar contribution needed to amortize this unfunded actuarial accrued liability amount by the date for full funding in effect prior to the change shall be calculated using the interest assumption specified in section 356.215, subdivision 4d, in effect before any applicable change;

(iii) the unfunded actuarial accrued liability of the special fund shall be determined in accordance with any new provisions governing service pensions, retirement benefits, and actuarial assumptions and the remaining provisions governing service pensions, retirement benefits, and actuarial assumptions in effect before an applicable change;

(iv) the level annual dollar contribution needed to amortize the difference between the unfunded actuarial accrued liability amount calculated pursuant to subclause (i) and the unfunded actuarial accrued liability amount calculated pursuant to subclause (iii) over a period of 20 years starting December 31 of the year in which the change is effective shall be calculated using the interest assumption specified in section 356.215, subdivision 4d, in effect after any applicable change;

(v) the annual amortization contribution calculated pursuant to subclause (iv) shall be added to the annual amortization contribution calculated pursuant to subclause (ii);

(vi) the period in which the unfunded actuarial accrued liability amount determined in subclause (iii) will be amortized by the total annual amortization contribution computed pursuant to subclause (v) shall be calculated using the interest assumption specified in section 356.215, subdivision 4d, in effect after any applicable change, rounded to the nearest integral number of years, but which shall not exceed a period of 20 years from the end of the year in which the determination of the date for full funding using this procedure is made and which shall not be less than the period of years beginning in the year in which the determination of the date for full funding using this procedure is made and ending by the date for full funding in effect before the change.

(vii) the period determined pursuant to subclause (vi) shall be added to the date as of which the actuarial valuation was prepared and the resulting date shall be the new date for full funding.

Sec. 3. [356.219] [DISCLOSURE OF ADDITIONAL PUBLIC PENSION PLAN INVESTMENT INFORMATION.]

Subdivision 1. [REPORT REQUIRED.] The state board of investment on behalf of the public pension funds and programs for which it is the investment authority and any Minnesota public pension plan not wholly invested through the state board of investments, including a local police or firefighters' relief association governed by sections 69.77 or 69.771 to 69.775, that is not specifically excluded by this subdivision, shall report the information specified in subdivision 2 to the state auditor. The state auditor may prescribe a form or forms for the purposes of the reporting requirements contained in this section. A local police or firefighters' relief association governed by sections 69.77 or 69.771 to 69.775, with total assets less than \$500,000, is exempt from the reporting requirement specified in this section provided the relief associ-

ation has invested at least 75 percent of its total assets with the state board of investment, or has certified to the state auditor that it will meet the 75 percent threshold prior to October 1, 1995, or as soon as current investments mature that will permit reinvestment in the state board of investment, whichever is earlier.

Subd. 2. [CONTENT AND TIMING OF REPORTS.] (a) The following information must be included in the report required by subdivision 1:

- (1) the market value of all investments at the close of the reporting period;*
- (2) regular payroll-based contributions to the fund;*
- (3) other contributions and revenue paid into the fund, including at least state or local nonpayroll based contributions, repaid refunds, and buybacks;*
- (4) total benefits paid to members;*
- (5) fees paid for investment management services;*
- (6) salaries and other administrative expenses paid; and*
- (7) total return on investment.*

The report must also include a written statement of the investment policy in effect on June 30, 1988, and any investment policy changes made subsequently and must include the effective date of each policy change. The information required under this subdivision must be reported separately for each investment account or investment portfolio included in the pension fund.

(b) For public pension plans other than volunteer firefighters' relief associations governed by sections 69.77 or 69.771 to 69.775, the information specified in paragraph (a) must be provided separately for each quarter for the fiscal years of the pension fund ending during calendar years 1989 to 1991 and on a monthly basis for subsequent years. For volunteer firefighters' relief associations governed by sections 69.77 or 69.771 to 69.775, the information specified in paragraph (a) must be provided separately for each quarter for the fiscal years of the pension fund ending during calendar years 1991 to 1993 and on a monthly basis for subsequent years. The required information to fiscal year 1993 must be submitted to the state auditor on or before October 1, 1994, and subsequently within six months of the end of each fiscal year.

Subd. 3. [PENALTY FOR NONCOMPLIANCE.] Failure to comply with the reporting requirements of this section results in a withholding of all state aid to which the pension plan may otherwise be entitled. The state auditor shall agree to waive the withholding of all state aid required by this subdivision for a volunteer firefighters' relief association governed by sections 69.77 or 69.771 to 69.775, if the relief association certifies to the state auditor that neither the association nor the association's financial institution or investment advisor has the records necessary to comply with the reporting requirement for each quarter for the fiscal years of the pension fund ending during calendar years 1991 to 1993, provided that the association agrees to comply with all reporting requirements for all subsequent years. The state auditor shall instruct the commissioners of revenue and finance to withhold state aid from a pension plan that fails to comply with the reporting requirements contained in this section.

Subd. 4. [INVESTMENT DISCLOSURE REPORT.] Using the information provided under subdivision 2, the state auditor shall prepare an annual report

to the legislature on the components of investment performance resulting from stages in the investment decision-making process of public pension plans subject to this section. The state auditor may contract with a qualified consultant or consulting firm to perform the analysis and prepare the report required under this subdivision.

Subd. 5. [EXPENSE OF REPORT.] All expenses incurred relating to the investment disclosure report described in subdivision 4 must be borne by the office of the state auditor and may not be charged back to the entities described in subdivision 1.

Sec. 4. Minnesota Statutes 1992, section 422A.05, subdivision 2c, is amended to read:

Subd. 2c. (a) For investments made on or after July 1, 1991, the board shall invest funds only in investments authorized by section 11A.24. However, in addition to real estate investments authorized by section 11A.24, the board may also make loans to purchasers of Minnesota situs nonfarm residential real estate 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.

(c) The retirement board shall at all times have a written set of investment policy guidelines. These guidelines must, at a minimum, include specifications of the investment objectives of the funds, the target asset allocations, and the appropriate benchmarks to be used for evaluating the performance of the funds, the asset classes within the funds, and each portfolio manager.

Sec. 5. [422A.055] [INVESTMENT PANEL.]

Subdivision 1. [CREATION.] An investment panel consisting of five members is established to:

(1) advise the retirement board on all policy matters relating to investments;

(2) advise the retirement board on methods to diversify away risk and optimize the rate of return on invested money while insuring adequate security for that money; and

(3) perform other advisory tasks as requested by the retirement board.

Subd. 2. [MEMBERSHIP.] The panel consists of the director of finance for the city of Minneapolis; the superintendent of schools of special school district No. 1, Minneapolis, or a person designated by the superintendent; the commissioner of finance of the state of Minnesota, or a person designated by the commissioner; and two persons appointed by the retirement board for two-year terms who by academic and professional training and experience are experts in the field of investment and finance.

Subd. 3. [FIDUCIARY DUTY.] Members of the panel shall act in a manner consistent with section 422A.05, subdivision 2a, and with chapter 356A.

Subd. 4. [OFFICERS; MEETINGS.] The members of the investment panel shall annually elect a chair and vice-chair from among their membership. The

panel shall meet upon the call of the chair, and as directed by the retirement board, but in no event less frequently than quarterly.

Subd. 5. [COMPENSATION; REMOVAL; VACANCIES.] Compensation, removal, and filling of vacancies for the members of the panel appointed by the retirement board are as provided in section 15.059, subdivisions 3 and 4.

Subd. 6. [INDEMNIFICATION.] A member of the investment panel must be indemnified and held harmless by the fund for any reasonable costs or expenses incurred as a result of any actual or threatened litigation or administrative proceedings arising out of the performance of the member's duties, except an action brought by the retirement board arising from the failure of a member to perform duties in the manner prescribed in section 422A.05, subdivision 2a, or chapter 356A.

Subd. 7. [CONFLICTS.] No member of the panel may participate in deliberations or vote on any matter before the panel which will or is likely to result in direct, measurable economic gain to the member or, in the case of the two persons appointed by the retirement board, to the member's employer.

Subd. 8. [STAFF SUPPORT.] Any necessary staff support for the investment panel must be provided at the direction of the executive director.

Sec. 6. Minnesota Statutes 1992, section 424A.04, is amended by adding a subdivision to read:

Subd. 3. [MEETINGS OPEN TO THE PUBLIC.] All official actions of the board of trustees of a relief association directly associated with a municipal fire department must be approved at a meeting of the board of trustees that is open to the public. The relief association must provide at least three days' written notice of all board meetings to all members of the board of trustees of the relief association. Copies of all meeting notices, or a schedule of the times and dates of regularly scheduled meetings of the board of trustees of the relief association, must also be sent to all individuals who request a copy of such meeting notices. The relief association shall keep a written record of all official actions taken at all meetings of the board of trustees. A copy of the written record of a meeting of the board of trustees of the relief association must be filed with the city clerk or clerk-treasurer of the municipality served by the fire department to which the relief association is directly associated. The city clerk or clerk-treasurer of the municipality shall make the copy of the written record available for public inspection.

The board of trustees of a relief association may, by a majority vote in a public meeting, decide to hold a closed meeting to discuss issues or data that would constitute grounds for closing a public meeting under section 471.705. Before closing a meeting, the board of trustees shall state on the record the specific grounds permitting the meeting to be closed and describe the subject to be discussed.

Sec. 7. [BLOOMINGTON FIRE RELIEF ASSOCIATION.]

Notwithstanding requirements of Minnesota Statutes, section 69.77, subdivision 2b, to the contrary, for a volunteer fire relief association described by Minnesota Statutes, section 69.77, subdivision 1a, clause (4), if the actuarial value of the assets of the relief association exceed the actuarial accrued liability as reported in the most recent actuarial valuation or survey, the financial requirements of the relief association for the following calendar year is the total of the amounts calculated under Minnesota Statutes, section 69.77,

subdivision 2b, clauses (a) and (b), reduced by an amount equal to the amount by which the actuarial value of assets exceeds the actuarial accrued liability, divided by ten.

Sec. 8. [EFFECTIVE DATE.]

Section 7 is effective upon approval of the Bloomington city council and upon compliance with Minnesota Statutes, section 645.021."

Delete the title and insert:

"A bill for an act relating to retirement; requiring certain financial reports from firefighter and police relief associations; requiring the state board of investment to provide certain information about its investments; establishing minimum qualifications for audits of police and fire relief associations; establishing reporting requirements for certain public pension funds; requiring notice of meetings of relief associations and requiring meetings to be open to the public; changing employer contributions rates for the Bloomington fire relief association; amending Minnesota Statutes 1992, sections 69.051, subdivision 1; 69.773, subdivision 4; 422A.05, subdivision 2c; and 424A.04, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 356; and 422A."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 2591 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
2591	2539				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 2591 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2591 and insert the language after the enacting clause of S.F. No. 2539, the first engrossment; further, delete the title of H.F. No. 2591 and insert the title of S.F. No. 2539, the first engrossment.

And when so amended H.F. No. 2591 will be identical to S.F. No. 2539, and further recommends that H.F. No. 2591 be given its second reading and substituted for S.F. No. 2539, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Ms. Reichgott Junge from the Committee on Judiciary, to which was re-referred

S.F. No. 2090: A bill for an act relating to human services; modifying provisions dealing with the administration and enforcement of child support; proposing coding for new law in Minnesota Statutes, chapter 518; repealing Minnesota Statutes 1993 Supplement, section 518.551, subdivision 10.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

“ARTICLE 1

ADMINISTRATIVE PROCESS

Section 1. [518.551] [ADMINISTRATIVE PROCESS FOR CHILD AND MEDICAL SUPPORT ORDERS.]

Subdivision 1. [GENERAL.] (a) An administrative process is established to obtain, modify, and enforce child and medical support orders and maintenance.

(b) Effective July 1, 1994, all counties shall participate in the administrative process established in this section in accordance with a statewide implementation plan to be set forth by the commissioner of human services. The implementation plan shall include provisions for training the counties by region no later than July 1995.

Subd. 2. [UNCONTESTED ADMINISTRATIVE PROCEEDING.] (a) All actions commenced by the public authority under this section shall be brought within the uncontested administrative proceeding. A party may petition the chief administrative law judge, the chief district court judge, or the chief family court referee to proceed immediately to a contested hearing upon good cause shown. A party may also request in writing that the public authority begin an uncontested administrative proceeding.

(b) The public authority shall give the parties written notice requesting the submission of information necessary for the public authority to prepare a proposed child support order. The written notice shall be sent by first-class mail to the parties' last known addresses. The written notice shall describe the information requested, state the purpose of the request, state the date by which the information must be postmarked or received (which shall be at least 30 days from the date of the mailing of the written notice), state that if the information is not postmarked or received by that date, the public authority will prepare a proposed order on the basis of the information available, and identify the type of information which will be considered.

(c) Following the submission of information or following the date when the information was due, the public authority shall, on the basis of all information available, complete and sign a proposed child support order and notice. In preparing the proposed child support order, the public authority will establish child support in the highest amount permitted under section 518.551, subdivision 5. The proposed order shall include written findings in accordance with section 518.551, subdivision 5, clauses (i) and (j). The notice shall state that the proposed child support order will be entered as a final and binding default order unless one of the parties requests a conference under subdivision 3 within 14 days following the date of service of the proposed child support order. The method for requesting the conference shall be stated in the notice. The notice and proposed child support order shall be served

either personally or by certified mail. The public authority shall prepare and retain an affidavit of service. For the purposes of the contested hearing, and notwithstanding any rule to the contrary, the service of the proposed order pursuant to this paragraph shall be deemed to have commenced a civil action and the judge, including an administrative law judge or a referee, shall have jurisdiction over the contested hearing.

(d) If a conference under subdivision 3 is not requested by a party within 14 days after the date of service of the proposed child support order, the public authority may enter the proposed order as the default order. The default order becomes effective 30 days after the date of service of the notice in paragraph (c). The public authority may also prepare and serve a new notice and proposed child support order if new information is subsequently obtained. The default child support order shall be a final order, and shall be served personally or by first-class mail.

(e) The public authority shall file in the district court copies of the notice served on the parties, all relevant documents sent to or received from the parties, proof of service, and the proposed child support order. The order is effective upon the signature by the court and is retroactive to the date of signature by the public authority.

(f) If a party requests an administrative review, and the public authority denies the request, the public authority shall issue a summary order which denies the request for relief, states the reasons for the denial, and notifies the person of the right to commence an action for relief. If the party commences an action within 30 days from the public authority's denial and the party's action results in a modification of a child support order, the modification may be retroactive to the date the written request was received by the public authority.

Subd. 3. [ADMINISTRATIVE CONFERENCE.] (a) If a party requests a conference within 14 days of the date of service of the proposed order, the public authority shall schedule a conference, and shall serve written notice of the date, time, and place of the conference on the parties.

(b) The purpose of the conference is to review all available information and seek an agreement to enter a consent child support order. The notice shall state the purpose of the conference, and that the proposed child support order will be entered as a final and binding default order if the requesting party fails to appear at the conference. The notice shall be served on the parties by first-class mail at their last known addresses, and the method of service shall be documented in the public authority file.

(c) A party alleging domestic abuse by the other party shall not be required to participate in a conference. In such a case, the public authority shall meet separately with the parties in order to determine whether an agreement can be reached.

(d) If the party requesting the conference does not appear and fails to provide a reasonable excuse, the public authority may enter a default child support order through the uncontested administrative process.

(e) If the parties appear at the conference, the public authority may seek agreement of the parties to the entry of a consent child support order which establishes child support in accordance with applicable law. The public authority shall advise the parties that if a consent order is not entered, the

matter will be scheduled for a hearing before an administrative law judge, or a district court judge or referee, and that the public authority will seek the establishment of child support at the hearing in accordance with the highest amount permitted under section 518.551, subdivision 5. The public authority shall schedule the matter before an administrative law judge, district court judge, or referee.

(f) If an agreement is reached by the parties at the conference, a consent child support order shall be prepared by the public authority, and shall be signed by the parties. All consent and default orders shall be signed by the public authority and shall be submitted to an administrative law judge or the district court for countersignature. The consent order shall be served on the parties either personally or by first-class mail, and shall be filed in district court, along with an affidavit of service.

Subd. 4. [CONTESTED ADMINISTRATIVE PROCEEDING.] (a) The commissioner of human services is authorized to designate counties that are not in compliance with federal child support guidelines to use contested administrative proceedings. The contested administrative hearing process may also be initiated upon request of a county board. The administrative hearing process shall be implemented in counties designated by the commissioner.

(b) Nothing contained herein shall prevent a party, upon timely notice to the public authority, from bringing a motion for the establishment, modification, or enforcement of child support or maintenance orders in district court if additional issues involving domestic abuse, establishment or modification of custody or visitation, or property issues, or other issues outside the jurisdiction of the administrative process, are part of the motion or action, or if a motion or action brought by another party containing one or more of these issues is pending in district court. The matter may be decided in district court if the public authority is a party or provides services to a party if a motion for child support is pending in court.

(c) Contested proceedings commenced by the public authority or in which the public authority is a party, shall be heard by an administrative hearing officer in the following cases:

(1) establishing, modifying, or enforcing child support;

(2) establishing, modifying, or enforcing medical support;

(3) modifying maintenance, if combined with child support or medical support issues; or

(4) adjudicating uncontested parentage.

(d) The following proceedings may not be heard in a contested administrative process:

(1) adjudication of contested parentage;

(2) motions to set aside a paternity adjudication, declaration, or recognition of parentage;

(3) evidentiary hearing on contempt motions; or

(4) motions to sentence or to revoke the stay of a jail sentence in contempt proceedings.

(e) An administrative law judge may approve a stipulation reached on a contempt motion brought by the public authority. Any stipulation that involves a finding of contempt and a jail sentence, whether stayed or imposed, shall require the review and signature of a district court judge.

(f) For the purpose of this process, all powers, duties, and responsibilities conferred on judges of the district court to obtain and enforce child and medical support and maintenance obligations, subject to the limitation set forth herein, are conferred on the administrative law judge conducting the proceedings, including the power to issue subpoenas for the production of documents, to issue orders to show cause, and to issue bench warrants for failure to appear.

(g) Before implementing the process in a county, the chief administrative law judge, the commissioner of human services, the director of the county human services agency, the county attorney, the county court administrator, and the county sheriff shall jointly establish procedures, and the county shall provide hearing facilities for implementing this process in the county. A contested administrative hearing shall be conducted in a courtroom, if one is available, or a conference or meeting room with at least two exits and of sufficient size to permit adequate physical separation of the parties. Security personnel shall either be present during the administrative hearings, or be available to respond to a request for emergency assistance.

(h) The contested administrative hearings shall be conducted under the rules of the office of administrative hearings, Minnesota Rules, parts 1400.7100 to 1400.7500, 1400.7700, and 1400.7800, as adopted by the chief administrative law judge. Other aspects of the case, including, but not limited to, pleadings, discovery, and motions, shall be conducted under the rules of family court, the rules of civil procedure, and chapter 518.

(i) Pursuant to a contested administrative hearing, the administrative law judge shall make findings of fact, conclusions, and a final decision and issue an order. Orders issued by an administrative law judge are enforceable by the contempt powers of the district courts.

(j) The decision and order of the administrative law judge is appealable to the court of appeals in the same manner as a decision of the district court.

Subd. 5. [NONATTORNEY AUTHORITY.] Nonattorney employees of the public authority responsible for child support may prepare, sign, serve, and file complaints, motions, notices, and proposed orders for obtaining, modifying, or enforcing child and medical support orders, maintenance orders, orders establishing paternity, and related documents. The nonattorney may also conduct prehearing conferences, and participate in proceedings before an administrative law judge. This activity shall not be considered to be the unauthorized practice of law. After the commencement of the administrative process, the public authority and the administrative law judge shall each have the authority to issue subpoenas for the production of documents.

Subd. 6. [PUBLIC AUTHORITY LEGAL ADVISOR.] At all stages of the administrative process prior to the contested hearing, the county attorney, or other attorney under contract, shall act as the legal advisor for the public authority, but shall not play an active role in the review of information and the preparation of default and consent orders.

Subd. 7. [COSTS ASSOCIATED WITH THE ADMINISTRATIVE PROCESS.] The commissioner of human services shall distribute money for this purpose to counties to cover the costs of the administrative process, including the salaries of administrative law judges. If available appropriations are insufficient to cover the costs, the commissioner shall prorate the amount among the counties.

Subd. 8. [TRAINING AND RESTRUCTURING.] The commissioner of human services shall provide training to child support officers and other employees of the public authority involved in the administrative process. The commissioner of human services shall prepare simple and easy to understand forms for all notices and orders prescribed in this subdivision, and the public authority shall use them. The commissioner of human services, in consultation with the commissioner's advisory committee for child support enforcement, shall continue to develop and implement a plan to restructure the administrative process, specifically the contested hearings.

Sec. 2. [INSTRUCTION TO REVISOR.]

In the next edition of Minnesota Statutes, the revisor of statutes shall delete the term "518.551, subdivision 10" and replace it with "518.5511" where it appears in Minnesota Statutes, sections 357.021, subdivision 1a, and 518C.05.

Sec. 3. [REPEALER.]

Minnesota Statutes 1993 Supplement, section 518.551, subdivision 10, is repealed.

Sec. 4. [EFFECTIVE DATE.]

This article is effective July 1, 1994.

ARTICLE 2

CHILD SUPPORT ADMINISTRATION AND ENFORCEMENT

Section 1. [8.40] [PUBLIC EDUCATION CAMPAIGN.]

The attorney general shall establish a public service campaign designed to educate the public about the necessity of the payment of child support to the well-being of the state's children and taxpayers. The campaign may include public service announcements for broadcast through television, radio, and billboard media.

Sec. 2. Minnesota Statutes 1993 Supplement, section 13.46, subdivision 2, is amended to read:

Subd. 2. [GENERAL.] (a) Unless the data is summary data or a statute specifically provides a different classification, data on individuals collected, maintained, used, or disseminated by the welfare system is private data on individuals, and shall not be disclosed except:

- (1) pursuant to section 13.05;
- (2) pursuant to court order;
- (3) pursuant to a statute specifically authorizing access to the private data;

(4) to an agent of the welfare system, including a law enforcement person, attorney, or investigator acting for it in the investigation or prosecution of a criminal or civil proceeding relating to the administration of a program;

(5) to personnel of the welfare system who require the data to determine eligibility, amount of assistance, and the need to provide services of additional programs to the individual;

(6) to administer federal funds or programs;

(7) between personnel of the welfare system working in the same program;

(8) the amounts of cash public assistance and relief paid to welfare recipients in this state, including their names and social security numbers, upon request by the department of revenue to administer the property tax refund law, supplemental housing allowance, and the income tax;

(9) to the Minnesota department of jobs and training for the purpose of monitoring the eligibility of the data subject for unemployment compensation, for any employment or training program administered, supervised, or certified by that agency, or for the purpose of administering any rehabilitation program, whether alone or in conjunction with the welfare system, and to verify receipt of energy assistance for the telephone assistance plan;

(10) to appropriate parties in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the individual or other individuals or persons;

(11) data maintained by residential facilities as defined in section 245A.02 may be disclosed to the protection and advocacy system established in this state pursuant to Part C of Public Law Number 98-527 to protect the legal and human rights of persons with mental retardation or other related conditions who live in residential facilities for these persons if the protection and advocacy system receives a complaint by or on behalf of that person and the person does not have a legal guardian or the state or a designee of the state is the legal guardian of the person;

(12) to the county medical examiner or the county coroner for identifying or locating relatives or friends of a deceased person;

(13) data on a child support obligor who makes payments to the public agency may be disclosed to the higher education coordinating board to the extent necessary to determine eligibility under section 136A.121, subdivision 2, clause (5);

(14) participant social security numbers and names collected by the telephone assistance program may be disclosed to the department of revenue to conduct an electronic data match with the property tax refund database to determine eligibility under section 237.70, subdivision 4a;

(15) the current address of a recipient of aid to families with dependent children, medical assistance, general assistance, work readiness, or general assistance medical care may be disclosed to law enforcement officers who provide the name and social security number of the recipient and satisfactorily demonstrate that: (i) the recipient is a fugitive felon, including the grounds for this determination; (ii) the location or apprehension of the felon is within the law enforcement officer's official duties; and (iii) the request is made in writing and in the proper exercise of those duties; ~~or~~

(16) information obtained from food stamp applicant or recipient households may be disclosed to local, state, or federal law enforcement officials, upon their written request, for the purpose of investigating an alleged violation of the food stamp act, in accordance with Code of Federal Regulations, title 7, section 272.1(c); or

(17) data on a child support obligor who is in arrears may be disclosed for purposes of publishing the data pursuant to section 518.575.

(b) Information on persons who have been treated for drug or alcohol abuse may only be disclosed in accordance with the requirements of Code of Federal Regulations, title 42, sections 2.1 to 2.67.

(c) Data provided to law enforcement agencies under paragraph (a), clause (15) or (16); or (b) are investigative data and are confidential or protected nonpublic while the investigation is active. The data are private after the investigation becomes inactive under section 13.82, subdivision 5, paragraph (a) or (b).

(d) Mental health data shall be treated as provided in subdivisions 7, 8, and 9, but is not subject to the access provisions of subdivision 10, paragraph (b).

Sec. 3. Minnesota Statutes 1993 Supplement, section 256.87, subdivision 5, is amended to read:

Subd. 5. [CHILD NOT RECEIVING ASSISTANCE.] A person or entity having physical and legal custody of a dependent child not receiving assistance under sections 256.72 to 256.87 has a cause of action for child support against the child's absent parents. ~~Upon an order to show cause and a motion served on the absent parent,~~ The court shall order child support payments from the absent parent under chapter 518. *This subdivision applies only if the person has custody with the consent of a custodial parent or approval of the court.*

Sec. 4. Minnesota Statutes 1993 Supplement, section 518.14, is amended to read:

518.14 [COSTS AND DISBURSEMENTS AND; ATTORNEY FEES; COLLECTION COSTS.]

Subdivision 1. [GENERAL.] Except as provided in subdivision 2, in a proceeding under this chapter, the court shall award attorney fees, costs, and disbursements in an amount necessary to enable a party to carry on or contest the proceeding, provided it finds:

(1) that the fees are necessary for the good-faith assertion of the party's rights in the proceeding and will not contribute unnecessarily to the length and expense of the proceeding;

(2) that the party from whom fees, costs, and disbursements are sought has the means to pay them; and

(3) that the party to whom fees, costs, and disbursements are awarded does not have the means to pay them.

Nothing in this section precludes the court from awarding, in its discretion, additional fees, costs, and disbursements against a party who unreasonably contributes to the length or expense of the proceeding. Fees, costs, and disbursements provided for in this section may be awarded at any point in the

proceeding, including a modification proceeding under sections 518.18 and 518.64. The court may adjudge costs and disbursements against either party. The court may authorize the collection of money awarded by execution, or out of property sequestered, or in any other manner within the power of the court. An award of attorney's fees made by the court during the pendency of the proceeding or in the final judgment survives the proceeding and if not paid by the party directed to pay the same may be enforced as above provided or by a separate civil action brought in the attorney's own name. If the proceeding is dismissed or abandoned prior to determination and award of attorney's fees, the court may nevertheless award attorney's fees upon the attorney's motion. The award shall also survive the proceeding and may be enforced in the same manner as last above provided.

Subd. 2. [ENFORCEMENT OF CHILD SUPPORT.] (a) A child support obligee is entitled to recover from the obligor reasonable attorney fees and other collection costs incurred to enforce a child support judgment, as provided in this subdivision. Written notice must be provided by any obligee contracting with an attorney or collection entity to enforce a child support judgment to the public authority responsible for child support enforcement, if the public authority is a party or provides services to a party, within five days of signing a contract for services and within five days of receiving any payments received on a child support judgment. Attorney fees and collection costs obtained under this subdivision are considered child support and entitled to the applicable remedies for collection and enforcement of child support. The obligee shall serve notice of the obligee's intent to recover attorney fees and collections costs by certified or registered mail on the obligor at the obligor's last known address. The notice must include an itemization of the attorney fees and collection costs being sought by the obligee and inform the obligor that the fees and costs will become an additional judgment for child support unless the obligor requests a hearing on the reasonableness of the fees and costs within 20 days of mailing of the notice.

(b) If the obligor requests a hearing, the only issue to be determined by the court is whether the attorney fees or collection costs were reasonably incurred by the obligee for the enforcement of a child support judgment against the obligor. The fees and costs may be based on an hourly rate, or on a percentage of the child support arrearages not to exceed 30 percent. The court may modify the amount of attorney fees and costs as appropriate and shall enter judgment accordingly.

(c) If the obligor fails to request a hearing within 20 days of mailing of the notice under paragraph (a), the amount of the attorney fees or collection costs requested by the obligee in the notice automatically becomes an additional judgment for child support.

(d) The commissioner of human services shall prepare and make available to the court and the parties forms for use in providing for notice and requesting a hearing under this subdivision. The rulemaking provisions of chapter 14 do not apply to the forms.

Sec. 5. Minnesota Statutes 1993 Supplement, section 518.171, subdivision 1, is amended to read:

Subdivision 1. [ORDER.] (a) Every child support order must expressly assign or reserve the responsibility for maintaining medical insurance for the minor children and the division of uninsured medical and dental costs. The

court shall order the party with the better group dependent health and dental insurance coverage or health insurance plan to name the minor child as beneficiary on any health and dental insurance plan that is comparable to or better than a number two qualified plan and available to the party on:

(i) a group basis; or

(ii) through an employer or union; or

(iii) through a group health plan governed under the ERISA and included within the definitions relating to health plans found in section 62A.011, 62A.048, or 62E.06, subdivision 2.

“Health insurance” or “health insurance coverage” as used in this section means coverage that is comparable to or better than a number two qualified plan as defined in section 62E.06, subdivision 2. “Health insurance” or “health insurance coverage” as used in this section does not include medical assistance provided under chapter 256, 256B, or 256D.

(b) If the court finds that dependent health or dental insurance is not available to the obligor or obligee on a group basis or through an employer or union, or that the group insurer insurance is not accessible to the obligee, the court may require the obligor (1) to obtain other dependent health or dental insurance, (2) to be liable for reasonable and necessary medical or dental expenses of the child, or (3) to pay no less than \$50 per month to be applied to the medical and dental expenses of the children or to the cost of health insurance dependent coverage.

(c) If the court finds that the available dependent health or dental insurance does not pay all the reasonable and necessary medical or dental expenses of the child, including any existing or anticipated extraordinary medical expenses, and the court finds that the obligor has the financial ability to contribute to the payment of these medical or dental expenses, the court shall require the obligor to be liable for all or a portion of the medical or dental expenses of the child not covered by the required health or dental plan. Medical and dental expenses include, but are not limited to, necessary orthodontia and eye care, including prescription lenses.

(d) If the obligor is employed by a self-insured employer subject only to the federal Employee Retirement Income Security Act (ERISA) of 1974, and the insurance benefit plan meets the above requirements, the court shall order the obligor to enroll the dependents within 30 days of the court order effective date or be liable for all medical and dental expenses occurring while coverage is not in effect. If enrollment in the ERISA plan is precluded by exclusionary clauses, the court shall order the obligor to obtain other coverage or make payments as provided in paragraph (b) or (c).

(e) Unless otherwise agreed by the parties and approved by the court, if the court finds that the obligee is not receiving public assistance for the child and has the financial ability to contribute to the cost of medical and dental expenses for the child, including the cost of insurance, the court shall order the obligee and obligor to each assume a portion of these expenses based on their proportionate share of their total net income as defined in section 518.54, subdivision 6.

(f) (e) Payments ordered under this section are subject to section 518.611.

An obligee who fails to apply payments received to the medical expenses of the dependents may be found in contempt of this order.

Sec. 6. Minnesota Statutes 1993 Supplement, section 518.171, subdivision 6, is amended to read:

Subd. 6. [~~INSURER PLAN REIMBURSEMENT; CORRESPONDENCE AND NOTICE.~~] (a) The signature of the custodial parent of the insured dependent is a valid authorization to ~~the insurer~~ a health or dental insurance plan for purposes of processing an insurance reimbursement payment to the provider of the medical services or to the custodial parent if medical services have been prepaid by the custodial parent.

(b) The ~~insurer~~ health or dental insurance plan shall send copies of all correspondence regarding the insurance coverage to both parents. When an order for dependent insurance coverage is in effect and the obligor's employment is terminated, or the insurance coverage is terminated, the ~~insurer~~ health or dental insurance plan shall notify the obligee within ten days of the termination date with notice of conversion privileges.

Sec. 7. Minnesota Statutes 1993 Supplement, 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. The notice must contain the full names of the parties to the proceeding, their social security account numbers, and their birth dates. 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 stipulation of the parties if each party is represented by independent counsel, unless the stipulation does not meet the conditions of paragraph (i). 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 may also order the obligor to pay child support in the form of a percentage share of the obligor's net bonuses, commissions, or other forms of compensation, in addition to, or if the obligor receives no base pay, in lieu of, an order for a specific dollar amount.

(b) The court shall derive a specific dollar amount for child support 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
\$550 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.						

\$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- 5000	25%	30%	35%	39%	43%	47%	50%

or the amount
in effect under
paragraph (k)

Guidelines for support for an obligor with a monthly income in excess of the income limit currently in effect under paragraph (k) shall be the same dollar amounts as provided for in the guidelines for an obligor with a monthly income equal to the limit in effect.

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:

(i) support is nonetheless ordered in an amount at least equal to the guidelines amount based on income not excluded under this clause; and

(ii) the party demonstrates, and the court finds, that:

(A) the excess employment began after the filing of the petition for dissolution;

(B) 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;

(C) the excess employment is voluntary and not a condition of employment;

(D) the excess employment is in the nature of additional, part-time or overtime employment compensable by the hour or fraction of an hour; and

(E) the party's compensation structure has not been changed for the purpose of affecting a support or maintenance obligation.

The court shall review the work-related and education-related child care costs of the custodial parent paid and shall allocate the costs to each parent in proportion to each parent's income after the transfer of child support and spousal maintenance, unless the allocation would be substantially unfair to either parent. The cost of child care for purposes of this section paragraph is determined by subtracting the amount of any federal and state income tax credits available to a parent from 75 percent of the actual cost paid for child care, to reflect the approximate value of state and federal tax credits available to the custodial parent. The amount allocated for child care expenses is considered child support but is not subject to a cost-of-living adjustment under section 518.641. The amount allocated for child care expenses terminates when the child care costs end. The court may allow the noncustodial parent to care for the child while the custodial parent is working if this arrangement is reasonable and in the best interests of the child.

(c) In addition to the child support guidelines, the court shall take into consideration the following factors in setting or modifying child support or in determining whether to deviate from the guidelines:

(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 (b), clause (2)(ii);

(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) which parent receives the income taxation dependency exemption and what financial benefit the parent receives from it;

(5) the parents' debts as provided in paragraph (d); and

(6) the obligor's receipt of assistance under sections 256.72 to 256.87 or 256B.01 to 256B.40.

(d) 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.

(e) Any schedule prepared under paragraph (d), 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.

(f) 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.

(g) If payment of debt is ordered pursuant to this section, the payment shall be ordered to be in the nature of child support.

(h) 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.

(i) 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 does not deviate from the guidelines, the court shall make written findings concerning the amount of the obligor's income used as the basis for the guidelines calculation and any other significant evidentiary factors affecting the determination of child support. If the court deviates from the guidelines, the court shall make written findings giving the amount of support calculated under the guidelines, the reasons for the deviation, and shall specifically address the criteria in paragraph (b) and how the deviation serves the best interest of the child. The provisions of this paragraph apply whether or not the parties are each represented by independent counsel and have entered into a written agreement. The court shall review stipulations presented to it for conformity to the guidelines and the court is not required to conduct a hearing, but the parties shall provide the documentation of earnings required under subdivision 5b.

(j) If the child support payments are assigned to the public agency under section 256.74, the court may not deviate downward from the child support guidelines unless the court specifically finds that the failure to deviate downward would impose an extreme hardship on the obligor.

(k) The dollar amount of the income limit for application of the guidelines must be adjusted on July 1 of every even-numbered year to reflect cost-of-living changes. The supreme court shall select the index for the adjustment from the indices listed in section 518.641. The state court administrator shall make the changes in the dollar amount required by this paragraph available to courts and the public on or before April 30 of the year in which the amount is to change.

Sec. 8. [518.575] [PUBLICATION OF NAMES OF DELINQUENT CHILD SUPPORT OBLIGORS.]

Once each quarter the department of human services shall publish at government bid rates in the newspaper of widest circulation in each county a list of name and last known address of each person who (1) is a child support

obligor, (2) resides in the county, (3) is at least \$3,000 in arrears, and (4) has made only partial child support payments that total less than 25 percent of the amount of child support owed for the last 12 months including any payments made through the interception of federal or state taxes. An obligor's name may not be published if the obligor claims in writing, and the department of human services determines, there is good cause for the nonpayment of child support. The list must be based on the best information available to the state at the time of publication.

Before publishing the name of the obligor, the department of human services shall send a notice to the obligor's last known address which states the department's intention to publish the obligor's name and the amount of child support the obligor owes. The notice must also provide an opportunity to have the obligor's name removed from the list by paying the arrearage or by entering into an agreement to pay the arrearage, and the final date when the payment or agreement can be accepted.

Sec. 9. Minnesota Statutes 1993 Supplement, section 518.64, subdivision 2, is amended to read:

Subd. 2. [MODIFICATION.] (a) The terms of 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 256B.01 to 256B.40; (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; (5) extraordinary medical expenses of the child not provided for under section 518.171; or (6) the addition or elimination of work-related or education-related child care expenses of the obligee or a substantial increase or decrease in existing work-related or education-related child care expenses.

It is presumed that there has been a substantial change in circumstances under clause (1), (2), or (4) and 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, including a motion for the extension of the duration of a maintenance award, 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 apply 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 public assistance is being furnished or the county attorney is the attorney of record. 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, 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.

(e) The court need not hold an evidentiary hearing on a motion for modification of maintenance or support.

(f) Section 518.14 shall govern the award of attorney fees for motions brought under this subdivision.

Sec. 10. Minnesota Statutes 1993 Supplement, section 518.68, subdivision 1, is amended to read:

Subdivision 1. [REQUIREMENT.] Every court order ~~for~~ or judgment and decree that provides for child support, spousal maintenance, custody, or visitation must contain certain notices as set out in subdivision 2. The information in the notices must be concisely stated in plain language. The notices must be in clearly legible print, but may not exceed two pages. An order or judgment and decree without the notice remains subject to all statutes. The court may waive all or part of the notice required under subdivision 2 relating to parental rights under section 518.17, subdivision 3, if it finds it is necessary to protect the welfare of a party or child.

Sec. 11. Minnesota Statutes 1993 Supplement, section 518.68, subdivision 2, is amended to read:

Subd. 2. [CONTENTS.] The required notices must be substantially as follows:

IMPORTANT NOTICE

1. PAYMENTS TO PUBLIC AGENCY

Pursuant to Minnesota Statutes, section 518.551, subdivision 1, payments ordered for maintenance and support must be paid to the public agency responsible for child support enforcement as long as the person entitled to receive the payments is receiving or has applied for public assistance or has applied for support and maintenance collection services. MAIL PAYMENTS TO:

2. DEPRIVING ANOTHER OF CUSTODIAL OR PARENTAL RIGHTS—A FELONY

A person may be charged with a felony who conceals a minor child or takes, obtains, retains, or fails to return a minor child from or to the child's parent (or person with custodial or visitation rights), pursuant to Minnesota Statutes, section 609.26. A copy of that section is available from any district court clerk.

3. RULES OF SUPPORT, MAINTENANCE, VISITATION

(a) Payment of support or spousal maintenance is to be as ordered, and the giving of gifts or making purchases of food, clothing, and the like will not fulfill the obligation.

(b) Payment of support must be made as it becomes due, and failure to secure or denial of rights of visitation is NOT an excuse for nonpayment, but the aggrieved party must seek relief through a proper motion filed with the court.

(c) *Nonpayment of support is not grounds to deny visitation. The party entitled to receive support may apply for support and collection services, file a contempt motion, or obtain a judgment as provided in Minnesota Statutes, section 548.091.*

(d) The payment of support or spousal maintenance takes priority over payment of debts and other obligations.

(~~d~~) (e) A party who remarries after dissolution and accepts additional obligations of support does so with the full knowledge of the party's prior obligation under this proceeding.

(~~e~~) (f) Child support or maintenance is based on annual income, and it is the responsibility of a person with seasonal employment to budget income so that payments are made throughout the year as ordered.

(g) *If there is a layoff or a pay reduction, support stays at the same level until modified by the court. The court is not permitted to reduce support retroactively, except as provided in Minnesota Statutes, section 518.64, subdivision 2, paragraph (c).*

4. PARENTAL RIGHTS FROM MINNESOTA STATUTES, SECTION 518.17, SUBDIVISION 3

Unless otherwise provided by the Court:

(a) Each party has the right of access to, and to receive copies of, school, medical, dental, religious training, and other important records and information about the minor children. Each party has the right of access to information regarding health or dental insurance available to the minor children. Presentation of a copy of this order to the custodian of a record or other information about the minor children constitutes sufficient authorization for the release of the record or information to the requesting party.

(b) Each party shall keep the other informed as to the name and address of the school of attendance of the minor children. Each party has the right to be informed by school officials about the children's welfare, educational progress and status, and to attend school and parent teacher conferences. The school is not required to hold a separate conference for each party.

(c) In case of an accident or serious illness of a minor child, each party shall notify the other party of the accident or illness, and the name of the health care provider and the place of treatment.

(d) Each party has the right of reasonable access and telephone contact with the minor children.

5. WAGE AND INCOME DEDUCTION OF SUPPORT AND MAINTENANCE

Child support and/or spousal maintenance may be withheld from income, with or without notice to the person obligated to pay, when the conditions of Minnesota Statutes, sections 518.611 and 518.613, have been met. A copy of those sections is available from any district court clerk.

6. CHANGE OF ADDRESS OR RESIDENCE

Unless otherwise ordered, the person responsible to make support or maintenance payments shall notify the person entitled to receive the payment and the public authority responsible for collection, if applicable, of a change of address or residence within 60 days of the address or residence change.

7. COST OF LIVING INCREASE OF SUPPORT AND MAINTENANCE

Child support and/or spousal maintenance may be adjusted every two years based upon a change in the cost of living (using Department of Labor Consumer Price Index; unless otherwise specified in this order) when the conditions of Minnesota Statutes, section 518.641, are met. Cost of living increases are compounded. A copy of Minnesota Statutes, section 518.641, and forms necessary to request or contest a cost of living increase are available from any district court clerk.

8. JUDGMENTS FOR UNPAID SUPPORT

If a person fails to make a child support payment, the payment owed becomes a judgment against the person responsible to make the payment by operation of law on or after the date the payment is due, and the person entitled to receive the payment or the public agency may obtain entry and docketing of the judgment **WITHOUT NOTICE** to the person responsible to make the payment under Minnesota Statutes, section 548.091. *Interest*

begins to accrue on a payment or installment of child support whenever the unpaid amount due is greater than the current support due, pursuant to Minnesota Statutes, section 548.091, subdivision 1a.

9. JUDGMENTS FOR UNPAID MAINTENANCE

A judgment for unpaid spousal maintenance may be entered when the conditions of Minnesota Statutes, section 548.091, are met. A copy of that section is available from any district court clerk.

10. MEDICAL INSURANCE AND EXPENSES

~~The person responsible to pay support and the person's employer or union are ordered to provide medical and dental insurance and pay for uncovered expenses under the conditions of Minnesota Statutes, section 518.171, unless otherwise provided in this order or the statute. A copy of this statute is available from any district court clerk.~~

10. ATTORNEY FEES AND COLLECTION COSTS FOR ENFORCEMENT OF CHILD SUPPORT

A judgment for attorney fees and other collection costs incurred in enforcing a child support order will be entered against the person responsible to pay support when the conditions of section 518.14, subdivision 2, are met. A copy of section 518.14 and forms necessary to request or contest these attorney fees and collection costs are available from any district court clerk.

Sec. 12. Minnesota Statutes 1993 Supplement, section 518.68, subdivision 3, is amended to read:

Subd. 3. [COPIES OF LAW AND FORMS.] The district court administrator shall make available at no charge copies of sections 518.14, 518.17, 518.611, 518.613, 518.641, 548.091, and 609.26, and shall provide forms to request or contest *attorney fees and collection costs* or a cost-of-living increase under section 518.14, subdivision 2, or 518.641.

Sec. 13. Minnesota Statutes 1992, section 548.091, subdivision 2a, is amended to read:

Subd. 2a. [DOCKETING OF CHILD SUPPORT JUDGMENT.] On or after the date an unpaid amount becomes a judgment by operation of law under subdivision 1a, the obligee or the public authority may file with the court administrator:

(1) a statement identifying, or a copy of, the judgment or decree of dissolution or legal separation, determination of parentage, order under chapter 518C, an order under section 256.87, or an order under section 260.251, which provides for installment or periodic payments of child support, *or a judgment or notice of attorney fees and collection costs under section 518.14, subdivision 2;*

(2) an affidavit of default. The affidavit of default must state the full name, occupation, place of residence, and last known post office address of the obligor, the name and post office address of the obligee, the date or dates payment was due and not received and judgment was obtained by operation of law, and the total amount of the judgments; and

(3) an affidavit of service of a notice of entry of judgment or notice of intent to recover attorney fees and collection costs on the obligor, in person or by mail at the obligor's last known post office address. Service is completed upon mailing in the manner designated.

Sec. 14. [MINNESOTA CHILD SUPPORT ASSURANCE PROGRAM.]

Subdivision 1. [AUTHORIZATION TO DESIGN DEMONSTRATION.] The commissioner of human services, in consultation with the commissioners of education, finance, jobs and training, health, and planning, the director of the higher education coordinating board, and the attorney general, is authorized to proceed with planning and designing the Minnesota child support assurance program. The plan and design shall include an assessment of the feasibility of the state guaranteeing a minimum level of support from a noncustodial parent and shall further provide that the state will provide that level of support to the child in instances where it is not provided by the child's noncustodial parent. The program plan shall specifically provide that any benefits received by a family under the Minnesota child support assurance program will reduce benefits paid to the family through the aid to families with dependent children program on a dollar-for-dollar basis. The program plan shall also provide that the receipt of child support assurance benefits does not negatively affect any existing eligibility for child care assistance under existing programs.

Subd. 2. [GOALS OF THE MINNESOTA CHILD SUPPORT ASSURANCE PROGRAM.] The commissioner shall design the program to meet the following goals:

(1) to support parents in their efforts to provide financial support for their children;

(2) to encourage parents to meet their legal obligations of support;

(3) to prevent long-term dependence on public assistance; and

(4) to allow the state to compare the cost-effectiveness and the efficacy of child support assurance to the Minnesota family investment program in attempting to restructure the existing system of public assistance.

Subd. 3. [PROGRAM DATA.] As part of planning and designing the Minnesota child support assurance program, the commissioner shall study and make recommendations on:

(1) the amount of the guaranteed child support assurance benefit;

(2) the anticipated reduction in the aid to families with dependent children caseload which should result from the implementation of a child support assurance program;

(3) the anticipated cost of the program on a demonstration basis; and

(4) the selection of counties to serve as field trial or comparison sites based on criteria which will ensure reliable evaluation of the program. This selection shall be made so that an adverse impact on the Minnesota family investment program is avoided.

The commissioner shall report the findings and recommendations to the legislature by January 15, 1995.

Subd. 4. [FEDERAL WAIVERS.] The commissioner shall seek authority from the United States Congress to implement the Minnesota child support assurance project on a demonstration basis. The commissioner shall seek waivers of all applicable federal requirements of United States Code, title 7, section 2011 et seq., and title 42, sections 601 et seq. and 1396 et seq., as needed to implement the Minnesota child support assurance program in a manner consistent with the goals of the program. The commissioner shall seek terms from the federal government that are consistent with the goals of the Minnesota child support assurance program. The commissioner shall also seek terms from the federal government that will maximize federal financial participation so that the extra costs to the state of implementing the program are minimized, to the extent that those terms are consistent with the goals of the Minnesota child support assurance program.

Sec. 15. [REPORT TO LEGISLATURE.]

The department of human services shall report to the legislature in January 1996, in the department of human services annual report to the legislature, the fiscal implications of the program under Minnesota Statutes, section 518.575, including related costs and savings.

Sec. 16. [EFFECTIVE DATE; APPLICATION.]

Sections 2, 8, and 15 are effective January 1, 1995.

Section 4 is effective August 1, 1994, and apply to attorney fees and collection costs incurred on and after that date, regardless of when the arrearages accrued.

Section 6 is effective retroactive to July 1, 1993.

ARTICLE 3

MISCELLANEOUS FAMILY LAW

Section 1. Minnesota Statutes 1992, section 518.11, is amended to read:

518.11 [SERVICE; PUBLICATION.]

(a) Unless a proceeding is brought by both parties, copies of the summons and petition shall be served on the respondent personally.

(b) When service is made out of this state and within the United States, it may be proved by the affidavit of the person making the same. When service is made without the United States it may be proved by the affidavit of the person making the same, taken before and certified by any United States minister, charge d'affaires, commissioner, consul or commercial agent, or other consular or diplomatic officer of the United States appointed to reside in such country, including all deputies or other representatives of such officer authorized to perform their duties; or before an officer authorized to administer an oath with the certificate of an officer of a court of record of the country wherein such affidavit is taken as to the identity and authority of the officer taking the same. ~~But,~~

(c) If personal service cannot be made, the court may order service of the summons by ~~publication, which publication shall be made as in other actions.~~ alternate means. The application for alternate service must include the last known location of the respondent; the petitioner's most recent contacts with the respondent; the last known location of the respondent's employment; the

names and locations of the respondent's parents, siblings, children, and other close relatives; the names and locations of other persons who are likely to know the respondent's whereabouts; and a description of efforts to locate those persons.

The court shall consider the length of time the respondent's location has been unknown, the likelihood that the respondent's location will become known, the nature of the relief sought, and the nature of efforts made to locate the respondent. The court shall order service by first class mail, forwarding address requested, to any addresses where there is a reasonable possibility that mail or information will be forwarded or communicated to the respondent.

The court may also order publication, within or without the state, but only if it might reasonably succeed in notifying the respondent of the proceeding. Also, the court may require the petitioner to make efforts to locate the respondent by telephone calls to appropriate persons. Service shall be deemed complete 21 days after mailing or 21 days after court-ordered publication.

Sec. 2. [518.158] [GRANDPARENT EX PARTE TEMPORARY CUSTODY ORDER.]

Subdivision 1. [FACTORS.] The procedure in subdivision 2 applies if a minor child has resided with a grandparent for a period of 12 months or more and the following circumstances exist:

(1) the parent has willfully had no contact with the child on a regular basis and no demonstrated, consistent participation in the child's well-being for six months; or

(2) the parent, during the time the child resided with the grandparent, has willfully refused or neglected to comply with the duties imposed upon the parent by the parent and child relationship, including but not limited to providing the child necessary food, clothing, shelter, health care, education, and other care and control necessary for the child's physical, mental, or emotional health and development.

Subd. 2. [EMERGENCY CUSTODY HEARING.] If the parent seeks to remove the child from the home of the grandparent and the factors in subdivision 1 exist, the grandparent may apply for an ex parte temporary order for custody of the child. The court shall grant temporary custody if it finds, based on the application, that the factors in subdivision 1 exist. An ex parte temporary custody order under this subdivision is good for a fixed period not to exceed 14 days. A temporary custody hearing under this chapter must be set for not later than seven days after issuance of the ex parte temporary custody order. The parent must be promptly served with a copy of the ex parte order and the petition and notice of the date for the hearing.

Subd. 3. [FURTHER PROCEEDINGS.] If the court orders temporary custody to the grandparent under subdivision 2, it shall determine further temporary and permanent custody of the child pursuant to a petition under this chapter and the other standards and procedures of this chapter apply. This section does not affect any rights or remedies available under other law.

Sec. 3. Minnesota Statutes 1992, section 518.17, subdivision 1, is amended to read:

Subdivision 1. [THE BEST INTERESTS OF THE CHILD.] (a) "The best interests of the child" means all relevant factors to be considered and evaluated by the court including:

- (1) the wishes of the child's parent or parents as to custody;
- (2) the reasonable preference of the child, if the court deems the child to be of sufficient age to express preference;
- (3) the child's primary caretaker;
- (4) the intimacy of the relationship between each parent and the child;
- (5) the interaction and interrelationship of the child with a parent or parents, siblings, and any other person who may significantly affect the child's best interests;
- (6) the child's adjustment to home, school, and community;
- (7) the length of time the child has lived in a stable, satisfactory environment and the desirability of maintaining continuity;
- (8) the permanence, as a family unit, of the existing or proposed custodial home;
- (9) the mental and physical health of all individuals involved; except that a disability, as defined in section 363.01, of a proposed custodian or the child shall not be determinative of the custody of the child, unless the proposed custodial arrangement is not in the best interest of the child;
- (10) the capacity and disposition of the parties to give the child love, affection, and guidance, and to continue educating and raising the child in the child's culture and religion or creed, if any;
- (11) the child's cultural background; ~~and~~
- (12) the effect on the child of the actions of an abuser, if related to domestic abuse, as defined in section 518B.01, that has occurred between the parents; *and*
- (13) *the disposition of each parent to encourage and permit contact by the other parent with the child, in order to encourage each parent's ability to maintain a close and continuing relationship with the child.*

The court may not use one factor to the exclusion of all others. The primary caretaker factor may not be used as a presumption in determining the best interests of the child. The court must make detailed findings on each of the factors and explain how the factors led to its conclusions and to the determination of the best interests of the child.

(b) The court shall not consider conduct of a proposed custodian that does not affect the custodian's relationship to the child.

Sec. 4. Minnesota Statutes 1992, section 518B.01, subdivision 8, is amended to read:

Subd. 8. [SERVICE OF ORDER; ALTERNATE SERVICE; PUBLICATION.] (a) *The petition and any order issued under this section shall be personally served upon on the respondent personally.*

(b) When service is made out of this state and in the United States, it may be proved by the affidavit of the person making the service. When service is made outside the United States, it may be proved by the affidavit of the person making the service, taken before and certified by any United States minister, charge d'affaires, commissioner, consul, or commercial agent, or other consular or diplomatic officer of the United States appointed to reside in the other country, including all deputies or other representatives of the officer authorized to perform their duties; or before an office authorized to administer an oath with the certificate of an officer of a court of record of the country in which the affidavit is taken as to the identity and authority of the officer taking the affidavit.

(c) If personal service cannot be made, the court may order service of the petition and any order issued under this section by alternate means, or by publication, which publication must be made as in other actions. The application for alternate service must include the last known location of the respondent; the petitioner's most recent contacts with the respondent; the last known location of the respondent's employment; the names and locations of the respondent's parents, siblings, children, and other close relatives; the names and locations of other persons who are likely to know the respondent's whereabouts; and a description of efforts to locate those persons.

The court shall consider the length of time the respondent's location has been unknown, the likelihood that the respondent's location will become known, the nature of the relief sought, and the nature of efforts made to locate the respondent. The court shall order service by first class mail, forwarding address requested, to any addresses where there is a reasonable possibility that mail or information will be forwarded or communicated to the respondent.

The court may also order publication, within or without the state, but only if it might reasonably succeed in notifying the respondent of the proceeding. Also, the court may require the petitioner to make efforts to locate the respondent by telephone calls to appropriate persons. Service shall be deemed complete 21 days after mailing or 21 days after court-ordered publication.

Sec. 5. [EFFECTIVE DATE.]

Section 2 is effective the day after final enactment.

Delete the title and insert:

"A bill for an act relating to family law; modifying provisions dealing with the computation, administration, and enforcement of child support; modifying service provisions; providing for certain custody determinations; amending Minnesota Statutes 1992, sections 518.11; 518.17, subdivision 1; 518B.01, subdivision 8; and 548.091, subdivision 2a; Minnesota Statutes 1993 Supplement, sections 13.46, subdivision 2; 256.87, subdivision 5; 518.14; 518.171, subdivisions 1 and 6; 518.551, subdivision 5; 518.64, subdivision 2; and 518.68, subdivisions 1, 2, and 3; proposing coding for new law in Minnesota Statutes, chapters 8; and 518; repealing Minnesota Statutes 1993 Supplement, section 518.551, subdivision 10."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Spear from the Committee on Crime Prevention, to which was referred

S.F. No. 2378: A bill for an act relating to corrections; requiring inspection of correctional facilities and lockups at least once every biennium; removing requirement that commissioner of corrections must report inmate board and room waivers to the commissioner of finance; authorizing the commissioner of corrections to impose disciplinary confinement periods comparable to periods in place for inmates sentenced before August 1, 1993; modifying eligibility criteria for the challenge incarceration program; defining the length of phase III of the program; authorizing the commissioner of corrections to limit placement of convicted felons awaiting completion of presentence investigation reports in state correctional facilities; providing for good time reduction of sentences in local correctional facilities; appropriating money received from inmates for payment of correctional services to the use of the commissioner; amending Minnesota Statutes 1992, sections 241.021, subdivision 2; 241.26, subdivision 7; 243.23, subdivision 2; 243.24, subdivision 1; 244.17, subdivision 2; 244.172, subdivision 3; 609.115, subdivision 1; 631.425, subdivision 6; and 642.09; Minnesota Statutes 1993 Supplement, section 241.021, subdivision 1; and 243.18, subdivision 3;

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

“ARTICLE 1

Section 1. CRIMINAL JUSTICE; APPROPRIATIONS

The sums shown in the column marked “APPROPRIATIONS” are appropriated from the general fund, or another fund named, to the agencies and for the purposes specified in this article, to be available for the fiscal years indicated for each purpose. They are added to the appropriations for the fiscal years ending June 30, 1994, and June 30, 1995, in Laws 1993, chapter 146, articles 2 and 3, or another named law.

SUMMARY BY FUND

	1994	1995	TOTAL
General	1,454,000	25,466,000	26,920,000
TOTAL	1,454,000	25,466,000	26,920,000

SUMMARY BY AGENCY

	1994	1995	TOTAL
CORRECTIONS	1,449,000	22,606,000	24,055,000
CORRECTIONS OMBUDSMAN	-0-	67,000	67,000
GAMBLING CONTROL BOARD	5,000	143,000	148,000
HUMAN SERVICES	-0-	50,000	50,000
PUBLIC SAFETY	-0-	500,000	500,000
COUNCIL ON AFFAIRS OF SPANISH-SPEAKING PEOPLE	-0-	50,000	50,000

HEALTH	-0-	150,000	150,000
JOBS AND TRAINING	-0-	300,000	300,000
BOARD OF PUBLIC DEFENSE	-0-	1,600,000	1,600,000
		1994	1995
Sec. 2. CRIMINAL JUSTICE; SUPPLEMENTAL APPROPRIATIONS TOTAL		1,454,000	20,416,000

Available for the Year
Ending June 30

1994 1995

Subdivision 1. Corrections		1,449,000	20,206,000
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These appropriations are to the commissioner of corrections for the purposes described in this subdivision.

(a) Correctional Institutions		1,449,000	19,906,000
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(1) To provide for additional operating expenses associated with the conversion of the Lino Lakes correctional facility to a central adult reception center and expansion of male bed capacity at the facility; and to provide for additional operating expenses associated with expansion of adult male bed capacity at the Faribault correctional facility upon the transfer of buildings from the department of human services to the department of corrections.		1,449,000	14,566,000
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Notwithstanding any law to the contrary, the commissioner of human services may transfer any building or buildings on the Faribault regional treatment center campus to the department of corrections upon a determination that the building or buildings are no longer needed for residential treatment services programs.

(2) To provide for special medical care costs for correctional inmates.	-0-		600,000
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(3) To fulfill salary obligations.	-0-		4,300,000
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(4) To provide residential chemical dependency services at the level of 230 beds.	-0-		440,000
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(b) Management Services	-0-		300,000
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(1) For grants to programs for juvenile female offenders as described in article 6, section 16.	-0-	100,000
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(2) For domestic abuse advocacy services in judicial assignment districts not currently receiving grants from the department.	-0-	200,000
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Subd. 2. Corrections Ombudsman	-0-	67,000
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Subd. 3. Gambling Control Board	5,000	143,000
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For administering the inspection activities necessary to assure the integrity of pull-tab dispensing devices in the state. These appropriations are contingent on passage of separate legislation authorizing pull-tab dispensing devices.

Sec. 3. OMNIBUS ANTI-CRIME PROVISIONS	-0-	3,450,000
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Subdivision 1. Corrections	-0-	2,400,000
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These appropriations are to the commissioner of corrections for the purposes described in this subdivision.

(a) \$500,000 is for the process of selecting and developing two work and learn sites, as described in article 8, section 2.

(b) \$..... is for increased bed needs.

(c) \$1,000,000 is for probation services statewide.

(d) \$800,000 is for intensive transitional programming as described in article 6, section 15.

(e) \$100,000 is for a grant to the joint community corrections program of Dodge, Fillmore, and Olmsted counties to provide alternative programming for offenders who are presumptive commitments to state prison.

Subd. 2. Human Services	-0-	50,000
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This appropriation is to the commissioner of human services to implement the CHIPS-delinquents intervention demonstration project and prepare the report described in article 8, section 8.

Subd. 3. Public Safety

-0-

500,000

These appropriations are to the commissioner of public safety for the purposes described in this subdivision.

(a) \$150,000 is for the crime information reward fund and \$150,000 is for the witness and victim protection fund, as described in article 4, section 5, subdivisions 1a and 1b.

(b) \$25,000 is for a grant to the Nett Lake community crime and drug prevention program.

(c) \$50,000 is for a grant to the Region Nine development commission for grants to community-based early intervention and prevention projects.

(d) \$25,000 is for the study and report conducted by the chemical abuse and violence prevention council, as described in article 8, section 10. The council may use all or part of this appropriation to hire up to one staff position.

(e) \$100,000 is for the crime victims ombudsman.

Subd. 4. Council on Affairs of Spanish-Speaking People

-0-

50,000

\$50,000 is appropriated from the general fund to the council on the affairs of Spanish-speaking people to interview school district officials, and identify and interview Chicano/Latino student drop-outs and their parents, by population subgroups in selected Minnesota school districts, to identify the causes and factors which lead Chicano/Latino students to leave school before completing the requirements to receive the diploma. The council shall make recommendations to the chairs of the senate crime prevention committee and the house of representatives judiciary committee by January 15, 1995. The council must consult with the state board of education in conducting this study.

Subd. 5. Jobs and Training

-0-

300,000

These appropriations are to the commissioner of jobs and training for the purposes described in this subdivision.

(a) \$250,000 is for summer youth employment, to be used to complement the federal Job Training Partnership Act in order to provide summer youth employment opportunities.

(b) \$50,000 is for a juvenile match, to be used to maximize the federal funds available for juvenile justice programs which target at-risk youth.

Subd. 6. Health -0- 150,000

This appropriation is for the institute for child and adolescent sexual health to conduct pilot projects.

Sec. 4. PUBLIC DEFENSE SERVICES -0- 1,600,000

This appropriation is to the board of public defense for the purposes described in article ..., section ..., subdivision ..., for the period January 1, 1995, to June 30, 1995. This appropriation shall be annualized for the 1996-1997 biennium.

Sec. 5. [UNCODIFIED LANGUAGE.]

All uncodified language contained in this article expires on June 30, 1995, unless a different expiration is explicit.

Sec. 6. [REPEALER.]

Laws 1993, chapter 146, article 2, sections 15 and 18, are repealed.

ARTICLE 2 CRIMINAL PROVISIONS

Section 1. Minnesota Statutes 1992, section 169.89, subdivision 2, is amended to read:

Subd. 2. [PENALTY; JURY TRIAL.] A person charged with a petty misdemeanor is not entitled to a jury trial but shall be tried by a judge without a jury. If convicted, the person is not subject to imprisonment but shall be punished by a fine of not more than ~~\$100~~ \$200.

Sec. 2. Minnesota Statutes 1992, section 171.18, subdivision 1, is amended to read:

Subdivision 1. [OFFENSES.] The commissioner may suspend the license of 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;

(2) has been convicted by a court for violating a provision of chapter 169 or an ordinance regulating traffic and department records show that the

violation contributed in causing an accident resulting in the death or personal injury of another, or serious property damage;

- (3) is an habitually reckless or negligent driver of a motor vehicle;
- (4) is an habitual violator of the traffic laws;
- (5) is incompetent to drive a motor vehicle as determined in a judicial proceeding;
- (6) has permitted an unlawful or fraudulent use of the license;
- (7) has committed an offense in another state that, if committed in this state, would be grounds for suspension;
- (8) has committed a violation of section 169.444, subdivision 2, paragraph (a);
- (9) has committed a violation of section 171.22, *except that the commissioner may not suspend a person's driver's license based solely on the fact that the person possessed a fictitious or fraudulently altered Minnesota identification card;*
- (10) has failed to appear in court as provided in section 169.92, subdivision 4; or
- (11) has failed to report a medical condition that, if reported, would have resulted in cancellation of driving privileges.

However, an action taken by the commissioner under clause (2) or (5) must conform to the recommendation of the court when made in connection with the prosecution of the licensee.

Sec. 3. Minnesota Statutes 1993 Supplement, section 171.24, is amended to read:

171.24 [VIOLATIONS; DRIVING WITHOUT VALID LICENSE.]

(a) *Subdivision 1. [DRIVING AFTER SUSPENSION.] Except as otherwise provided in paragraph (e) subdivision 5, any a person whose is guilty of a misdemeanor if:*

- (1) *the person's driver's license or driving privilege has been canceled, suspended, or revoked and who;*
- (2) *the person has been given notice of, or reasonably should know of the revocation, suspension, or cancellation,; and who*
- (3) *the person disobeys such the order by operating anywhere in this state any motor vehicle, the operation of which requires a driver's license, while such the person's license or privilege is canceled, suspended, or revoked is guilty of a misdemeanor.*

(b) *Subd. 2. [DRIVING AFTER REVOCATION.] A person is guilty of a misdemeanor if:*

- (1) *the person's driver's license or driving privilege has been revoked;*
- (2) *the person has been given notice of or reasonably should know of the revocation; and*

(3) the person disobeys the order by operating in this state any motor vehicle, the operation of which requires a driver's license, while the person's license or privilege is revoked.

Subd. 3. [DRIVING AFTER CANCELLATION.] A person is guilty of a misdemeanor if:

(1) the person's driver's license or driving privilege has been canceled;

(2) the person has been given notice of or reasonably should know of the cancellation; and

(3) the person disobeys the order by operating in this state any motor vehicle, the operation of which requires a driver's license, while the person's license or privilege is canceled.

Subd. 4. [DRIVING AFTER DISQUALIFICATION.] ~~Any~~ A person ~~who~~ is guilty of a misdemeanor if the person:

(1) has been disqualified from holding a commercial driver's license or been denied the privilege to operate a commercial motor vehicle; ~~who~~;

(2) has been given notice of or reasonably should know of the disqualification; and ~~who~~

(3) disobeys the order by operating in this state a commercial motor vehicle while the person is disqualified to hold the license or privilege; ~~is guilty of a misdemeanor.~~

(e) Subd. 5. [GROSS MISDEMEANOR.] A person is guilty of a gross misdemeanor if:

(1) the person's driver's license or driving ~~privileges~~ *privilege* has been canceled *or denied* under section 171.04, subdivision 1, clause (8); ~~and~~;

(2) the person has been given notice of or reasonably should know of the cancellation *or denial*; and

~~(2)~~ (3) the person disobeys the order by operating in this state any motor vehicle, the operation of which requires a driver's license; while the person's license or privilege is canceled *or denied*.

Subd. 6. [SUFFICIENCY OF NOTICE.] (a) Notice of revocation, suspension, cancellation, or disqualification is sufficient if personally served, or if mailed by first class mail to the person's last known address or to the address listed on the person's driver's license. Notice is also sufficient if the person was informed that revocation, suspension, cancellation, or disqualification would be imposed upon a condition occurring or failing to occur, and where the condition has in fact occurred or failed to occur.

(b) It is not a defense that a person failed to file a change of address with the post office, or failed to notify the department of public safety of a change of name or address as required under section 171.11.

Sec. 4. Minnesota Statutes 1992, section 219.383, subdivision 4, is amended to read:

Subd. 4. [PENALTY.] A railway corporation violating this section is guilty of a misdemeanor and upon conviction is liable for a fine of ~~not less than \$25 nor more than \$200~~ \$700.

Sec. 5. Minnesota Statutes 1992, section 244.09, is amended by adding a subdivision to read:

Subd. 14. [REPORT ON MANDATORY MINIMUM SENTENCES.] The sentencing guidelines commission shall include in its annual report to the legislature a summary and analysis of reports received from county attorneys under section 10.

Sec. 6. Minnesota Statutes 1992, 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; *except that the examiner shall cause to be destroyed any firearm or other weapon that is not released to or claimed by a decedent's spouse or blood relative.* 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. 7. Minnesota Statutes 1993 Supplement, section 518B.01, subdivision 6, is amended to read:

Subd. 6. [RELIEF BY THE COURT.] (a) Upon notice and hearing, the court may provide relief as follows:

- (1) restrain the abusing party from committing acts of domestic abuse;
- (2) exclude the abusing party from the dwelling which the parties share or from the residence of the petitioner;
- (3) *exclude the abusing party from the area surrounding the dwelling or residence to a distance of 300 feet, or one city block, whichever distance is greater;*
- (4) award temporary custody or establish temporary visitation with regard to minor children of the parties on a basis which gives primary consideration to the safety of the victim and the children. Except for cases in which custody is contested, findings under section 257.025, 518.17, or 518.175 are not required. If the court finds that the safety of the victim or the children will be jeopardized by unsupervised or unrestricted visitation, the court shall condition or restrict visitation as to time, place, duration, or supervision, or deny visitation entirely, as needed to guard the safety of the victim and the children. The court's decision on custody and visitation shall in no way delay the issuance of an order for protection granting other reliefs provided for in this section;

(4) (5) on the same basis as is provided in chapter 518, establish temporary support for minor children or a spouse, and order the withholding of support from the income of the person obligated to pay the support according to chapter 518;

(5) (6) provide upon request of the petitioner counseling or other social services for the parties, if married, or if there are minor children;

(6) (7) order the abusing party to participate in treatment or counseling services;

(7) (8) award temporary use and possession of property and restrain one or both parties from transferring, encumbering, concealing, or disposing of property except in the usual course of business or for the necessities of life, and to account to the court for all such transfers, encumbrances, dispositions, and expenditures made after the order is served or communicated to the party restrained in open court;

(8) (9) exclude the abusing party from the place of employment of the petitioner, or otherwise limit access to the petitioner by the abusing party at the petitioner's place of employment;

(9) (10) order the abusing party to pay restitution to the petitioner;

(10) (11) order the continuance of all currently available insurance coverage without change in coverage or beneficiary designation; and

(11) (12) order, in its discretion, other relief as it deems necessary for the protection of a family or household member, including orders or directives to the sheriff or constable, as provided by this section.

(b) Any relief granted by the order for protection shall be for a fixed period not to exceed one year, except when the court determines a longer fixed period is appropriate.

(c) An order granting the relief authorized in paragraph (a), clause (1), may not be vacated or modified in a proceeding for dissolution of marriage or legal separation, except that the court may hear a motion for modification of an order for protection concurrently with a proceeding for dissolution of marriage upon notice of motion and motion. The notice required by court rule shall not be waived. If the proceedings are consolidated and the motion to modify is granted, a separate order for modification of an order for protection shall be issued.

(d) An order granting the relief authorized in paragraph (a), clause (2), is not voided by the admittance of the abusing party into the dwelling from which the abusing party is excluded.

(e) If a proceeding for dissolution of marriage or legal separation is pending between the parties, the court shall provide a copy of the order for protection to the court with jurisdiction over the dissolution or separation proceeding for inclusion in its file.

(f) An order for restitution issued under this subdivision is enforceable as civil judgment.

Sec. 8. Minnesota Statutes 1992, section 609.0331, is amended to read:

609.0331 [INCREASED MAXIMUM PENALTIES FOR PETTY MISDEMEANORS.]

~~Except as provided in this section, A law of this state that provides, on or after August 1, 1987, for a maximum penalty of \$100 for a petty misdemeanor is considered to provide for a maximum fine of \$200. However, a petty misdemeanor under chapter 168 or 169 remains subject to a maximum fine of \$100, except that a violation of chapter 168 or 169 that was originally charged as a misdemeanor and is being treated as a petty misdemeanor under section 609.131 or the rules of criminal procedure is subject to a maximum fine of \$200.~~

Sec. 9. Minnesota Statutes 1992, section 609.0332, is amended to read:

609.0332 [INCREASED MAXIMUM PENALTY FOR PETTY MISDEMEANOR ORDINANCE VIOLATIONS.]

~~Subdivision 1. [INCREASED FINE.]~~ From August 1, 1987, if a state law or municipal charter sets a limit of \$100 or less on the fines that a statutory or home rule charter city, town, county, or other political subdivision may prescribe for an ordinance violation that is defined as a petty misdemeanor, that law or charter is considered to provide that the political subdivision has the power to prescribe a maximum fine of \$200 for the petty misdemeanor violation.

~~Subd. 2. [EXCEPTION.] Notwithstanding subdivision 1, no fine of more than \$100 may be imposed for a petty misdemeanor ordinance violation which conforms in substantial part to a petty misdemeanor provision contained in section 152.027, subdivision 4, or chapter 168 or 169.~~

Sec. 10. Minnesota Statutes 1993 Supplement, section 609.11, is amended by adding a subdivision to read:

Subd. 10. [REPORT ON CRIMINAL CASES INVOLVING A FIREARM.] Beginning on July 1, 1994, every county attorney shall collect and maintain the following information on criminal complaints and prosecutions within the county attorney's office in which the defendant is alleged to have committed an offense listed in section 609.11, subdivision 9, while possessing or using a firearm:

- (1) whether the case was charged or dismissed;*
- (2) whether the defendant was convicted of the offense or a lesser offense; and*
- (3) whether the mandatory minimum sentence required under section 609.11 was imposed and executed or was waived by the prosecutor or court.*

No later than July 1 of each year, beginning on July 1, 1995, the county attorney shall forward this information to the sentencing guidelines commission upon forms prescribed by the commission.

Sec. 11. Minnesota Statutes 1992, section 609.185, is amended to read:

609.185 [MURDER IN THE FIRST DEGREE.]

Whoever does any of the following is guilty of murder in the first degree and shall be sentenced to imprisonment for life:

- (1) causes the death of a human being with premeditation and with intent to effect the death of the person or of another;

(2) causes the death of a human being while committing or attempting to commit criminal sexual conduct in the first or second degree with force or violence, either upon or affecting the person or another;

(3) causes the death of a human being with intent to effect the death of the person or another, while committing or attempting to commit burglary, aggravated robbery, kidnapping, arson in the first or second degree, tampering with a witness in the first degree, escape from custody, or any felony violation of chapter 152 involving the unlawful sale of a controlled substance;

(4) causes the death of a peace officer or a guard employed at a Minnesota state correctional facility, with intent to effect the death of that person or another, while the peace officer or guard is engaged in the performance of official duties;

(5) causes the death of a minor under circumstances other than those described in clause (1) or (2) while committing child abuse, when the perpetrator has engaged in a past pattern of child abuse upon the child and the death occurs under circumstances manifesting an extreme indifference to human life; or

(6) causes the death of a human being under circumstances other than those described in clause (1), (2), or (5) while committing domestic abuse, when the perpetrator has engaged in a past pattern of domestic abuse upon the victim and the death occurs under circumstances manifesting an extreme indifference to human life.

For purposes of clause (5), "child abuse" means an act committed against a minor victim that constitutes a violation of *the following laws of this state or any similar laws of the United States or any other state*: section 609.221; 609.222; 609.223; 609.224; 609.342; 609.343; 609.344; 609.345; 609.377; 609.378; or 609.713.

For purposes of clause (6), "domestic abuse" means an act that:

(1) constitutes a violation of section 609.221, 609.222, 609.223, 609.224, 609.342, 609.343, 609.344, 609.345, or 609.713, or any similar laws of the United States or any other state; and

(2) is committed against the victim who is a family or household member as defined in section 518B.01, subdivision 2, paragraph (b).

Sec. 12. Minnesota Statutes:1992, section 609.20, is amended to read:

609.20 [MANSLAUGHTER IN THE FIRST DEGREE.]

Whoever does any of the following is guilty of manslaughter in the first degree and may be sentenced to imprisonment for not more than 15 years or to payment of a fine of not more than \$30,000, or both:

(1) intentionally causes the death of another person in the heat of passion provoked by such words or acts of another as would provoke a person of ordinary self-control under like circumstances, provided that the crying of a child does not constitute provocation;

(2) causes the death of another in committing or attempting to commit a misdemeanor or gross misdemeanor offense with such force and violence that death of or great bodily harm to any person was reasonably foreseeable, and murder in the first or second degree was not committed thereby;

(3) intentionally causes the death of another person because the actor is coerced by threats made by someone other than the actor's coconspirator and which cause the actor reasonably to believe that the act performed by the actor is the only means of preventing imminent death to the actor or another; or

(4) proximately causes the death of another, without intent to cause death by, directly or indirectly, unlawfully selling, giving away, bartering, delivering, exchanging, distributing, or administering a controlled substance classified in schedule III, IV, or V; or

(5) intentionally causes the death of another person in the heat of passion provoked by a past pattern of domestic abuse, as defined in section 609.185, committed by the deceased against the actor.

Sec. 13. Minnesota Statutes 1992, section 609.223, is amended by adding a subdivision to read:

Subd. 3. [FELONY; VICTIM UNDER THREE.] Whoever assaults a victim under the age of three, and causes bodily harm to the child's head, eyes, or neck, or otherwise causes multiple bruises to the body, is guilty of a felony and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both.

Sec. 14. Minnesota Statutes 1992, section 609.245, is amended to read:

609.245 [AGGRAVATED ROBBERY.]

Subdivision 1. [FIRST DEGREE.] Whoever, while committing a robbery, is armed with a dangerous weapon or any article used or fashioned in a manner to lead the victim to reasonably believe it to be a dangerous weapon, or inflicts bodily harm upon another, is guilty of aggravated robbery in the first degree and may be sentenced to imprisonment for not more than 20 years or to payment of a fine of not more than \$35,000, or both.

Subd. 2. [SECOND DEGREE.] Whoever, while committing a robbery, implies, by word or act, possession of a dangerous weapon, is guilty of aggravated robbery in the second degree and may be sentenced to imprisonment for not more than 15 years or to payment of a fine of not more than \$30,000, or both.

Sec. 15. Minnesota Statutes 1992, section 609.28, is amended to read:

609.28 [INTERFERING WITH RELIGIOUS OBSERVANCE.]

Subdivision 1. [INTERFERENCE.] Whoever, by threats or violence, intentionally prevents another person from performing any lawful act enjoined upon or recommended to the person by the religion which the person professes is guilty of a misdemeanor.

Subd. 2. [PHYSICAL INTERFERENCE PROHIBITED.] A person is guilty of a gross misdemeanor who intentionally and physically obstructs any individual's access to or egress from a religious establishment. This subdivision does not apply to the exclusion of a person from the establishment at the request of an official of the religious organization.

Subd. 3. [DEFINITION.] For purposes of subdivision 2, a "religious establishment" is a building used for worship services by a religious organization and clearly identified as such by a posted sign or other means.

Sec. 16. Minnesota Statutes 1992, section 609.341, subdivision 4, is amended to read:

Subd. 4. (a) ~~“Consent” means a voluntary uncoerced manifestation of a present agreement to perform a particular sexual act with the actor words or overt actions by a person indicating a freely given present agreement to perform a particular sexual act with the actor. Consent does not mean the existence of a prior or current social relationship between the actor and the complainant or that the complainant failed to resist a particular sexual act.~~

(b) *A person who is mentally impaired, mentally incapacitated, or physically helpless as defined by this section cannot consent to a sexual act.*

(c) *Corroboration of the victim’s testimony is not required to show lack of consent.*

Sec. 17. Minnesota Statutes 1992, section 609.341, subdivision 7, is amended to read:

Subd. 7. “Mentally incapacitated” means:

(1) that a person under the influence of alcohol, a narcotic, anesthetic, or any other substance, administered to that person without the person’s agreement, lacks the judgment to give a reasoned consent to sexual contact or sexual penetration; or

(2) *that a person under 18 years of age and under the influence of alcohol, a narcotic, anesthetic, or any other substance, lacks the judgment to give a reasoned consent to sexual contact or sexual penetration when the actor is more than 48 months older than the person and the actor sells, barter, furnishes, or gives the alcohol, narcotic, anesthetic, or other substance to the person.*

Sec. 18. Minnesota Statutes 1992, section 609.341, subdivision 11, is amended to read:

Subd. 11. (a) “Sexual contact,” for the purposes of sections 609.343, subdivision 1, clauses (a) to (f), and 609.345, subdivision 1, clauses (a) to (e), and (h) to (k), includes any of the following acts committed without the complainant’s consent, except in those cases where consent is not a defense, and committed with sexual or aggressive intent:

(i) the intentional touching by the actor of the complainant’s intimate parts, or

(ii) the touching by the complainant of the actor’s, the complainant’s, or another’s intimate parts effected by coercion or the use of a position of authority, or by inducement if the complainant is under 13 years of age or mentally impaired, or

(iii) the touching by another of the complainant’s intimate parts effected by coercion or the use of a position of authority, or

(iv) in any of the cases above, the touching of the clothing covering the immediate area of the intimate parts.

(b) “Sexual contact,” for the purposes of sections 609.343, subdivision 1, clauses (g) and (h), and 609.345, subdivision 1, clauses (f) and (g), includes any of the following acts committed with sexual or aggressive intent:

- (i) the intentional touching by the actor of the complainant's intimate parts;
- (ii) the touching by the complainant of the actor's, the complainant's, or another's intimate parts;
- (iii) the touching by another of the complainant's intimate parts; or
- (iv) in any of the cases listed above, touching of the clothing covering the immediate area of the intimate parts.

(c) *"Sexual contact with a person under 13" means the intentional touching by the actor of the complainant's bare genitals or anal opening with sexual or aggressive intent or the touching by the complainant of the actor's or another's bare genitals or anal opening with sexual or aggressive intent.*

Sec. 19. Minnesota Statutes 1992, section 609.341, subdivision 12, is amended to read:

Subd. 12. "Sexual penetration" means *any of the following acts committed without the complainant's consent, except in those cases where consent is not a defense, whether or not emission of semen occurs:*

- (1) sexual intercourse, cunnilingus, fellatio, or anal intercourse; or
- (2) any intrusion however slight into the genital or anal openings:

(i) *of the complainant's body or by any part of the actor's body or any object used by the actor for this purpose, where the act is committed without the complainant's consent, except in those cases where consent is not a defense. Emission of semen is not necessary;*

(ii) *of the complainant's body by any part of the body of the complainant, by any part of the body of another person, or by any object used by the complainant or another person for this purpose, when effected by coercion or the use of a position of authority, or by inducement if the child is under 13 years of age or mentally impaired; or*

(iii) *of the body of the actor or another person by any part of the body of the complainant or by any object used by the complainant for this purpose, when effected by coercion or the use of a position of authority, or by inducement if the child is under 13 years of age or mentally impaired.*

Sec. 20. Minnesota Statutes 1992, section 609.342, subdivision 1, is amended to read:

Subdivision 1. [CRIME DEFINED.] A person who engages in sexual penetration with another person, or in sexual contact with a person under 13 as defined in section 18, paragraph (c), is guilty of criminal sexual conduct in the first degree if any of the following circumstances exists:

(a) the complainant is under 13 years of age and the actor is more than 36 months older than the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;

(b) the complainant is at least 13 but less than 16 years of age and the actor is more than 48 months older than the complainant and in a position of authority over the complainant, and uses this authority to cause the complainant to submit. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;

(c) circumstances existing at the time of the act cause the complainant to have a reasonable fear of imminent great bodily harm to the complainant or another;

(d) the actor is armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant to reasonably believe it to be a dangerous weapon and uses or threatens to use the weapon or article to cause the complainant to submit;

(e) the actor causes personal injury to the complainant, and either of the following circumstances exist:

(i) the actor uses force or coercion to accomplish sexual penetration; or

(ii) the actor knows or has reason to know that the complainant is mentally impaired, mentally incapacitated, or physically helpless;

(f) the actor is aided or abetted by one or more accomplices within the meaning of section 609.05, and either of the following circumstances exists:

(i) an accomplice uses force or coercion to cause the complainant to submit; or

(ii) an accomplice is armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant reasonably to believe it to be a dangerous weapon and uses or threatens to use the weapon or article to cause the complainant to submit;

(g) the actor has a significant relationship to the complainant and the complainant was under 16 years of age at the time of the sexual penetration. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense; or

(h) the actor has a significant relationship to the complainant, the complainant was under 16 years of age at the time of the sexual penetration, and:

(i) the actor or an accomplice used force or coercion to accomplish the penetration;

(ii) the complainant suffered personal injury; or

(iii) the sexual abuse involved multiple acts committed over an extended period of time.

Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense.

Sec. 21. Minnesota Statutes 1993 Supplement, section 609.345, subdivision 1, is amended to read:

Subdivision 1. [CRIME DEFINED.] A person who engages in sexual contact with another person is guilty of criminal sexual conduct in the fourth degree if any of the following circumstances exists:

(a) the complainant is under 13 years of age and the actor is no more than 36 months older than the complainant. Neither mistake as to the complainant's age or consent to the act by the complainant is a defense. In a prosecution under this clause, the state is not required to prove that the sexual contact was coerced;

(b) the complainant is at least 13 but less than 16 years of age and the actor is more than 48 months older than the complainant or in a position of authority over the complainant and uses this authority to cause the complainant to submit. *Consent by the complainant to the act is not a defense.* In any such case, it shall be an affirmative defense which must be proved by a preponderance of the evidence that the actor believes the complainant to be 16 years of age or older;

(c) the actor uses force or coercion to accomplish the sexual contact;

(d) the actor knows or has reason to know that the complainant is mentally impaired, mentally incapacitated, or physically helpless;

(e) the complainant is at least 16 but less than 18 years of age and the actor is more than 48 months older than the complainant and in a position of authority over the complainant, and uses this authority to cause the complainant to submit. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;

(f) the actor has a significant relationship to the complainant and the complainant was at least 16 but under 18 years of age at the time of the sexual contact. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;

(g) the actor has a significant relationship to the complainant, the complainant was at least 16 but under 18 years of age at the time of the sexual contact, and:

(i) the actor or an accomplice used force or coercion to accomplish the contact;

(ii) the complainant suffered personal injury; or

(iii) the sexual abuse involved multiple acts committed over an extended period of time.

Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;

(h) the actor is a psychotherapist and the complainant is a patient of the psychotherapist and the sexual contact occurred:

(i) during the psychotherapy session; or

(ii) outside the psychotherapy session if an ongoing psychotherapist-patient relationship exists.

Consent by the complainant is not a defense;

(i) the actor is a psychotherapist and the complainant is a former patient of the psychotherapist and the former patient is emotionally dependent upon the psychotherapist;

(j) the actor is a psychotherapist and the complainant is a patient or former patient and the sexual contact occurred by means of therapeutic deception. Consent by the complainant is not a defense;

(k) the actor accomplishes the sexual contact by means of deception or false representation that the contact is for a bona fide medical purpose. Consent by the complainant is not a defense; or

(1) the actor is or purports to be a member of the clergy, the complainant is not married to the actor, and:

(i) the sexual contact occurred during the course of a meeting in which the complainant sought or received religious or spiritual advice, aid, or comfort from the actor in private; or

(ii) the sexual contact occurred during a period of time in which the complainant was meeting on an ongoing basis with the actor to seek or receive religious or spiritual advice, aid, or comfort in private.

Consent by the complainant is not a defense.

Sec. 22. Minnesota Statutes 1992, section 609.377, is amended to read:

609.377 [MALICIOUS PUNISHMENT OF A CHILD.]

A parent, legal guardian, or caretaker who, by an intentional act or a series of intentional acts with respect to a child, evidences unreasonable force or cruel discipline that is excessive under the circumstances is guilty of malicious punishment of a child and may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both. If the punishment results in substantial bodily harm, that person may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both. If the punishment results in great bodily harm, that person may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than \$20,000, or both. *If the punishment is to a child under the age of three and causes bodily harm to the head, eyes, neck, or otherwise causes multiple bruises to the body, the person may be sentenced to imprisonment for not more than five years or to payment of a fine of \$10,000, or both.*

Sec. 23. Minnesota Statutes 1992, section 609.485, subdivision 4, is amended to read:

Subd. 4. [SENTENCE.] (a) Except as otherwise provided in subdivision 3a, whoever violates this section may be sentenced as follows:

(1) if the person who escapes is in lawful custody on a charge or conviction of a felony, to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both;

(2) if the person who escapes is in lawful custody after a finding of not guilty by reason of mental illness or mental deficiency of a crime against the person, as defined in section 253B.02, subdivision 4a, 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; or

(3) if such charge or conviction is for a gross misdemeanor or misdemeanor, or if the person who escapes is in lawful custody on an allegation or adjudication of a delinquent act while 18 years of age, to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both.

~~(4) If such charge or conviction is for a misdemeanor, to imprisonment for not more than 90 days or to payment of a fine of not more than \$700, or both.~~

~~(5)~~ (b) If the escape was a violation of subdivision 2, clause (1), (2), or (3), and was effected by violence or threat of violence against a person, the

sentence may be increased to not more than twice those permitted in paragraph (a), clauses (1), and (3), and (4).

(6) (c) Unless a concurrent term is specified by the court, a sentence under this section shall be consecutive to any sentence previously imposed or which may be imposed for any crime or offense for which the person was in custody when the person escaped.

(7) (d) Notwithstanding ~~clause (6) paragraph (c)~~, if a person who was committed to the commissioner of corrections under section 260.185 escapes from the custody of the commissioner while 18 years of age, the person's sentence under this section shall commence on the person's 19th birthday or on the person's date of discharge by the commissioner of corrections, whichever occurs first. However, if the person described in this clause is convicted under this section after becoming 19 years old and after having been discharged by the commissioner, the person's sentence shall commence upon imposition by the sentencing court.

(8) (e) Notwithstanding ~~clause (6) paragraph (c)~~, if a person who is in lawful custody on an allegation or adjudication of a delinquent act while 18 years of age escapes from a local juvenile correctional facility, the person's sentence under this section begins on the person's 19th birthday or on the person's date of discharge from the jurisdiction of the juvenile court, whichever occurs first. However, if the person described in this ~~clause paragraph~~ is convicted after becoming 19 years old and after discharge from the jurisdiction of the juvenile court, the person's sentence begins upon imposition by the sentencing court.

Sec. 24. Minnesota Statutes 1993 Supplement, section 609.531, subdivision 1, is amended to read:

Subdivision 1. [DEFINITIONS.] For the purpose of sections 609.531 to 609.5318, 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 or possessed during the commission 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, the department of natural resources division of enforcement, the University of Minnesota police department, 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 325E.17; 325E.18; 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; 609.66, subdivision 1e; 609.671, subdivisions 3, 4, 5, 8, and 12; 609.687; 609.821; 609.825; 609.86; 609.88; 609.89; 609.893; 617.246; or a gross misdemeanor or felony violation of section 609.891 or 624.7181; or any violation of section 609.324.

(g) "Controlled substance" has the meaning given in section 152.01, subdivision 4.

Sec. 25. Minnesota Statutes 1993 Supplement, section 609.5315, subdivision 1, is amended to read:

Subdivision 1. [DISPOSITION.] If the court finds under section 609.5313, 609.5314, or 609.5318 that the property is subject to forfeiture, it shall order the appropriate agency to:

(1) *destroy all weapons used, firearms, ammunition, and firearm accessories that the agency decides not to use for law enforcement purposes under clause (6), unless the agency determines that there is good reason not to destroy a particular item;*

(2) sell property that is not required to be destroyed by law and is not harmful to the public and distribute the proceeds under subdivision 5;

~~(2)~~ (3) take custody of the property and remove it for disposition in accordance with law;

~~(3)~~ (4) forward the property to the federal drug enforcement administration;

~~(4)~~ (5) disburse money as provided under subdivision 5; or

~~(5)~~ (6) keep property other than money for official use by the agency and the prosecuting agency.

Sec. 26. Minnesota Statutes 1993 Supplement, section 609.5315, subdivision 2, is amended to read:

Subd. 2. [DISPOSITION OF ADMINISTRATIVELY FORFEITED PROPERTY.] If property is forfeited administratively under section 609.5314 or 609.5318 and no demand for judicial determination is made, the appropriate agency may dispose of the property in any of the ways listed in subdivision 1, *except that the agency must destroy all forfeited weapons used, firearms, ammunition, and firearm accessories that the agency decides not to use for law enforcement purposes under subdivision 1, clause (6).*

Sec. 27. Minnesota Statutes 1992, section 609.5315, is amended by adding a subdivision to read:

Subd. 7. [FIREARMS.] *The agency shall make best efforts for a period of 90 days after the seizure of an abandoned or stolen firearm to protect the firearm from harm and return it to the lawful owner.*

Sec. 28. Minnesota Statutes 1992, section 609.5316, subdivision 1, is amended to read:

Subdivision 1. [CONTRABAND.] *Except as otherwise provided in this subdivision, if the property is contraband, the property must be summarily forfeited and either destroyed or used by the appropriate agency for law enforcement purposes. Upon summary forfeiture, weapons used must be destroyed by the appropriate agency unless the agency decides to use the weapons for law enforcement purposes.*

Sec. 29. Minnesota Statutes 1992, section 609.746, subdivision 1, is amended to read:

Subdivision 1. [SURREPTITIOUS INTRUSION; OBSERVATION DEVICE.] (a) A person is guilty of a misdemeanor who:

(1) enters upon another's property and;

(2) surreptitiously gazes, stares, or peeps in the window or any other aperture of a house or place of dwelling of another; and

(3) does so with intent to intrude upon or interfere with the privacy of a member of the household is guilty of a misdemeanor.

(b) A person is guilty of a misdemeanor who:

(1) enters upon another's property;

(2) surreptitiously installs or uses any device for observing, photographing, recording, amplifying, or broadcasting sounds or events through the window or any other aperture of a house or place of dwelling of another; and

(3) does so with intent to intrude upon or interfere with the privacy of a member of the household.

(c) A person is guilty of a gross misdemeanor if the person violates this subdivision after a previous conviction under this subdivision or section 609.749.

(d) Paragraph (b) does not apply to law enforcement officers or corrections investigators, or to those acting under their direction, while engaged in the performance of their lawful duties.

Sec. 30. Minnesota Statutes 1992, section 609.855, is amended to read:

609.855 [CRIMES AGAINST INVOLVING TRANSIT PROVIDERS AND OPERATORS; SHOOTING AT TRANSIT VEHICLE.]

Subdivision 1. [UNLAWFULLY OBTAINING SERVICES; MISDEMEANOR.] ~~Whoever~~ A person is guilty of a misdemeanor who intentionally obtains or attempts to obtain service from a provider of regular route public transit as defined in section 174.22, subdivision 8, service or from a public conveyance, without making paying the required fare deposit or otherwise obtaining the consent of the transit operator or other an authorized transit representative is guilty of unlawfully obtaining services and may be sentenced as provided in subdivision 4.

Subd. 2. [UNLAWFUL INTERFERENCE WITH TRANSIT OPERATOR.]

(a) Whoever intentionally commits an act that unreasonably interferes with or obstructs, or tends to interfere with or obstruct, the operation of a transit

vehicle is guilty of unlawful interference with a transit operator and may be sentenced as provided in subdivision 4 paragraph (c).

(b) An act that is committed on a transit vehicle that distracts the driver from the safe operation of the vehicle or that endangers passengers is a violation of this subdivision if an authorized transit representative has clearly warned the person once to stop the act.

(c) A person who violates this subdivision may be sentenced as follows:

(1) to imprisonment for not more than three years or to payment of a fine of not more than \$5,000, or both, if the violation was accompanied by force or violence or a communication of a threat of force or violence; 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 violation was not accompanied by force or violence or a communication of a threat of force or violence.

Subd. 3. [PROHIBITED ACTIVITIES; MISDEMEANOR.] (a) Whoever A person is guilty of a misdemeanor who, while riding in a vehicle providing regular route public transit service:

(1) operates a radio, television, tape player, electronic musical instrument, or other electronic device, other than a watch, which amplifies music, unless the sound emanates only from earphones or headphones and except that vehicle operators may operate electronic equipment for official business;

(2) smokes or carries lighted smoking paraphernalia;

(3) consumes food or beverages, except when authorized by the operator or other official of the transit system;

(4) throws or deposits litter; or

(5) carries or is in control of an animal without the operator's consent; or

(6) acts in any other manner which disturbs the peace and quiet of another person;

is guilty of disruptive behavior and may be sentenced as provided in subdivision 4.

(b) A person is guilty of a violation of this subdivision only if the person continues to act in violation of this subdivision after being warned once by an authorized transit representative to stop the conduct.

Subd. 4. [PENALTY.] Whoever violates subdivision 1, 2, or 3 may be sentenced as follows:

(a) to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both, if the violation was accompanied by force or violence or a communication of a threat of force or violence; or

(b) to imprisonment for not more than 90 days or to payment of a fine of not more than \$700, or both, if the violation was not accompanied by force or violence or a communication of a threat of force or violence.

Subd. 5. [SHOOTING AT PUBLIC TRANSIT VEHICLE OR FACILITY.] Whoever recklessly discharges a firearm at any portion of a public transit vehicle or facility is guilty of a felony and may be sentenced to imprisonment for not more than three years or to payment of a fine of not more than \$6,000,

or both. If the transit vehicle or facility is occupied, the person may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both.

Sec. 31. Minnesota Statutes 1992, section 624.731, subdivision 8, is amended to read:

Subd 8. [PENALTIES.] (a) The following violations of this section shall be considered a felony:

(1) The possession or use of tear gas, a tear gas compound, an authorized tear gas compound, or an electronic incapacitation device by a person specified in subdivision 3, ~~clause paragraph~~ (b).

(2) Knowingly selling or furnishing of tear gas, a tear gas compound, an authorized tear gas compound, or an electronic incapacitation device to a person specified in subdivision 3, ~~clause paragraph~~ (b).

(3) The use of *an inflammatory protection device containing capsicum* or an electronic incapacitation device as prohibited in subdivision 4, ~~clause paragraph~~ (a).

(b) The following violation of this section shall be considered a gross misdemeanor ~~and shall be punished by not less than 90 days in jail~~: the prohibited use of tear gas, a tear gas compound, or an authorized tear gas compound as specified in subdivision 4, ~~clause paragraph~~ (a), *except as otherwise provided in paragraph (a), clause (3), of this subdivision.*

(c) The following violations of this section shall be considered a misdemeanor:

(1) The possession or use of tear gas, a tear gas compound, an authorized tear gas compound, or an electronic incapacitation device which fails to meet the requirements of subdivision 2 by any person except as allowed by subdivision 6.

(2) The possession or use of an authorized tear gas compound or an electronic incapacitation device by a person specified in subdivision 3, clause (a) or (c).

(3) The use of tear gas, a tear gas compound, an authorized tear gas compound, or an electronic incapacitation device except as allowed by subdivision 2 or 6.

(4) Knowingly selling or furnishing an authorized tear gas compound or an electronic incapacitation device to a person specified in subdivision 3, clause (a) or (c).

(5) Selling or furnishing of tear gas or a tear gas compound other than an authorized tear gas compound to any person except as allowed by subdivision 6.

(6) Selling or furnishing of an authorized tear gas compound or an electronic incapacitation device on premises where intoxicating liquor is sold on an on-sale or off-sale basis or where 3.2 percent malt liquor is sold on an on-sale basis.

(7) Selling an authorized tear gas compound or an electronic incapacitation device in violation of local licensing requirements.

Sec. 32. Minnesota Statutes 1993 Supplement, section 626.556, subdivision 2, is amended to read:

Subd. 2. [DEFINITIONS.] As used in this section, the following terms have the meanings given them unless the specific content indicates otherwise:

(a) "Sexual abuse" means the subjection of a child by a person responsible for the child's care, *by a person who has a significant relationship to the child, as defined in section 609.341*, or by a person in a position of authority, as defined in section 609.341, subdivision 10, to any act which constitutes a violation of section 609.342, 609.343, 609.344, or 609.345. Sexual abuse also includes any act which involves a minor which constitutes a violation of sections 609.321 to 609.324 or 617.246. Sexual abuse includes threatened sexual abuse.

(b) "Person responsible for the child's care" means (1) an individual functioning within the family unit and having responsibilities for the care of the child such as a parent, guardian, or other person having similar care responsibilities, or (2) an individual functioning outside the family unit and having responsibilities for the care of the child such as a teacher, school administrator, or other lawful custodian of a child having either full-time or short-term care responsibilities including, but not limited to, day care, babysitting whether paid or unpaid, counseling, teaching, and coaching.

(c) "Neglect" means failure by a person responsible for a child's care to supply a child with necessary food, clothing, shelter or medical care when reasonably able to do so, failure to protect a child from conditions or actions which imminently and seriously endanger the child's physical or mental health when reasonably able to do so, or failure to take steps to ensure that a child is educated in accordance with state law. Nothing in this section shall be construed to mean that a child is neglected solely because the child's parent, guardian, or other person responsible for the child's care in good faith selects and depends upon spiritual means or prayer for treatment or care of disease or remedial care of the child in lieu of medical care; except that there is a duty to report if a lack of medical care may cause imminent and serious danger to the child's health. This section does not impose upon persons, not otherwise legally responsible for providing a child with necessary food, clothing, shelter, education, or medical care; a duty to provide that care. Neglect includes prenatal exposure to a controlled substance, as defined in section 253B.02, subdivision 2, used by the mother for a nonmedical purpose, as evidenced by withdrawal symptoms in the child at birth, results of a toxicology test performed on the mother at delivery or the child at birth, or medical effects or developmental delays during the child's first year of life that medically indicate prenatal exposure to a controlled substance. Neglect also means "medical neglect" as defined in section 260.015, subdivision 2a, clause (5).

(d) "Physical abuse" means any physical or mental injury, or threatened injury, inflicted by a person responsible for the child's care on a child other than by accidental means, or any physical or mental injury that cannot reasonably be explained by the child's history of injuries, or any aversive and deprivation procedures that have not been authorized under section 245.825.

(e) "Report" means any report received by the local welfare agency, police department, or county sheriff pursuant to this section.

(f) "Facility" means a day care facility, residential facility, agency, hospital,

sanitarium, or other facility or institution required to be licensed pursuant to sections 144.50 to 144.58, 241.021, or 245A.01 to 245A.16.

(g) "Operator" means an operator or agency as defined in section 245A.02.

(h) "Commissioner" means the commissioner of human services.

(i) "Assessment" includes authority to interview the child, the person or persons responsible for the child's care, the alleged perpetrator, and any other person with knowledge of the abuse or neglect for the purpose of gathering the facts, assessing the risk to the child, and formulating a plan.

(j) "Practice of social services," for the purposes of subdivision 3, includes but is not limited to employee assistance counseling and the provision of guardian ad litem services.

(k) "Mental injury" means an injury to the psychological capacity or emotional stability of a child as evidenced by an observable or substantial impairment in the child's ability to function within a normal range of performance and behavior with due regard to the child's culture.

(l) "Threatened injury" means a statement, overt act, condition, or status that represents a substantial risk of physical or sexual abuse or mental injury.

Sec. 33. Minnesota Statutes 1992, section 626A.05, subdivision 2, is amended to read:

Subd. 2. [OFFENSES FOR WHICH INTERCEPTION OF WIRE OR ORAL COMMUNICATION MAY BE AUTHORIZED.] A warrant authorizing interception of wire, electronic, or oral communications by investigative or law enforcement officers may only be issued when the interception may provide evidence of the commission of, or of an attempt or conspiracy to commit, any of the following offenses:

(1) a felony offense involving murder, manslaughter, assault in the first, second, and third degrees, aggravated robbery, kidnapping, criminal sexual conduct in the first, second, and third degrees, prostitution, bribery, perjury, escape from custody, theft, receiving stolen property, embezzlement, burglary in the first, second, and third degrees, forgery, aggravated forgery, check forgery, or financial transaction card fraud, as punishable under sections 609.185, 609.19, 609.195, 609.20, 609.221, 609.222, 609.223, 609.2231, 609.245, 609.25, 609.321 to 609.324, 609.342, 609.343, 609.344, 609.42, 609.48, 609.485, subdivision 4, *paragraph (a)*, clause (1), 609.52, 609.53, 609.54, 609.582, 609.625, 609.63, 609.631, 609.821, and 609.825;

(2) an offense relating to gambling or controlled substances, as punishable under section 609.76 or chapter 152; or

(3) an offense relating to restraint of trade defined in section 325D.53, subdivision 1 or 2, as punishable under section 325D.56, subdivision 2.

Sec. 34. Minnesota Statutes 1993 Supplement, 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 three years after the offense was reported to law enforcement authorities.

(d) 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) 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.

(f) 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.

(g) 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.

(h) Indictments or complaints for violation of sections 609.561 to 609.563, shall be found or made and filed in the proper court within five years after the commission of the offense.

(i) 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.

(j) The limitations periods contained in this section shall exclude any period of time during which the defendant was not an inhabitant of or usually resident within this state.

(k) The limitations periods contained in this section for an offense shall not include any period during which the alleged offender participated in a pretrial diversion program relating to that offense.

Sec. 35. [REPEALER.]

Minnesota Statutes 1992, section 609.855, subdivision 4, is repealed.

Sec. 36. [EFFECTIVE DATE.]

Sections 1 to 4, 8, 9, 11 to 17, 19, 21 to 23, and 29 to 35 are effective August 1, 1994, and apply to crimes committed and violations occurring on or after that date. Sections 18 and 20 are effective August 1, 1995, and apply to crimes committed on or after that date.

Sections 24 to 28 are effective August 1, 1994, and apply to seizures occurring on or after that date.

ARTICLE 3

FIREARMS PROVISIONS

Section 1. Minnesota Statutes 1992, section 13.99, is amended by adding a subdivision to read:

Subd. 89a. [METROPOLITAN FIREARMS DEALERS LICENSING DATA.] Access to data maintained by the commissioner of public safety in connection with metropolitan firearms licenses is governed by section 299A.05, subdivision 12.

Sec. 2. Minnesota Statutes 1993 Supplement, section 260.221, subdivision 1, is amended to read:

Subdivision 1. [VOLUNTARY AND INVOLUNTARY.] The juvenile court may upon petition, terminate all rights of a parent to a child in the following cases:

(a) With the written consent of a parent who for good cause desires to terminate parental rights; or

(b) If it finds that one or more of the following conditions exist:

(1) That the parent has abandoned the child. Abandonment is presumed when:

(i) the parent has had no contact with the child on a regular basis and no demonstrated, consistent interest in the child's well-being for six months; and

(ii) the social service agency has made reasonable efforts to facilitate contact, unless the parent establishes that an extreme financial or physical hardship or treatment for mental disability or chemical dependency or other good cause prevented the parent from making contact with the child. This presumption does not apply to children whose custody has been determined under chapter 257 or 518. The court is not prohibited from finding abandonment in the absence of this presumption; ~~or~~

(2) That the parent has substantially, continuously, or repeatedly refused or neglected to comply with the duties imposed upon that parent by the parent and child relationship, including but not limited to providing the child with necessary food, clothing, shelter, education, and other care and control necessary for the child's physical, mental, or emotional health and development, if the parent is physically and financially able, and reasonable efforts by the social service agency have failed to correct the conditions that formed the basis of the petition; ~~or~~

(3) That a parent has been ordered to contribute to the support of the child or financially aid in the child's birth and has continuously failed to do so without good cause. This clause shall not be construed to state a grounds for termination of parental rights of a noncustodial parent if that parent has not been ordered to or cannot financially contribute to the support of the child or aid in the child's birth; ~~or~~

(4) That a parent is palpably unfit to be a party to the parent and child relationship because of a consistent pattern of specific conduct before the child or of specific conditions directly relating to the parent and child relationship either of which are determined by the court to be of a duration or nature that renders the parent unable, for the reasonably foreseeable future, to

care appropriately for the ongoing physical, mental, or emotional needs of the child. It is presumed that a parent is palpably unfit to be a party to the parent and child relationship upon a showing that:

(i) the child was adjudicated in need of protection or services due to circumstances described in section 260.015, subdivision 2a, clause (1), (2), (3), (5), or (8); and

(ii) within the three-year period immediately prior to that adjudication, the parent's parental rights to one or more other children were involuntarily terminated under clause (1), (2), (4), or (7) of this paragraph, or under clause (5) of this paragraph if the child was initially determined to be in need of protection or services due to circumstances described in section 260.015, subdivision 2a, clause (1), (2), (3), (5), or (8); ~~or~~

(5) That following upon a determination of neglect or dependency, or of a child's need for protection or services, reasonable efforts, under the direction of the court, have failed to correct the conditions leading to the determination. It is presumed that reasonable efforts under this clause have failed upon a showing that:

(i) a child under the age of 12 has resided out of the parental home under court order for more than one year following an adjudication of dependency, neglect, need for protection or services under section 260.015, subdivision 2a, clause (1), (2), (6), (8), or (9), or neglected and in foster care, and an order for disposition under section 260.191, including adoption of the case plan required by section 257.071;

(ii) conditions leading to the determination will not be corrected within the reasonably foreseeable future; and

(iii) reasonable efforts have been made by the social service agency to rehabilitate the parent and reunite the family.

This clause does not prohibit the termination of parental rights prior to one year after a child has been placed out of the home.

It is also presumed that reasonable efforts have failed under this clause upon a showing that:

(i) the parent has been diagnosed as chemically dependent by a professional certified to make the diagnosis;

(ii) the parent has been required by a case plan to participate in a chemical dependency treatment program;

(iii) the treatment programs offered to the parent were culturally, linguistically, and clinically appropriate;

(iv) the parent has either failed two or more times to successfully complete a treatment program or has refused at two or more separate meetings with a caseworker to participate in a treatment program; and

(v) the parent continues to abuse chemicals.

Provided, that this presumption applies only to parents required by a case plan to participate in a chemical dependency treatment program on or after July 1, 1990; ~~or~~

(6) That the parent has been convicted of causing the death of another of the parent's children; or

(7) That the parent has been convicted of assaulting a family or household member, as defined in section 518B.01, and that the parent used a dangerous weapon as defined in section 609.02, subdivision 6, during the commission of the assault;

(8) That in the case of a child born to a mother who was not married to the child's father when the child was conceived nor when the child was born the person is not entitled to notice of an adoption hearing under section 259.26 and either the person has not filed a notice of intent to retain parental rights under section 259.261 or that the notice has been successfully challenged; or

(9) That the child is neglected and in foster care.

In an action involving an American Indian child, sections 257.35 to 257.3579 and the Indian Child Welfare Act, United States Code, title 25, sections 1901 to 1923, control to the extent that the provisions of this section are inconsistent with those laws.

Sec. 3. [299A.05] [METROPOLITAN RETAIL FIREARMS LICENSES.]

Subdivision 1. [DEFINITIONS.] (a) For purposes of this section, the following terms have the meanings given.

(b) "Commissioner" means the commissioner of public safety.

(c) "Federal firearms license" means a license issued under United States Code, title 18, section 923, paragraph (a), part (3), subpart (B) or (C).

(d) "Firearm" means a gun that discharges shot or a projectile by means of an explosive, a gas, or compressed air, but does not include a device commonly known as a "BB" gun, a scuba gun, a stud or nail gun used in the construction industry, or a pop gun or toy gun.

(e) "Metropolitan area" has the meaning given in section 473.121, subdivision 2.

Subd. 2. [LICENSE REQUIRED.] A person who sells firearms or ammunition or engages in the business of dealing in firearms or ammunition under a federal firearms license in the metropolitan area shall obtain a metropolitan retail firearms license under this section. This section does not apply to a federally licensed firearms or ammunition manufacturer.

Subd. 3. [APPLICATION.] The commissioner shall prescribe a form for license applications which shall require the applicant's social security number, fingerprints, residential addresses for the last ten years, any other information deemed necessary by the commissioner, and a signed consent by the applicant to an eligibility investigation, including a check of state and federal criminal records, police department records, and state and private mental health records including probate court records. The application must include the valid sales tax identification number of the applicant, a copy of sales tax records for the previous 12 months or an affidavit that the applicant has sold no firearms or ammunition during that period, and a copy of the federal firearms license or the application for the license.

Subd. 4. [ELIGIBILITY.] The commissioner shall issue a metropolitan retail firearms license, valid for three years, to any applicant who has

complied with subdivision 3 if the commissioner has determined that the applicant is eligible under this subdivision. The license shall specify the premises for which the license is effective. The commissioner may not issue, transfer, or renew a license if the investigation under subdivision 5 shows, to the satisfaction of the commissioner, that the applicant:

(1) is not eligible to possess a handgun or semiautomatic military-style assault weapon under section 624.713;

(2) has had a license revoked under this section within five years of the license application; or

(3) has been convicted within ten years of the license application of a violation of a federal or state law involving the illegal use or possession of a firearm or ammunition other than a crime of violence as defined in section 624.712, subdivision 5, or has been convicted within five years of the license application of any felony.

Subd. 5. [INVESTIGATION OF ELIGIBILITY.] On initial application for a license, or on application for a transfer or renewal of an existing license, the commissioner shall conduct a background investigation of the applicant to determine eligibility under this section. An investigation fee in an amount reflecting the cost of the licensing program, not to exceed \$500, shall be charged to an applicant by the commissioner.

Subd. 6. [LICENSE DENIAL OR REVOCATION.] The commissioner shall deny or revoke a license under this section on a finding that the licensee has intentionally violated a provision of this section or has been convicted of a violation of a provision of a federal or state law involving the use or possession of a firearm or ammunition. In addition, the commissioner may impose a fine of up to \$5,000 for each violation for willfully providing materially false information in the application. A license denial or revocation under this section is a contested case under sections 14.57 to 14.69 of the administrative procedure act.

Subd. 7. [DUTIES.] A licensee shall:

(1) maintain an accurate record of each commercial transaction involving a firearm in the form prescribed by the commissioner, including the date, name and address of purchaser, item purchased, and the form of identification offered;

(2) surrender the license to the commissioner within seven days after becoming ineligible under subdivision 4;

(3) file transferee reports with the appropriate law enforcement agency and otherwise comply with chapter 624 to determine the eligibility of each person to whom a firearm is sold or transferred; and

(4) post the license in a conspicuous place in the premises for which it is used.

Subd. 8. [LICENSE LIMITED TO SPACE SPECIFIED.] The commissioner may issue a metropolitan retail firearms license only for a permanent business location that is located in an area in which local zoning laws authorized by section 471.635 permit the operation of the business. The license is only effective for the licensed premises specified in the approved license application except that a licensee may also sell firearms at gun shows as permitted by federal law.

Subd. 9. [LICENSES IN CONNECTION WITH PREMISES OF ANOTHER.] A license may not be issued to a person in connection with the premises of another to whom a license could not be issued under the provisions of this section. This subdivision does not prevent the granting of a license to a proper lessee because the person has leased the premises of a minor, a noncitizen who is not a resident alien, or a person who has been convicted of a crime not involving firearms.

Subd. 10. [LICENSE TRANSFER.] A license may be transferred with the consent of the commissioner. Where a license is held by a corporation, a change in ownership of ten percent or more of the stock of the corporation must be reported in writing to the commissioner within ten days of the transfer.

Subd. 11. [LICENSEE MAY NOT SELL FOR RESALE.] A metropolitan retail firearms licensee may not sell a firearm or ammunition to any person for the purpose of resale or to any person whom the licensee has reason to believe intends to resell the firearm or ammunition without written approval of the commissioner. This subdivision does not apply to a sale or transfer between federally licensed firearms dealers.

Subd. 12. [DATA CLASSIFICATION.] Data maintained by the commissioner under this section are private data on individuals or nonpublic data as defined in section 13.02, except that the list of names of licensees and their designated public addresses are public data. An applicant shall designate a public address which may be different than the business address listed on the license application. The public address may be a post office box.

Subd. 13. [PENALTY.] A person who sells a firearm or ammunition without the license required by subdivision 2 is guilty of a gross misdemeanor. A person who otherwise violates this section is guilty of a misdemeanor.

Sec. 4. Minnesota Statutes 1992, section 487.25, is amended by adding a subdivision to read:

Subd. 12. [ASSISTANCE OF ATTORNEY GENERAL.] An attorney for a statutory or home rule charter city in the metropolitan area, as defined in section 473.121, subdivision 2, may request, and the attorney general may provide, assistance in prosecuting nonfelony violations of section 609.66, subdivision 1; 609.666; 624.713, subdivision 2; 624.7131, subdivision 11; 624.7132, subdivision 15; 624.714, subdivision 1 or 10; 624.7162, subdivision 3; or 624.7181, subdivision 2.

Sec. 5. Minnesota Statutes 1993 Supplement, section 609.11, subdivision 8, is amended to read:

Subd. 8. [MOTION BY PROSECUTOR.] (a) Except as otherwise provided in paragraph (b), prior to the time of sentencing, the prosecutor may file a motion to have the defendant sentenced without regard to the mandatory minimum sentences established by this section. The motion shall be accompanied by a statement on the record of the reasons for it. When presented with the motion and if it finds substantial mitigating factors exist, or on its own motion, the court shall may sentence the defendant without regard to the mandatory minimum sentences established by this section if the court finds substantial and compelling reasons to do so. A sentence imposed under this subdivision is a departure from the sentencing guidelines.

(b) The court may not, on its own motion or the prosecutor's motion, sentence a defendant without regard to the mandatory minimum sentences

established by this section if the defendant previously has been convicted of an offense listed in subdivision 9.

Sec. 6. Minnesota Statutes 1993 Supplement, section 609.11, subdivision 9, is amended to read:

Subd. 9. [APPLICABLE OFFENSES.] The crimes for which mandatory minimum sentences shall be served as provided in this section are: murder in the first, second, or third degree; assault in the first, second, or third degree; burglary; kidnapping; false imprisonment; manslaughter in the first or second degree; aggravated robbery; simple robbery; criminal sexual conduct under the circumstances described in sections 609.342, subdivision 1, clauses (a) to (f); 609.343, subdivision 1, clauses (a) to (f); and 609.344, subdivision 1, clauses (a) to (e) and (h) to (j); escape from custody; arson in the first, second, or third degree; *drive-by shooting under section 609.66, subdivision 1e*; a felony violation of chapter 152; or any attempt to commit any of these offenses.

Sec. 7. Minnesota Statutes 1992, section 609.224, subdivision 3, is amended to read:

Subd. 3. [DOMESTIC ASSAULTS; FIREARMS.] (a) When a person is convicted of a violation of this section *or section 609.221, 609.222, or 609.223*, the court shall determine and make written findings on the record as to whether:

(1) the assault was *committed against* a family or household member, as defined in section 518B.01, subdivision 2;

(2) the defendant owns or possesses a firearm; and

(3) the firearm was used in any way during the commission of the assault.

(b) If the court determines that the assault was of a family or household member, and that the offender owns or possesses a firearm and used it in any way during the commission of the assault, it shall order ~~the defendant to relinquish possession of that the firearm and give it to the local law enforcement agency. Notwithstanding section 609.531, subdivision 1, paragraph (f), clause (1), the court shall determine whether the firearm shall be summarily forfeited under section 609.5316, subdivision 3, or retained by the local law enforcement agency for a period of three years. If the owner has not been convicted of any crime of violence as defined in section 624.712, subdivision 5, or 609.224 against a family or household member within that period, the law enforcement agency shall return the firearm.~~

(c) *A person who is convicted of assaulting a family or household member and who is determined by the court to have used a firearm in any way during commission of the assault is prohibited from possessing any type of firearm for the remainder of the person's life. A person who violates this firearm possession prohibition is guilty of a gross misdemeanor. At the time of the conviction, the court shall inform the defendant that the defendant is permanently prohibited from possessing a firearm and that it is a gross misdemeanor to violate this prohibition. The failure of the court to provide this information to a defendant does not affect the applicability of the firearm possession prohibition or the gross misdemeanor penalty to that defendant.*

(d) *Except as otherwise provided in paragraph (c), when a person is convicted of a violation of this section and the court determines that the victim*

was a family or household member, the court shall inform the defendant that the defendant is prohibited from possessing a pistol for a period of three years from the date of conviction and that it is a gross misdemeanor offense to violate this prohibition. The failure of the court to provide this information to a defendant does not affect the applicability of the pistol possession prohibition or the gross misdemeanor penalty to that defendant.

(4) (e) *Except as otherwise provided in paragraph (c), a person is not entitled to possess a pistol if:*

(1) the person has been convicted after August 1, 1992, of assault in the fifth degree if the offense was committed within three years of a previous conviction under sections 609.221 to 609.224; or

(2) the person has been convicted after August 1, 1992, of assault in the fifth degree under section 609.224 and the assault victim was a family or household member as defined in section 518B.01, subdivision 2, unless three years have elapsed from the date of conviction and, during that time, the person has not been convicted of any other violation of section 609.224. Property rights may not be abated but access may be restricted by the courts. A person who possesses a pistol in violation of this ~~subdivision~~ *paragraph* is guilty of a gross misdemeanor.

Sec. 8. Minnesota Statutes 1993 Supplement, section 609.531, subdivision 1, is amended to read:

Subdivision 1. [DEFINITIONS.] For the purpose of sections 609.531 to 609.5318, 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, the department of natural resources division of enforcement, the University of Minnesota police department, or a city or airport police department.

(f) "Designated offense" includes:

(1) for weapons used: any violation of this chapter, *chapter 152, or chapter 624;*

(2) for all other purposes: a felony violation of, or a felony-level attempt or conspiracy to violate, section 325E.17; 325E.18; 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; 609.66, subdivision 1e; 609.671, subdivisions 3, 4, 5, 8, and 12; 609.687; 609.821; 609.825; 609.86; 609.88; 609.89; 609.893; 617.246; or a gross misdemeanor or felony violation of section 609.891 or 624.7181; or any violation of section 609.324.

(g) "Controlled substance" has the meaning given in section 152.01, subdivision 4.

Sec. 9. Minnesota Statutes 1992, section 609.5315, subdivision 6, is amended to read:

Subd. 6. [REPORTING REQUIREMENT.] The appropriate agency shall provide a written record of each forfeiture incident to the state auditor. The record shall include the amount forfeited, date, and a brief description of the circumstances involved. *The record shall also list the number and types of firearms forfeited.* Reports shall be made on a monthly basis in a manner prescribed by the state auditor. The state auditor shall report annually to the legislature on the nature and extent of forfeitures.

Sec. 10. Minnesota Statutes 1992, section 609.5316, subdivision 3, is amended to read:

Subd. 3. [WEAPONS AND BULLET-RESISTANT VESTS.] Weapons used are contraband and must be summarily forfeited to the appropriate agency upon conviction of the weapon's owner or possessor for a controlled substance crime or for any offense of this chapter or chapter 624. Bullet-resistant vests, as defined in section 609.486, worn or possessed during the commission or attempted commission of a crime are contraband and must be summarily forfeited to the appropriate agency upon conviction of the owner or possessor for a controlled substance crime or for any offense of this chapter. Notwithstanding this subdivision, weapons used and bullet-resistant vests worn or possessed may be forfeited without a conviction under sections 609.531 to 609.5315.

Sec. 11. Minnesota Statutes 1992, section 609.66, subdivision 1b, is amended to read:

Subd. 1b. [FELONY; FURNISHING TO MINORS.] Whoever, in any municipality of this state, furnishes a minor under 18 years of age with a firearm, airgun, ammunition, or explosive without the prior consent of the minor's parent or guardian or of the police department of the municipality is guilty of a felony and may be sentenced to imprisonment for not more than ~~five~~ *ten* years or to payment of a fine of not more than ~~\$10,000~~ *\$20,000*, or both. Possession of written evidence of prior consent signed by the minor's parent or guardian is a complete defense to a charge under this subdivision.

Sec. 12. Minnesota Statutes 1992, section 609.66, subdivision 1c, is amended to read:

Subd. 1c. [FELONY; FURNISHING A DANGEROUS WEAPON.] Whoever recklessly furnishes a person with a dangerous weapon in conscious disregard of a known substantial risk that the object will be possessed or used in furtherance of a felony crime of violence is guilty of a felony and may be

sentenced to imprisonment for not more than ~~five~~ *ten* years or to payment of a fine of not more than ~~\$10,000~~ \$20,000, or both.

Sec. 13. Minnesota Statutes 1993 Supplement, section 609.66, subdivision 1d, is amended to read:

Subd. 1d. [FELONY; POSSESSION ON SCHOOL PROPERTY.] (a) Whoever possesses, stores, or keeps a dangerous weapon as defined in section 609.02, subdivision 6, on school property 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 \$5,000, or both.

(b) As used in this subdivision:

(1) "*dangerous weapon*" has the meaning given it in section 609.02, subdivision 6, except that the term also includes replica firearms, as defined in section 609.713; and

(2) "school property" means:

(1) a public or private elementary, middle, or secondary school building and its grounds, whether leased or owned by the school; and

(2) the area within a school bus when that bus is being used to transport one or more elementary, middle, or secondary school students.

(c) This subdivision does not apply to:

(1) licensed peace officers, military personnel, or students participating in military training, who are performing official duties;

(2) persons who carry pistols according to the terms of a permit;

(3) persons who keep or store in a motor vehicle pistols in accordance with sections 624.714 and 624.715 or other firearms in accordance with section 97B.045;

(4) firearm safety or marksmanship courses or activities conducted on school property;

(5) possession of dangerous weapons by a ceremonial color guard;

(6) a gun or knife show held on school property; or

(7) possession of dangerous weapons with written permission of the principal.

Sec. 14. Minnesota Statutes 1992, section 624.712, is amended by adding a subdivision to read:

Subd. 9. [BUSINESS DAY.] "*Business day*" means a day on which state offices are open for normal business and excludes weekends and legal holidays.

Sec. 15. Minnesota Statutes 1992, section 624.712, is amended by adding a subdivision to read:

Subd. 10. [CRIME PUNISHABLE BY IMPRISONMENT FOR A TERM EXCEEDING ONE YEAR.] "*Crime punishable by imprisonment for a term exceeding one year*" does not include:

(1) any federal or state offense pertaining to antitrust violations, unfair trade practices, restraints of trade, or other similar offenses relating to the regulation of business practices; or

(2) any state offense classified by the laws of this state or any other state as a misdemeanor and punishable by a term of imprisonment of two years or less.

What constitutes a conviction of a crime shall be determined in accordance with the law of the jurisdiction in which the proceedings were held. Any conviction which has been expunged, or set aside, or for which a person has been pardoned or has had civil rights restored shall not be considered a conviction for purposes of this definition, unless such pardon, expungement, or restoration of civil rights expressly provides that the person may not ship, transport, possess, or receive firearms.

Sec. 16. Minnesota Statutes 1993 Supplement, section 62A.713, subdivision 1, is amended to read:

Subdivision 1. [INELIGIBLE PERSONS.] The following persons shall not be entitled to possess a pistol or semiautomatic military-style assault weapon:

(a) a person under the age of 18 years except that a person under 18 may carry or possess a pistol or semiautomatic military-style assault weapon (i) in the actual presence or under the direct supervision of the person's parent or guardian, (ii) for the purpose of military drill under the auspices of a legally recognized military organization and under competent supervision, (iii) for the purpose of instruction, competition, or target practice on a firing range approved by the chief of police or county sheriff in whose jurisdiction the range is located and under direct supervision; or (iv) if the person has successfully completed a course designed to teach marksmanship and safety with a pistol or semiautomatic military-style assault weapon and approved by the commissioner of natural resources;

(b) *except as otherwise provided in clause (i)*, a person who has been convicted in this state or elsewhere of a crime of violence unless ten years have elapsed since the person has been restored to civil rights or the sentence has expired, whichever occurs first, and during that time the person has not been convicted of any other crime of violence. For purposes of this section, crime of violence includes crimes in other states or jurisdictions which would have been crimes of violence as herein defined if they had been committed in this state;

(c) a person who is or has ever been confined or committed in Minnesota or elsewhere as a "mentally ill," "mentally retarded," or "mentally ill and dangerous to the public" person as defined in section 253B.02, to a treatment facility, unless the person possesses a certificate of a medical doctor or psychiatrist licensed in Minnesota, or other satisfactory proof that the person is no longer suffering from this disability;

(d) a person who has been convicted in Minnesota or elsewhere of a misdemeanor or gross misdemeanor violation of chapter 152, or a person who is or has ever been hospitalized or committed for treatment for the habitual use of a controlled substance or marijuana, as defined in sections 152.01 and 152.02, unless the person possesses a certificate of a medical doctor or psychiatrist licensed in Minnesota, or other satisfactory proof, that the person

has not abused a controlled substance or marijuana during the previous two years;

(e) a person who has been confined or committed to a treatment facility in Minnesota or elsewhere as "chemically dependent" as defined in section 253B.02, unless the person has completed treatment. Property rights may not be abated but access may be restricted by the courts;

(f) a peace officer who is informally admitted to a treatment facility pursuant to section 253B.04 for chemical dependency, unless the officer possesses a certificate from the head of the treatment facility discharging or provisionally discharging the officer from the treatment facility. Property rights may not be abated but access may be restricted by the courts;

(g) a person who has been charged with committing a crime of violence and has been placed in a pretrial diversion program by the court before disposition, until the person has completed the diversion program and the charge of committing the crime of violence has been dismissed; or

(h) *except as otherwise provided in clause (i)*, a person who has been convicted in another state of committing an offense similar to the offense described in section 609.224, subdivision 3, against a family or household member, unless three years have elapsed since the date of conviction and, during that time, the person has not been convicted of any other violation of section 609.224, subdivision 3, or a similar law of another state;

(i) *a person who has been convicted in this state or elsewhere of assaulting a family or household member and who was found by the court to have used a firearm in any way during commission of the assault is prohibited from possessing any type of firearm for the remainder of the person's life; or*

(j) *a person who:*

(1) *has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year;*

(2) *is a fugitive from justice as a result of having fled from any state to avoid prosecution for a crime or to avoid giving testimony in any criminal proceeding;*

(3) *is an unlawful user of any controlled substance as defined in chapter 152;*

(4) *has been judicially committed to a treatment facility in Minnesota or elsewhere as a "mentally ill," "mentally retarded," or "mentally ill and dangerous to the public" person as defined in section 253B.02;*

(5) *is an alien who is illegally or unlawfully in the United States;*

(6) *has been discharged from the armed forces of the United States under dishonorable conditions; or*

(7) *has renounced the person's citizenship having been a citizen of the United States.*

A person who issues a certificate pursuant to this subdivision in good faith is not liable for damages resulting or arising from the actions or misconduct with a firearm committed by the individual who is the subject of the certificate.

Sec. 17. Minnesota Statutes 1993 Supplement, section 624.713, is amended by adding a subdivision to read:

Subd. 1a. [INELIGIBLE TO RECEIVE, SHIP, TRANSPORT.] A person presently charged with a crime punishable by imprisonment for a term exceeding one year shall not be entitled to receive, ship, or transport any pistol or semiautomatic military-style assault weapon. A violation of this subdivision is a gross misdemeanor.

Sec. 18. Minnesota Statutes 1993 Supplement, section 624.713, is amended by adding a subdivision to read:

Subd. 4. [SALE OR POSSESSION PROHIBITED.] Notwithstanding the provisions of sections 624.711 to 624.7151, a person is guilty of a felony who possesses, sells, offers for sale, transfers, furnishes, or provides to another a semiautomatic military-style assault weapon in the metropolitan area, as defined in section 473.121, subdivision 2. Any person who lawfully owns or possesses a semiautomatic military-style assault weapon before May 1, 1994, shall remove it from the metropolitan area or may continue to possess it in the metropolitan area if the person registers the weapon with the chief of police within 30 days or renders it permanently inoperable. This subdivision does not apply to a federally licensed firearms manufacturer who does not sell, offer for sale, transfer, furnish, or provide firearms to the ultimate consumer. This subdivision does not apply to a federally licensed ammunition manufacturer who possesses semiautomatic military-style assault weapons for the sole purpose of testing ammunition.

Sec. 19. Minnesota Statutes 1992, section 624.7131, subdivision 2, is amended to read:

Subd. 2. [INVESTIGATION.] The chief of police or sheriff shall check criminal histories, records and warrant information relating to the applicant through the Minnesota crime information system and the national criminal record repository and shall make a reasonable effort to check other available state and local record keeping systems.

Sec. 20. Minnesota Statutes 1992, section 624.7131, subdivision 3, is amended to read:

Subd. 3. [FORMS; FEES.] Chiefs of police and sheriffs shall make transferee permit application forms available throughout the community. There shall be no charge for forms, reports, investigations, notifications, waivers or any other act performed or materials provided by a government employee or agency in connection with application for or issuance of a transferee permit. However, a chief of police or a sheriff may charge a fee to cover the cost of conducting a background check, not to exceed \$.....

Sec. 21. Minnesota Statutes 1993 Supplement, section 624.7131, subdivision 10, is amended to read:

Subd. 10. [TRANSFER REPORT NOT REQUIRED.] A person who transfers a pistol or semiautomatic military-style assault weapon to a licensed peace officer, as defined in section 626.84, subdivision 1, exhibiting a valid peace officer identification, or to a person exhibiting a valid transferee permit issued pursuant to this section or a valid permit to carry issued pursuant to section 624.714 is not required to file a transfer report pursuant to section 624.7132, subdivision 1.

Sec. 22. Minnesota Statutes 1993 Supplement, section 624.7132, subdivision 1, is amended to read:

Subdivision 1. [REQUIRED INFORMATION.] Except as provided in this section and section 624.7131, every person who agrees to transfer a pistol or semiautomatic military-style assault weapon shall report the following information in writing to the chief of police of the organized full-time police department of the municipality where the ~~agreement is made~~ *proposed transferee resides* or to the appropriate county sheriff if there is no such local chief of police:

(a) the name, residence, telephone number and driver's license number or nonqualification certificate number, if any, of the proposed transferee;

(b) the sex, date of birth, height, weight and color of eyes, and distinguishing physical characteristics, if any, of the proposed transferee;

(c) a statement by the proposed transferee that the transferee is not prohibited by section 624.713 from possessing a pistol or semiautomatic military-style assault weapon; and

(d) the address of the place of business of the transferor.

The report shall be signed by the transferor and the proposed transferee. The report shall be delivered by the transferor to the chief of police or sheriff no later than three days after the date of the agreement to transfer, excluding weekends and legal holidays.

Sec. 23. Minnesota Statutes 1993 Supplement, section 624.7132, subdivision 2, is amended to read:

Subd. 2. [INVESTIGATION.] Upon receipt of a transfer report, the chief of police or sheriff shall check criminal histories, records and warrant information relating to the proposed transferee through the Minnesota crime information system *and the national criminal record repository and shall make a reasonable effort to check other available state and local record keeping systems.*

Sec. 24. Minnesota Statutes 1993 Supplement, section 624.7132, subdivision 4, is amended to read:

Subd. 4. [DELIVERY.] Except as otherwise provided in subdivision 7 or 8, no person shall deliver a pistol or semiautomatic military-style assault weapon to a proposed transferee until ~~seven~~ *five business days* after the date of the agreement to transfer ~~as stated on the report~~ *is delivered* to a chief of police or sheriff in accordance with subdivision 1 unless the chief of police or sheriff waives all or a portion of the seven day waiting period. *The chief of police or sheriff may waive all or a portion of the five business day waiting period in writing if the chief of police or sheriff finds that the transferee requires access to a pistol or semiautomatic military-style assault weapon because of a threat to the life of the transferee or of any member of the household of the transferee.*

No person shall deliver a pistol or semiautomatic military-style assault weapon to a proposed transferee after receiving a written notification that the chief of police or sheriff has determined that the proposed transferee is prohibited by section 624.713 from possessing a pistol or semiautomatic military-style assault weapon.

If the transferor makes a report of transfer and receives no written notification of disqualification of the proposed transferee within ~~seven~~ *five business days of the date after delivery of the agreement to transfer*, the pistol or semiautomatic military-style assault weapon may be delivered to the transferee.

Sec. 25. Minnesota Statutes 1993 Supplement, section 624.7132, subdivision 8, is amended to read:

Subd. 8. [REPORT NOT REQUIRED.] (4) If the proposed transferee presents a valid transferee permit issued under section 624.7131 or a valid permit to carry issued under section 624.714, or if the transferee is a licensed peace officer, as defined in section 626.84, subdivision 1, ~~who presents a valid peace officer photo identification and badge, the transferor need not file a transfer report.~~

~~(2) If the transferor makes a report of transfer and receives no written notification of disqualification of the proposed transferee within seven days of the date of the agreement to transfer, no report or investigation shall be required under this section for any additional transfers between that transferor and that transferee which are made within 30 days of the date on which delivery of the first pistol or semiautomatic military-style assault weapon may be made under subdivision 4.~~

Sec. 26. Minnesota Statutes 1993 Supplement, section 624.7132, subdivision 11, is amended to read:

Subd. 11. [FORMS; ~~COST FEES.~~] Chiefs of police and sheriffs shall make transfer report forms available throughout the community. There shall be no charge for forms, reports, ~~investigations~~, notifications, waivers or any other act performed or materials provided by a government employee or agency in connection with a transfer. *However, a chief of police or a sheriff may charge a fee to cover the cost of processing the transfer report form, not to exceed \$.....*

Sec. 27. Minnesota Statutes 1993 Supplement, section 624.7132, subdivision 12, is amended to read:

Subd. 12. [EXCLUSIONS.] This section shall not apply to transfers of antique firearms as curiosities or for their historical significance or value, transfers to or between federally licensed firearms dealers, transfers by order of court, involuntary transfers, transfers at death or the following transfers;

- (a) a transfer by a person other than a federally licensed firearms dealer;
- ~~(b)~~ a loan to a prospective transferee if the loan is intended for a period of no more than one day;
- ~~(c)~~ (b) the delivery of a pistol or semiautomatic military-style assault weapon to a person for the purpose of repair, reconditioning or remodeling;
- ~~(d)~~ (c) a loan by a teacher to a student in a course designed to teach marksmanship or safety with a pistol and approved by the commissioner of natural resources;
- ~~(e)~~ (d) a loan between persons at a firearms collectors exhibition;
- ~~(f)~~ (e) a loan between persons lawfully engaged in hunting or target shooting if the loan is intended for a period of no more than 12 hours;

(e) (f) a loan between law enforcement officers who have the power to make arrests other than citizen arrests; and

(h) (g) a loan between employees or between the employer and an employee in a business if the employee is required to carry a pistol or semiautomatic military-style assault weapon by reason of employment and is the holder of a valid permit to carry a pistol.

Sec. 28. Minnesota Statutes 1993 Supplement, section 624.7132, subdivision 14, is amended to read:

Subd. 14. [TRANSFER TO UNKNOWN PARTY.] (a) No person shall transfer a pistol or semiautomatic military-style assault weapon to another who is not personally known to the transferor unless the proposed transferee presents evidence of identity to the transferor. ~~A person who transfers a pistol or semiautomatic military-style assault weapon in violation of this clause is guilty of a misdemeanor.~~

(b) No person who is not personally known to the transferor shall become a transferee of a pistol or semiautomatic military-style assault weapon unless the person presents evidence of identity to the transferor.

(c) *The evidence of identity shall contain the name, residence address, date of birth, and photograph of the proposed transferee; must be made or issued by or under the authority of the United States government, a state, a political subdivision of a state, a foreign government, a political subdivision of a foreign government, an international governmental or an international quasi-governmental organization; and must be of a type commonly accepted for the purpose of identification of individuals.*

(d) A person who becomes a transferee of a pistol or semiautomatic military-style assault weapon in violation of this ~~clause~~ subdivision is guilty of a misdemeanor.

Sec. 29. Minnesota Statutes 1992, section 624.714, subdivision 6, is amended to read:

Subd. 6. [FAILURE TO GRANT PERMITS.] Failure of the chief police officer or the county sheriff to deny the application or issue a permit to carry a pistol within 21 days of the date of application shall be deemed to be a grant thereof. The local police authority shall provide an applicant with written notification of a denial and the specific reason for the denial. ~~The permits and their renewal shall be granted free of charge. A chief of police or a sheriff may charge a fee to cover the cost of conducting a background check, not to exceed \$.....~~ The permit shall specify the activities for which it shall be valid.

Sec. 30. [NOTICE.]

By June 1, 1994, the commissioner of public safety shall notify all Minnesota residents in the metropolitan area who hold a federal firearms license as of that date concerning the requirements of sections 3 and 32.

Sec. 31. [REPEALER.]

Minnesota Statutes 1993 Supplement, section 624.7132, subdivisions 7 and 10, are repealed.

Sec. 32. [EFFECTIVE DATE.]

Section 3 is effective August 1, 1994, and applies to persons obtaining or renewing a federal firearms license on or after that date. Persons holding federal firearms licenses that will expire after December 31, 1994, must comply with section 2 by December 31, 1994. Sections 3 to 29, and 31 are effective August 1, 1994, and apply to crimes committed on or after that date. Section 30 is effective the day following final enactment.

ARTICLE 4

LAW ENFORCEMENT AND PROSECUTION

Section 1. Minnesota Statutes 1992, section 260.132, is amended by adding a subdivision to read:

Subd. 4. [TRUANT.] When a peace officer or probation officer has probable cause to believe that a child is currently under age 16 and absent from school without lawful excuse, the officer may transport the child to the child's school of enrollment and deliver the child to the custody of a school superintendent or teacher or may transport the child to a truancy service center. For purposes of this subdivision, a truancy service center is a facility that receives truant students from peace officers or probation officers and takes appropriate action including one or more of the following:

- (1) assessing the truant's attendance situation;*
- (2) assisting in coordinating intervention efforts where appropriate;*
- (3) contacting the parents or legal guardian of the truant and releasing the truant to the custody of the parent or guardian; and*
- (4) facilitating the truant's earliest possible return to school.*

Sec. 2. Minnesota Statutes 1992, section 260.165, subdivision 1, is amended to read:

Subdivision 1. No child may be taken into immediate custody except:

(a) With an order issued by the court in accordance with the provisions of section 260.135, subdivision 5, or by a warrant issued in accordance with the provisions of section 260.145; or

(b) In accordance with the laws relating to arrests; or

(c) By a peace officer

(1) when a child has run away from a parent, guardian, or custodian, or when the peace officer reasonably believes the child has run away from a parent, guardian, or custodian; or

(2) when a child is found in surroundings or conditions which endanger the child's health or welfare or which such peace officer reasonably believes will endanger the child's health or welfare. If an Indian child is a resident of a reservation or is domiciled on a reservation but temporarily located off the reservation, the taking of the child into custody under this clause shall be consistent with the Indian Child Welfare Act of 1978, United States Code, title 25, section 1922; or

(d) By a peace officer or probation or parole officer when it is reasonably believed that the child has violated the terms of probation, parole, or other field supervision; or

(e) *By a peace officer or probation officer under section 260.132, subdivision 4.*

Sec. 3. Minnesota Statutes 1992, section 299A.34, subdivision 1, is amended to read:

Subdivision 1. [GRANT PROGRAMS.] (a) The commissioner shall develop grant programs to:

(1) assist law enforcement agencies in purchasing equipment, provide undercover buy money, and pay other nonpersonnel costs; ~~and~~

(2) assist community and neighborhood organizations in efforts to prevent or reduce criminal activities in their areas, particularly activities involving youth and the use and sale of drugs; *and*

(3) *assist law enforcement agencies in efforts to target and apprehend violent habitual criminals.*

(b) The commissioner shall prescribe criteria for eligibility and the award of grants and reporting requirements for recipients.

Sec. 4. Minnesota Statutes 1992, section 299A.38, subdivision 3, is amended to read:

Subd. 3. [ELIGIBILITY REQUIREMENTS.] (a) Only vests that either meet or exceed the requirements of standard ~~0101.01~~ 0101.03 of the National Institute of Justice ~~in effect on December 30, 1986,~~ or that meet or exceed the requirements of that standard, except wet armor conditioning, are eligible for reimbursement.

(b) Eligibility for reimbursement is limited to vests bought after December 31, 1986, by or for peace officers (1) who did not own a vest meeting the requirements of paragraph (a) before the purchase, or (2) who owned a vest that was at least six years old.

Sec. 5. Minnesota Statutes 1992, section 299C.065, as amended by Laws 1993, chapter 326, article 12, section 6, is amended to read:

299C.065 [UNDERCOVER BUY FUND; WITNESS ASSISTANCE SERVICES AND VICTIM PROTECTION; CRIME INFORMATION REWARDS.]

Subdivision 1. [GRANTS.] The commissioner of public safety shall make grants to local officials for the following purposes:

(1) the cooperative investigation of cross jurisdictional criminal activity relating to the possession and sale of controlled substances;

(2) receiving or selling stolen goods;

(3) participating in gambling activities in violation of section 609.76;

(4) violations of section 609.322, 609.323, or any other state or federal law prohibiting the recruitment, transportation, or use of juveniles for purposes of prostitution; *and*

(5) ~~witness assistance services in cases involving criminal gang activity in violation of section 609.229, or domestic assault, as defined in section 611A.0315; and~~

(6) for partial reimbursement of local costs associated with unanticipated, intensive, long-term, multijurisdictional criminal investigations that exhaust available local resources.

Subd. 1a. [WITNESS AND VICTIM PROTECTION FUND.] A witness and victim protection fund is created under the administration of the commissioner of public safety. The commissioner may make grants to local officials to provide for the relocation or other protection of a victim, witness, or potential witness who is involved in a criminal prosecution and who the commissioner has reason to believe is or is likely to be the target of a violent crime or a violation of section 609.498 or 609.713, in connection with that prosecution. The commissioner may award grants for any of the following actions in connection with the protection of a witness or victim under this subdivision:

(1) to provide suitable documents to enable the person to establish a new identity or otherwise protect the person;

(2) to provide housing for the person;

(3) to provide for the transportation of household furniture and other personal property to the person's new residence;

(4) to provide the person with a payment to meet basic living expenses for a time period the commissioner deems necessary;

(5) to assist the person in obtaining employment; and

(6) to provide other services necessary to assist the person in becoming self-sustaining.

Subd. 1b. [CRIME INFORMATION REWARDS.] A crime information reward fund is created under the administration of the commissioner of public safety. The commissioner is authorized to make grants to local officials to pay a reward to any person who, in response to a reward offer sponsored by a law enforcement agency, provides information leading to the successful arrest and prosecution of a criminal offender. The commissioner shall establish criteria for determining the amount of the reward and the duration of the reward offer.

Subd. 2. [APPLICATION FOR GRANT.] A county sheriff or the chief administrative officer of a municipal police department may apply to the commissioner of public safety for a grant for any of the purposes described in subdivision 1, 1a, or 1b, on forms and pursuant to procedures developed by the superintendent. For grants under subdivision 1, the application shall describe the type of intended criminal investigation, an estimate of the amount of money required, and any other information the superintendent deems necessary.

Subd. 3. [INVESTIGATION REPORT.] A report shall be made to the commissioner at the conclusion of an investigation pursuant to this section for which a grant was made under subdivision 1 stating: (1) the number of persons arrested, (2) the nature of charges filed against them, (3) the nature and value of controlled substances or contraband purchased or seized, (4) the amount of money paid to informants during the investigation, and (5) a separate accounting of the amount of money spent for expenses, other than "buy money", of bureau and local law enforcement personnel during the investigation. The commissioner shall prepare and submit to the legislature chairs of the committees in the senate and house of representatives with

jurisdiction over criminal justice policy by January 1 of each year a report of investigations pursuant to this section receiving grants under subdivision 1.

Subd. 3a. [ACCOUNTING REPORT.] The head of a law enforcement agency that receives a grant under this section for witness assistance services subdivision 1a or 1b shall file a report with the commissioner at the conclusion of the case detailing the specific purposes for which the money was spent. The commissioner shall prepare and submit to the legislature chairs of the committees in the senate and house of representatives with jurisdiction over criminal justice policy by January 1 of each year a summary report of witness assistance services and crime information rewards provided under this section.

Subd. 4. [DATA CLASSIFICATION.] An application to the commissioner for money is a confidential record. Information within investigative files that identifies or could reasonably be used to ascertain the identity of assisted witnesses, sources, or undercover investigators is a confidential record. A report at the conclusion of an investigation is a public record, except that information in a report pertaining to the identity or location of an assisted witness is private data.

Sec. 6. Minnesota Statutes 1992, section 388.051, is amended by adding a subdivision to read:

Subd. 3. [PLEA NEGOTIATION POLICIES AND PRACTICES; WRITTEN GUIDELINES REQUIRED.] (a) On or before January 1, 1995, each county attorney shall adopt written guidelines governing the county attorney's charging and plea negotiation policies and practices. The guidelines shall address, but need not be limited to, the following matters:

(1) the circumstances under which plea negotiation agreements are permissible;

(2) the factors that are considered in making charging decisions and formulating plea agreements; and

(3) the extent to which input from other persons concerned with a prosecution, such as victims and law enforcement officers, is considered in formulating plea agreements.

(b) Policies and procedures adopted under this subdivision are public data, as defined in section 13.02.

Sec. 7. Minnesota Statutes 1992, section 626.76, is amended to read:

626.76 [RULES AND REGULATIONS; AIDING OTHER OFFICERS; EXCHANGE PROGRAMS.]

Subdivision 1. Any appointive or elective agency or office of peace officers as defined in subdivision 3 may establish rules or regulations and enter into agreements with other agencies and offices for:

(1) assisting other peace officers in the line of their duty and within the course of their employment; and

(2) exchanging the agency's peace officers with peace officers of another agency or office on a temporary basis. Additionally, the agency or office may establish rules and regulations for assisting probation, parole, and supervised

release agents who are supervising probationers, parolees, or supervised releasees in the geographic area within the agency's or office's jurisdiction.

Subd. 2. (a) When a peace officer gives assistance to another peace officer, or to a parole, probation, or supervised release agent, within the scope of the rules or regulations of the peace officer's appointive or elected agency or office, any such assistance shall be within the line of duty and course of employment of the officer rendering the assistance.

(b) *When a peace officer acts on behalf of another agency or office within the scope of an exchange agreement entered into under subdivision 1, the officer's actions are within the officer's line of duty and course of employment to the same extent as if the officer had acted on behalf of the officer's employing agency.*

Subd. 3. For the purposes of this section ~~the term~~, "peace officer" means any member of a police department, state patrol, game warden service, sheriff's office, or any other law enforcement agency, the members of which have, by law, the power of arrest.

Subd. 4. This section shall in no way be construed as extending or enlarging the duties or authority of any peace officer or any other law enforcement agent as defined in subdivision 3 except as provided in this section.

Sec. 8. Minnesota Statutes 1992, section 626.846, subdivision 6, is amended to read:

Subd. 6. A person seeking election or appointment to the office of sheriff, or seeking appointment to the position of chief law enforcement officer, as defined by the rules of the board, after June 30, 1987, must be licensed or eligible to be licensed as a peace officer. The person shall submit proof of peace officer licensure or eligibility as part of the application for office. A person elected or appointed to the office of sheriff or the position of chief law enforcement officer shall be licensed as a peace officer during the person's term of office or employment.

Sec. 9. [629.343] [ALLOWING PROBABLE CAUSE ARRESTS FOR OFFENSES WITHIN SCHOOL ZONES.]

Notwithstanding section 629.34, or any other law or rule, a peace officer may arrest a person anywhere without a warrant, including at the person's residence, if the peace officer has probable cause to believe that the person within the preceding four hours has committed a fifth degree assault, as defined in section 609.224, or engaged in disorderly conduct, as defined in section 609.72, on school property, as defined in section 609.66, subdivision 1d.

ARTICLE 5

EXPLOSIVES AND BLASTING AGENTS

Section 1. Minnesota Statutes 1992, section 299F.72, is amended by adding a subdivision to read:

Subd. 1a. [BLASTING AGENT.] "Blasting agent" means any material or mixture (1) that consists of a fuel and oxidizer, (2) that is intended for blasting, (3) that is not otherwise classified as an explosive, (4) in which none of the ingredients is classified as an explosive, and (5) when a finished product, as

mixed and packaged for use or shipment, that cannot be detonated by means of a number eight test blasting cap when unconfined. The term does not include flammable liquids or flammable gases.

Sec. 2. Minnesota Statutes 1992, section 299F.72, subdivision 2, is amended to read:

Subd. 2. [EXPLOSIVE.] "Explosive" means any *chemical compound or mixture, or device*, the primary or common purpose of which is to function by explosion; that is, with substantially instantaneous release of gas and heat; ~~but shall, unless the compound, mixture, or device is otherwise specifically classified by the United States Department of Transportation. The term does not mean or include the components for handloading rifle, pistol, and shotgun ammunition, and/or rifle, pistol and shotgun ammunition,~~ black powder, smokeless powder, primers, and fuses when used for ~~ammunition and components for~~ antique or replica muzzleloading rifles, pistols, muskets, shotguns, and cannons; ~~or when used for rifle, pistol, and shotgun ammunition, nor does it include fireworks as defined in section 624.20, nor shall it include any fertilizer product possessed, used or sold solely for a legitimate agricultural, forestry, conservation, or horticultural purpose.~~

Sec. 3. Minnesota Statutes 1992, section 299F.73, is amended to read:

299F.73 [LICENSE REQUIRED.]

Subdivision 1. [MANUFACTURE, ASSEMBLY, OR STORAGE OF EXPLOSIVES.] No person shall manufacture, assemble, warehouse or store explosives *or blasting agents* for purposes of wholesale or retail sale, or for any other purpose other than for ultimate consumption without being licensed to do so by the commissioner of public safety.

Subd. 2. [APPLICATION.] In order to obtain the license herein required such person shall make application to the commissioner of public safety. The application shall be on forms provided by the commissioner of public safety and shall require such information as the commissioner deems necessary including but not limited to the name, address, age, experience and knowledge of the applicant in the use, handling, and storage of explosives ~~and explosive devices~~ *or blasting agents*, and whether the applicant is a person to whom no such license may be issued pursuant to section 299F.77. The commissioner of public safety may refuse to issue a license to any person who does not have sufficient knowledge of the use, handling, or storage of explosives *or blasting agents* to protect the public safety. Any person aggrieved by the denial of a license may request a hearing before the commissioner of public safety. The provisions of sections 14.57 to 14.69 shall apply to such hearing and subsequent proceedings, if any.

Sec. 4. Minnesota Statutes 1992, section 299F.74, is amended to read:

299F.74 [PERMIT REQUIRED FOR POSSESSION OR USE.]

No person shall possess explosives *or blasting agents*, unless said person shall have obtained a valid license as provided in section 299F.73, or unless said person shall have obtained a valid permit for the use of explosives *or blasting agents* as hereinafter provided. The transportation of an explosive *or blasting agent* by a common carrier for hire shall not be deemed to be possession of an explosive *or blasting agent* for purposes of this section.

Sec. 5. Minnesota Statutes 1992, section 299F.75, is amended to read:

299F.75 [PERMIT APPLICATION.]

Subdivision 1. [REQUIREMENT.] Any person desiring to possess explosives or *blasting agents*, other than a person licensed as provided in section 299F.73, shall make application for a permit for the use of explosives or *blasting agents* to the appropriate local sheriff or chief of police of a *statutory or home rule charter city* of the first, second or third class, or such other person as is designated by the commissioner of public safety, on a standardized form provided by the commissioner of public safety.

Subd. 2. [CONTENTS.] The application shall require the applicant's name, address, purpose for acquiring explosives or *blasting agents*, place of intended acquisition, quantity required, place and time of intended use, place and means of storage until such use and whether the applicant is a person to whom no such permit may be issued pursuant to section 299F.77. *Issuing authorities may request a certificate from the applicant regarding the applicant's knowledge in the use, handling, and storage of explosives and blasting agents, and may refuse to issue a permit to any person who does not have sufficient knowledge to protect the public safety.* Any person aggrieved by the denial of a permit may request a hearing before the commissioner of public safety. The provisions of sections 14.57 to 14.69 shall apply to such hearings and subsequent proceedings, if any.

Subd. 3. [NOTICE.] Prior to the storage or use of explosives or *blasting agents*, the applicant shall notify the appropriate local fire official and law enforcement agency.

Sec. 6. Minnesota Statutes 1992, section 299F.77, is amended to read:

299F.77 [ISSUANCE TO CERTAIN PERSONS PROHIBITED.]

The following persons shall not be entitled to receive an explosives license or permit:

(a) Any person who within the past five years has been convicted of a felony or gross misdemeanor involving moral turpitude, is on parole or probation therefor, or is currently under indictment for any such crime a person under the age of 18 years;

(b) Any person with mental illness or mental retardation as defined in section 253B.02 who has been confined or committed in Minnesota or elsewhere for mental illness or mental retardation to any hospital, mental institution or sanitarium, or who has been certified by a medical doctor as being mentally ill or mentally retarded, unless in possession of a certificate of a medical doctor or psychiatrist licensed to practice in this state, or other satisfactory proof, that the person no longer has this disability a person who has been convicted in this state or elsewhere of a crime of violence as defined in section 62A.712, subdivision 5, unless ten years have elapsed since the person's civil rights have been restored or the sentence has expired, whichever occurs first, and during that time the person has not been convicted of any other crime of violence. For purposes of this section, crime of violence includes crimes in other states or jurisdictions that would have been crimes of violence if they had been committed in this state;

(c) Any person who is or has been hospitalized or committed for treatment for the habitual use of a narcotic drug, as defined in section 152.01, subdivision 10 or a controlled substance, as defined in section 152.01, subdivision 4, or who has been certified by a medical doctor as being addicted

to narcotic drugs or depressant or stimulant drugs, unless in possession of a certificate of a medical doctor or psychiatrist licensed to practice in this state, or other satisfactory proof, that the person no longer has this disability a person who is or has ever been confined or committed in Minnesota or elsewhere as a "mentally ill," "mentally retarded," or "mentally ill and dangerous to the public" person, as defined in section 253B.02, to a treatment facility, unless the person possesses a certificate of a medical doctor or psychiatrist licensed in Minnesota, or other satisfactory proof, that the person is no longer suffering from this disability;

(d) Any person who by reason of the habitual and excessive use of intoxicating liquors is incapable of self-management or management of personal affairs and who has been confined or committed to any hospital, or treatment facility in this state or elsewhere as a "chemically dependent person" as defined in section 253B.02, or who has been certified by a medical doctor as being addicted to alcohol, unless in possession of a certificate of a medical doctor or psychiatrist licensed to practice in this state, or other satisfactory proof, that the person no longer has this disability a person who has been convicted in Minnesota or elsewhere for the unlawful use, possession, or sale of a controlled substance other than conviction for possession of a small amount of marijuana, as defined in section 152.01, subdivision 16, or who is or has ever been hospitalized or committed for treatment for the habitual use of a controlled substance or marijuana, as defined in sections 152.01 and 152.02, unless the person possesses a certificate of a medical doctor or psychiatrist licensed in Minnesota, or other satisfactory proof, that the person has not abused a controlled substance or marijuana during the previous two years; and

(e) Any person under the age of 18 years a person who has been confined or committed to a treatment facility in Minnesota or elsewhere as "chemically dependent," as defined in section 253B.02, unless the person has completed treatment.

Sec. 7. Minnesota Statutes 1992, section 299F.78, subdivision 1, is amended to read:

Subdivision 1. [REQUIREMENTS TO TRANSFER TRANSFERRING EXPLOSIVES OR BLASTING AGENTS.] No person shall transfer explosives or blasting agents to another unless the transferee shall display to the transferor a copy of a valid license or use permit and proper identification, and unless said transferee shall present to the transferor a signed standardized form provided by the commissioner of public safety, acknowledging receipt of the quantity of explosives or blasting agents transferred, the identifying numbers of the same explosives, or if none, the identifying numbers of the primary container from which the same explosives or blasting agents were distributed, and the serial number of the use permit displayed, which receipt shall be kept among the transferor's records until authorized to dispose of it by the state fire marshal.

Sec. 8. [299F.785] [BLACK POWDER.]

No person shall manufacture, assemble, warehouse, or store black powder for purposes of wholesale or retail sale without being licensed to do so by the commissioner of public safety. The license shall be as prescribed by section 299F.73, subdivision 2. Persons who purchase more than five pounds of black powder shall provide suitable identification to the licensee and the licensee shall record the person's name and date of birth, date of purchase, and amount

purchased. Additional information may be required by the commissioner. The records maintained by the licensee must be open to the inspection of any peace officer acting in the normal course of duties. Persons shall notify the appropriate local fire official before storing more than five pounds of black powder.

Sec. 9. Minnesota Statutes 1992, section 299F.79, is amended to read:

299F.79 [UNAUTHORIZED POSSESSION WITH INTENT OF COMPONENTS; PENALTY.]

Whoever possesses one or more of the components necessary to manufacture or assemble explosives or *blasting agents*, with the intent to manufacture or assemble explosives or *blasting agents*, unless said person shall have a valid license or permit as provided by sections 299F.73 and 299F.75, may be sentenced to imprisonment for not more than five years or *payment of a fine of not more than \$10,000, or both.*

Sec. 10. Minnesota Statutes 1992, section 299F.80, is amended to read:

299F.80 [UNAUTHORIZED POSSESSION OF EXPLOSIVES WITHOUT PERMIT OR BLASTING AGENTS; PENALTY.]

Subdivision 1. [POSSESSION WITHOUT LICENSE OR PERMIT.] Except as provided in subdivision 2, whoever possesses explosives or *blasting agents* without a valid license or permit may be sentenced to imprisonment for not more than five years or *payment of a fine of not more than \$10,000, or both.*

Subd. 2. [POSSESSION FOR LEGITIMATE PURPOSES; PENALTY.] Whoever possesses ~~dynamite or other~~ explosives or *blasting agents* commonly used for agricultural, forestry, conservation, industry or mining purposes, without a valid license or permit, with intent to use the same for legitimate agricultural, forestry, conservation, industry or mining purposes, and in only such quantities as are reasonably necessary for such intended use, may be sentenced to imprisonment for not more than 90 days or to a payment of a fine of not more than ~~\$300~~ \$700, or both.

Sec. 11. Minnesota Statutes 1992, section 299F.82, is amended to read:

299F.82 [ILLEGAL TRANSFER.]

Subdivision 1. [PENALTY.] Except as provided in subdivision 2, whoever illegally transfers an explosive or *blasting agent* to another may be sentenced to imprisonment for not more than five years or *payment of a fine of not more than \$10,000, or both.*

Subd. 2. [PENALTY; LEGITIMATE PURPOSES.] Whoever illegally transfers ~~dynamite or other~~ explosives or *blasting agents* commonly used for agricultural, forestry, conservation, industry or mining purposes to another, personally known to the ~~transferor~~ *transferor*, in the belief that the same shall be used for legitimate agricultural, forestry, conservation, industry or mining purposes, and in only such quantities as are reasonably necessary for such believed use, may be sentenced to imprisonment for not more than 90 days or to payment of a fine of not more than ~~\$300~~ \$700, or both.

Sec. 12. Minnesota Statutes 1992, section 299F.83, is amended to read:

299F.83 [NEGLIGENT DISCHARGE.]

Whoever, acting with gross disregard for human life or property, negligently causes an explosive, ~~explosive device, or incendiary device,~~ or blasting agent to be discharged may be sentenced to imprisonment for not more than ten years or payment of a fine of not more than \$20,000, or both.

Sec. 13. [299F.831] [HANDLING WHILE INFLUENCED BY ALCOHOL OR DRUG.]

Subdivision 1. [PROHIBITION.] A person shall not handle or use explosives or blasting agents while under the influence of alcohol or controlled substances as defined by section 169.121, subdivision 1.

Subd. 2. [PENALTY.] Whoever handles or uses an explosive or blasting agent while under the influence of alcohol or a controlled substance is guilty of a misdemeanor and may be sentenced to imprisonment for not more than 90 days or payment of a fine of not more than \$700, or both.

Sec. 14. [609.668] [EXPLOSIVE AND INCENDIARY DEVICES.]

Subdivision 1. [DEFINITIONS.] For purposes of this section, the following terms have the meanings given them.

(a) "Explosive device" means a device so articulated that an ignition by fire, friction, concussion, chemical reaction, or detonation of any part of the device may cause such sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects. Explosive devices include, but are not limited to, bombs, grenades, rockets having a propellant charge of more than four ounces, mines, and fireworks modified for other than their intended purpose. The term includes devices that produce a chemical reaction that produces gas capable of bursting its container and producing destructive effects.

(b) "Incendiary device" means a device so articulated that an ignition by fire, friction, concussion, detonation, or other method may produce destructive effects primarily through combustion rather than explosion. The term does not include a manufactured device or article in common use by the general public that is designed to produce combustion for a lawful purpose, including but not limited to matches, lighters, flares, or devices commercially manufactured primarily for the purpose of illumination, heating, or cooking.

(c) "Crime of violence" has the definition given in section 624.712, subdivision 5.

Subd. 2. [POSSESSION BY CERTAIN PERSONS PROHIBITED.] The following persons are prohibited from possessing or reporting an explosive device or incendiary device:

(a) a person under the age of 18 years;

(b) a person who has been convicted in this state or elsewhere of a crime of violence unless ten years have elapsed since the person's civil rights have been restored or the sentence has expired, whichever occurs first, and during that time the person has not been convicted of any other crime of violence. For purposes of this section, crime of violence includes crimes in other states or jurisdictions that would have been crimes of violence if they had been committed in this state;

(c) a person who is or has ever been confined or committed in Minnesota or elsewhere as a "mentally ill," "mentally retarded," or "mentally ill and

dangerous to the public" person, as defined in section 253B.02, to a treatment facility; unless the person possesses a certificate of a medical doctor or psychiatrist licensed in Minnesota, or other satisfactory proof, that the person is no longer suffering from this disability;

(d) a person who has been convicted in Minnesota or elsewhere for the unlawful use, possession, or sale of a controlled substance other than conviction for possession of a small amount of marijuana, as defined in section 152.01, subdivision 16, or who is or has ever been hospitalized or committed for treatment for the habitual use of a controlled substance or marijuana, as defined in sections 152.01 and 152.02, unless the person possesses a certificate of a medical doctor or psychiatrist licensed in Minnesota, or other satisfactory proof, that the person has not abused a controlled substance or marijuana during the previous two years;

(e) a person who has been confined or committed to a treatment facility in Minnesota or elsewhere as "chemically dependent," as defined in section 253B.02, unless the person has completed treatment; and

(f) a peace officer who is informally admitted to a treatment facility pursuant to section 253B.04 for chemical dependency, unless the officer possesses a certificate from the head of the treatment facility discharging or provisionally discharging the officer from the treatment facility.

A person who in good faith issues a certificate to a person described in this subdivision to possess or use an incendiary or explosive device is not liable for damages resulting or arising from the actions or misconduct with an explosive or incendiary device committed by the individual who is the subject of the certificate.

Subd. 3. [USES PERMITTED.] (a) The following persons may own or possess an explosive device or incendiary device provided that subdivision 4 is complied with:

(1) law enforcement officers for use in the course of their duties;

(2) fire department personnel for use in the course of their duties;

(3) corrections officers and other personnel at correctional facilities or institutions when used for the retention of persons convicted or accused of crime;

(4) persons possessing explosive devices or incendiary devices that although designed as devices have been determined by the commissioner of public safety or the commissioner's delegate, by reason of the date of manufacture, value, design, or other characteristics, to be a collector's item, relic, museum piece, or specifically used in a particular vocation or employment, such as the entertainment industry; and

(5) dealers and manufacturers who are federally licensed or registered.

(b) Persons listed in paragraph (a) shall also comply with the federal requirements for the registration and licensing of destructive devices.

Subd. 4. [REPORT REQUIRED.] (a) Before owning or possessing an explosive device or incendiary device as authorized by subdivision 3, a person shall file a written report with the department of public safety showing the person's name and address; the person's title, position, and type of employment; a description of the explosive device or incendiary device sufficient to

enable identification of the device; the purpose for which the device will be owned or possessed; the federal license or registration number, if appropriate; and other information as the department may require.

(b) Before owning or possessing an explosive device or incendiary device, a dealer or manufacturer shall file a written report with the department of public safety showing the name and address of the dealer or manufacturer; the federal license or registration number, if appropriate; the general type and disposition of the device; and other information as the department may require.

Subd. 5. [EXCEPTIONS.] This section does not apply to:

(1) members of the armed forces of either the United States or the state of Minnesota when for use in the course of duties;

(2) educational institutions when the devices are manufactured or used in conjunction with an official education course or program;

(3) propellant-actuated devices, or propellant-actuated industrial tools manufactured, imported, or distributed for their intended purpose;

(4) items that are neither designed or redesigned for use as explosive devices or incendiary devices;

(5) governmental organizations using explosive devices or incendiary devices for agricultural purposes or control of wildlife;

(6) governmental organizations using explosive devices or incendiary devices for official training purposes or as items retained as evidence; or

(7) arsenals, navy yards, depots, or other establishments owned by, or operated by or on behalf of, the United States.

Subd. 6. [ACTS PROHIBITED; PENALTIES.] (a) Except as otherwise provided in this section, whoever possesses, manufactures, transports, or stores an explosive device or incendiary device in violation of this section may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than \$20,000, or both.

(b) Whoever legally possesses, manufactures, transports, or stores an explosive device or incendiary device, with intent to use the device to damage property or cause injury, may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than \$20,000, or both.

(c) Whoever, acting with gross disregard for human life or property, negligently causes an explosive device or incendiary device to be discharged, may be sentenced to imprisonment for not more than 20 years or to payment of a fine of not more than \$100,000, or both.

Subd. 7. [INITIAL REPORTING.] All persons have 60 days from the effective date of this section to report explosive devices and incendiary devices to the department of public safety.

Sec. 15. Minnesota Statutes 1993 Supplement, 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 3(d)(v) or (vi); section 609.52, subdivision 2, clause (4); 609.53; 609.561; 609.562; 609.582, subdivision 1 or 2; 609.668, subdivision 6, paragraph (a); 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 benefit society regulated under chapter 64B.

Sec. 16. Minnesota Statutes 1992, section 624.21, is amended to read:

624.21 [SALE, POSSESSION, AND USE OF FIREWORKS PROHIBITED.]

Except as otherwise provided in sections 624.20 to 624.25, it shall be unlawful for any person to offer for sale, expose for sale, sell at retail or wholesale, possess, *advertise*, use, or explode any fireworks. This section shall not be construed to prohibit the possession, use, or explosion of fireworks by an engineer licensed pursuant to sections 326.02 and 326.03 or a person under the engineer's direct supervision when undertaking acoustical testing; or sales at wholesale to those persons holding valid permits for a fireworks display from a governmental subdivision of the state; or sales outside the state or sales to licensed professional engineers for acoustical testing purposes only.

Sec. 17. [REPEALER.]

Minnesota Statutes 1992, sections 299F.71; 299F.72, subdivisions 3 and 4; 299F.78, subdivision 2; and 299F.815, subdivision 2; Minnesota Statutes 1993 Supplement, sections 299F.811; and 299F.815, subdivision 1, are repealed.

Sec. 18. [EFFECTIVE DATE.]

Sections 1 to 17 are effective August 1, 1994, and apply to crimes committed on or after that date.

ARTICLE 6

CORRECTIONS

Section 1. Minnesota Statutes 1993 Supplement, section 241.021, subdivision 1, is amended to read:

Subdivision 1. [SUPERVISION OVER CORRECTIONAL INSTITUTIONS.] (1) The commissioner of corrections shall inspect and license all correctional facilities throughout the state, whether public or private, established and operated for the detention and confinement of persons detained or confined therein according to law except to the extent that they are inspected or licensed by other state regulating agencies. The commissioner shall promulgate pursuant to chapter 14, rules establishing minimum standards for these facilities with respect to their management, operation, physical condition, and the security, safety, health, treatment, and discipline of persons detained or confined therein. Commencing September 1, 1980, no individual,

corporation, partnership, voluntary association, or other private organization legally responsible for the operation of a correctional facility may operate the facility unless licensed by the commissioner of corrections. The commissioner shall ~~annually~~ review the correctional facilities described in this subdivision *at least once every biennium*, except as otherwise provided herein, to determine compliance with the minimum standards established pursuant to this subdivision. The commissioner shall grant a license to any facility found to conform to minimum standards or to any facility which, in the commissioner's judgment, is making satisfactory progress toward substantial conformity and the interests and well-being of the persons detained or confined therein are protected. *The commissioner may grant licensure up to two years.* The commissioner shall have access to the buildings, grounds, books, records, staff, and to persons detained or confined in these facilities. The commissioner may require the officers in charge of these facilities to furnish all information and statistics the commissioner deems necessary, at a time and place designated by the commissioner. The commissioner may require that any or all such information be provided through the department of corrections detention information system.

(2) Any state agency which regulates, inspects, or licenses certain aspects of correctional facilities shall, insofar as is possible, ensure that the minimum standards it requires are substantially the same as those required by other state agencies which regulate, inspect, or license the same aspects of similar types of correctional facilities, although at different correctional facilities.

(3) Nothing in this section shall be construed to limit the commissioner of corrections' authority to promulgate rules establishing standards of eligibility for counties to receive funds under sections 401.01 to 401.16, or to require counties to comply with operating standards the commissioner establishes as a condition precedent for counties to receive that funding.

(4) When the commissioner finds that any facility described in clause (1), except foster care facilities for delinquent children and youth as provided in subdivision 2, does not substantially conform to the minimum standards established by the commissioner and is not making satisfactory progress toward substantial conformance, the commissioner shall promptly notify the chief executive officer and the governing board of the facility of the deficiencies and order that they be remedied within a reasonable period of time. The commissioner may by written order restrict the use of any facility which does not substantially conform to minimum standards to prohibit the detention of any person therein for more than 72 hours at one time. When, after due notice and hearing, the commissioner finds that any facility described in this subdivision, except county jails and lockups as provided in sections 641.26, 642.10, and 642.11, does not conform to minimum standards, or is not making satisfactory progress toward substantial compliance therewith, the commissioner may issue an order revoking the license of that facility. After revocation of its license, that facility shall not be used until its license is renewed. When the commissioner is satisfied that satisfactory progress towards substantial compliance with minimum standard is being made, the commissioner may, at the request of the appropriate officials of the affected facility supported by a written schedule for compliance, grant an extension of time for a period not to exceed one year.

(5) As used in this subdivision, "correctional facility" means any facility, including a group home, having a residential component, the primary purpose of which is to serve persons placed therein by a court, court services.

department, parole authority, or other correctional agency having dispositional power over persons charged with, convicted, or adjudicated to be guilty or delinquent.

Sec. 2. Minnesota Statutes 1992, section 241.021, subdivision 2, is amended to read:

Subd. 2. [FOSTER CARE FACILITIES FOR DELINQUENT CHILDREN AND YOUTH; LICENSES; SUPERVISION.] Notwithstanding any provisions in sections 256.01, subdivision 2, clause (2), 245A.03, and 245A.04, to the contrary, the commissioner of corrections shall ~~pass annually on the adequacy and suitability of~~ review all county, municipal or other publicly established and operated facilities for the detention, care and training of delinquent children and youth *at least once every biennium*, if such facility conforms to reasonable standards established by the commissioner or in the commissioner's judgment is making satisfactory progress toward substantial conformity therewith, and the commissioner is satisfied that the interests and well-being of children and youth received therein are protected, the commissioner shall grant a license to the county, municipality or agency thereof operating such facility. ~~This license shall remain in force one year unless sooner revoked. The commissioner may grant licensure up to two years.~~ Each such facility shall cooperate with the commissioner to make available all facts regarding its operation and services as the commissioner requires to determine its conformance to standards and its competence to give the services needed and which purports to give. Every such facility as herein described is subject to visitation and supervision by the commissioner and shall receive from the commissioner consultation as needed to strengthen services to the children and youth received therein.

Sec. 3. Minnesota Statutes 1992, section 241.26, subdivision 7, is amended to read:

Subd. 7. [PAYMENT OF BOARD AND ROOM.] The commissioner shall determine the amount to be paid for board and room by such work placement inmate. When special circumstances warrant or for just and reasonable cause, the commissioner may waive the payment by the inmate of board and room charges ~~and report such waivers to the commissioner of finance.~~

Where a work placement inmate is housed in a jail or workhouse, such board and room revenue shall be paid over to such city or county official as provided for in subdivision 2, provided however, that when payment of board and room has been waived, the commissioner shall make such payments from funds appropriated for that purpose.

Sec. 4. Minnesota Statutes 1992, section 243.18, subdivision 1, is amended to read:

Subdivision 1. [~~GOOD TIME REDUCTION OF SENTENCE.~~] Every inmate sentenced *before May 1, 1980*, for any term other than life, confined in a state adult correctional facility or on parole therefrom, may diminish the *maximum* term of sentence one day for each two days during which the inmate has not violated any facility rule or discipline.

The commissioner of corrections, in view of the aggravated nature and frequency of offenses, may take away any or all of the good time previously gained, and, in consideration of mitigating circumstances or ignorance on the

part of the inmate, may afterwards restore the inmate, in whole or in part, to the standing the inmate possessed before such good time was taken away.

Sec. 5. Minnesota Statutes 1993 Supplement, section 243.18, subdivision 2, is amended to read:

Subd. 2. [~~SANCTION FOR FAILURE TO WORK REQUIRED; GOOD TIME.~~] ~~This subdivision applies only to inmates whose crimes were committed before August 1, 1993. All inmates are required to work. An inmate for whom a who fails to perform an available work assignment is available may shall be sanctioned either by not earn earning good time under subdivision 1 or by serving a disciplinary confinement period, as appropriate, for any day on which the inmate does not perform the work assignment. The commissioner may excuse an inmate from work only for illness, physical disability, or to participate in an education or treatment program.~~

Sec. 6. Minnesota Statutes 1992, section 243.23, subdivision 2, is amended to read:

Subd. 2. The commissioner may promulgate rules requiring the inmates of adult correctional facilities under the commissioner's control to pay all or a part of the cost of their board, room, clothing, medical, dental and other correctional services. These costs are payable from any earnings of the inmate, including earnings from private industry established at state correctional facilities pursuant to section 243.88. *All sums of money received pursuant to the payments made for correctional services as authorized in this subdivision are available for use by the commissioner during the current and subsequent fiscal year, and are appropriated to the commissioner of corrections for the purposes of the fund from which the earnings were paid.*

Sec. 7. Minnesota Statutes 1992, section 243.24, subdivision 1, is amended to read:

Subdivision 1. [SOLE BENEFIT OF INMATE.] Any money arising under section 243.23 shall be and remain under the control of the commissioner of corrections and shall be for the sole benefit of the inmate, unless by special order of the commissioner of corrections it shall be used as designated in section 243.23, ~~subdivision~~ *subdivisions 2 and 3*, or for rendering assistance to the inmate's family or dependent relatives, under such rules as to time, manner, and amount of disbursements as the commissioner of corrections may prescribe. Unless ordered disbursed as hereinbefore prescribed or for an urgency determined in each case by the chief executive officer of the facility, a portion of such earnings in an amount to be determined by the commissioner shall be set aside and kept by the facility in the public welfare fund of the state for the benefit of the inmate and for the purpose of assisting the inmate when leaving the facility and if released on parole said sum to be disbursed to the inmate in such amounts and at such times as the commissioner of corrections may authorize and on final discharge, if any portion remains undisbursed, it shall be transmitted to the inmate.

Sec. 8. Minnesota Statutes 1992, section 244.12, subdivision 1, is amended to read:

Subdivision 1. [GENERALLY.] The commissioner may order that an offender who meets the eligibility requirements of subdivisions 2 and 3 be placed on intensive community supervision, as described in sections 244.14 and 244.15, for all or part of the offender's sentence if the offender agrees to

participate in the program and if the *commissioner notifies the sentencing court approves in writing of the offender's participation in the program.*

Sec. 9. Minnesota Statutes 1992, section 244.12, subdivision 2, is amended to read:

Subd. 2. [ELIGIBILITY.] The commissioner must limit the intensive community supervision program to the following persons:

(1) offenders who are committed to the commissioner's custody following revocation of a stayed sentence; and

(2) offenders who are committed to the commissioner's custody for a sentence of ~~27~~ 30 months or less, who did not receive a dispositional departure under the sentencing guidelines, and who have already served a period of incarceration as a result of the offense for which they are committed.

Sec. 10. Minnesota Statutes 1992, section 244.15, subdivision 4, is amended to read:

Subd. 4. [FACE-TO-FACE CONTACTS.] (a) During phase I, the assigned intensive supervision agent shall have at least four face-to-face contacts with the offender each week.

(b) During phase II, two face-to-face contacts a week are required.

(c) During phase III, one face-to-face contact a week is required.

(d) During phase IV, two face-to-face contacts a month are required.

(e) *When an offender is an inmate of a jail or a resident of a facility which is staffed full time, the assigned agent may reduce face-to-face contacts to one per week during all phases.*

Sec. 11. Minnesota Statutes 1992, section 244.172, subdivision 3, is amended to read:

Subd. 3. [PHASE III.] ~~Phase III lasts for the remainder of the offender's sentence. During phase III, the commissioner shall place the offender on supervised release under section 244.05. continues until the commissioner determines that the offender has successfully completed the program or until the offender's sentence, minus jail credit, expires, whichever comes first. If an offender successfully completes phase III of the challenge incarceration program before the offender's sentence expires, the offender shall be placed on supervised release for the remainder of the sentence. The commissioner shall set the level of the offender's supervision based on the public risk presented by the offender.~~

Sec. 12. Minnesota Statutes 1992, section 609.115, subdivision 1, is amended to read:

Subdivision 1. [PRESENTENCE INVESTIGATION.] When a defendant has been convicted of a misdemeanor or gross misdemeanor, the court may, and when the defendant has been convicted of a felony, the court shall, before sentence is imposed, cause a presentence investigation and written report to be made to the court concerning the defendant's individual characteristics, circumstances, needs, potentialities, criminal record and social history, the circumstances of the offense and the harm caused by it to others and to the community. At the request of the prosecutor in a gross misdemeanor case, the court shall order that a presentence investigation and report be prepared. When

the crime is a felony violation of chapter 152 involving the sale or distribution of a controlled substance, the report shall include a description of any adverse social or economic effects the offense has had on persons who reside in the neighborhood where the offense was committed.

The report shall also include the information relating to crime victims required under section 611A.037, subdivision 1. If the court directs, the report shall include an estimate of the prospects of the defendant's rehabilitation and recommendations as to the sentence which should be imposed. In misdemeanor cases the report may be oral.

When a defendant has been convicted of a felony, and before sentencing, the court shall cause a sentencing worksheet to be completed to facilitate the application of the Minnesota sentencing guidelines. The worksheet shall be submitted as part of the presentence investigation report.

The investigation shall be made by a probation officer of the court, if there is one, otherwise by the commissioner of corrections. The officer conducting the presentence or predispositional investigation shall make reasonable and good faith efforts to contact the victim of that crime and to provide that victim with the information required under section 611A.037, subdivision 2.

When a person is convicted of a felony for which the sentencing guidelines presume that the defendant will be committed to the commissioner of corrections under an executed sentence and no motion for a sentencing departure has been made by counsel, the court may, *where space is available and the commissioner consents*, commit the defendant to the custody of the commissioner of corrections, pending completion of the presentence investigation and report. When a defendant is convicted of a felony for which the sentencing guidelines do not presume that the defendant will be committed to the commissioner of corrections, or for which the sentencing guidelines presume commitment to the commissioner but counsel has moved for a sentencing departure, the court may commit the defendant to the commissioner with the consent of the commissioner, pending completion of the presentence investigation and report. The ~~commissioner~~ *county of commitment* shall return the defendant to the court when the court so orders.

Presentence investigations shall be conducted and summary hearings held upon reports and upon the sentence to be imposed upon the defendant in accordance with this section, section 244.10, and the rules of criminal procedure.

Sec. 13. Minnesota Statutes 1992, section 631.425, subdivision 6, is amended to read:

Subd. 6. [REDUCTION OF SENTENCE.] The term of the inmate's sentence ~~may be reduced by one fourth, if in the opinion of the court the inmate's conduct, diligence, and general attitude merit reduction, whether the term is part of an executed sentence or is imposed as a condition of probation, shall, when ten days or more, be reduced by one day for each two days served, commencing on the day of arrival, during which the inmate has not violated any rule or discipline of the place within which the person is incarcerated and, if required to labor, has labored with diligence and fidelity.~~

Sec. 14. Minnesota Statutes 1992, section 642.09, is amended to read:

642.09 [INSPECTION; AGENT OF A BOARD OF HEALTH, SHERIFF.]

The agent of a board of health as authorized under section 145A.04 of every city having a lockup shall inspect the same once a year, with reference to its sanitary condition, make a written report thereof to the commissioner of corrections upon blanks furnished by the commissioner, and deliver a copy of such report to the governing body of such city. Upon filing such report the authorized agent shall receive from the treasurer of such municipality a fee of \$5. The sheriff of any county in which a municipality maintains a lockup shall inspect such lockup ~~once a year~~ at least once every biennium with the approval of the commissioner of corrections, with reference to its security and administration, and make a written report thereof to the commissioner of corrections upon blanks furnished by the commissioner, and deliver a copy of such report to the governing body of the municipality maintaining such lockup. *The commissioner may grant licensure up to two years.*

Sec. 15. [INTENSIVE TRANSITION PILOT PROGRAMS.]

The commissioner of corrections shall establish two pilot programs in Hennepin and Ramsey counties to provide transitional programming and intensive surveillance and supervision for offenders who have just been released from prison on supervised release. The pilot programs shall be designed to improve offender accountability for observing the conditions of supervised release, to reduce recidivism, and to reduce the risk these offenders may pose to public safety.

The pilot programs shall include a research component designed to answer the following questions, at a minimum:

(a) *Did the higher level of supervision, surveillance, and control provided under the pilot programs increase the number of offenders who successfully complied with the conditions of supervised release as compared to offenders who did not participate in the programs?*

(b) *Over the longer term, were there fewer felony-level crimes committed by the offenders who participated in the pilot programs as compared to offenders who did not participate in the programs?*

Sec. 16. [JUVENILE FEMALE OFFENDERS.]

The commissioner of corrections shall collaborate with the commissioners of human services, health, jobs and training, planning, education, public safety, and with representatives of the private sector to develop a comprehensive continuum of care to address the gender-specific needs of juvenile female offenders.

Sec. 17. [INSTRUCTION TO REVISOR.]

The revisor of statutes shall renumber Minnesota Statutes, section 243.18, subdivision 1, as section 244.04, subdivision 1a; and shall change the headnote of Minnesota Statutes, section 243.18, from "DIMINUTION OF SENTENCE" to "WORK REQUIRED."

Sec. 18. [APPLICATION.]

The intent of section 4 is to clarify the provisions of Minnesota Statutes, section 243.18, subdivision 1.

Sec. 19. [REPEALER.]

Minnesota Statutes 1993 Supplement, section 243.18, subdivision 3, is repealed.

ARTICLE 7

CRIME VICTIMS

Section 1. Minnesota Statutes 1992, section 611A.19, subdivision 1, is amended to read:

Subdivision 1. [TESTING ON REQUEST OF VICTIM.] (a) The sentencing court may issue an order requiring a person convicted of a *violent crime, as defined in section 609.152, or a juvenile adjudicated delinquent for violating section 609.342, 609.343, 609.344, or 609.345*, to submit to testing to determine the presence of human immunodeficiency virus (HIV) antibody if:

- (1) the prosecutor moves for the test order in camera;
- (2) the victim requests the test; and
- (3) evidence exists that the broken skin or mucous membrane of the victim was exposed to or had contact with the offender's semen or blood during commission of the crime.

(b) If the court grants the prosecutor's motion, the court shall order that the test be performed by an appropriate health professional and that no reference to the test, the motion requesting the test, the test order, or the test results may appear in the criminal record or be maintained in any record of the court or court services.

ARTICLE 8

CRIME PREVENTION

Section 1. Minnesota Statutes 1992, section 124.912, subdivision 6, is amended to read:

Subd. 6. [CRIME RELATED COSTS.] For taxes levied in 1991 and subsequent years, payable in 1992 and subsequent years, each school district may make a levy on all taxable property located within the school district for the purposes specified in this subdivision. The maximum amount which may be levied for all costs under this subdivision shall be equal to \$1 \$3 multiplied by the population of the school district. For purposes of this subdivision, "population" of the school district means the same as contained in section 275.14. The proceeds of the levy must be used for reimbursing the cities and counties who contract with the school district for the following purposes: (1) to pay the costs incurred for the salaries, benefits, and transportation costs of peace officers and sheriffs for liaison services in the district's middle and secondary schools and (2) to pay the costs for a drug abuse prevention program as defined in Minnesota Statutes 1991 Supplement, section 609.101, subdivision 3, paragraph (f) in the elementary schools. The school district must initially attempt to contract for these services with the police department of each city or the sheriff's department of the county within the school district containing the school receiving the services. If a local police department or a county sheriff's department does not wish to provide the necessary services, the district may contract for these services with any other police or sheriff's department located entirely or partially within the school district's boundaries.

The levy authorized under this subdivision is not included in determining the school district's levy limitations.

Sec. 2. [242.56] [WORK AND LEARN FACILITIES FOR YOUTH.]

Subdivision 1. [REQUESTS FOR PROPOSALS.] The commissioner of corrections shall select two nonprofit organizations to select and develop sites for work and learn facilities for youth. The selection of organizations must be made in consultation with the advisory group created under subdivision 3. By July 1, 1994, the commissioner shall issue a request for proposals from nonprofit organizations to locate and develop the facilities described in subdivisions 4 and 5. Both programs will provide rigorous programming for youthful offenders.

Subd. 2. [ELIGIBILITY.] (a) Both programs are limited to individuals who:

(1) are at least 14 years of age but no older than 19 at the time of admission;

(2) have not received a high school diploma; and

(3) were adjudicated delinquent or referred by a county social services agency.

(b) The following are not eligible:

(1) juveniles adjudicated delinquent for murder, manslaughter, criminal sexual conduct in the first or second degree, assault, kidnapping, robbery, arson, or any other offense involving death or intentional personal injury; and

(2) juveniles who were adjudicated delinquent within the preceding ten years of an offense described in clause (1) and were committed to the custody of the commissioner.

(c) The programs may include nonoffenders selected by the commissioner based on recommendations from social service agencies of individuals who are at risk of incarceration.

Subd. 3. [ADVISORY GROUP.] The commissioner shall appoint an advisory group to assist in selecting sites under this section. The commissioner shall include among the members of the group representatives of the following: the council on Black Minnesotans, the council on the affairs of Spanish-speaking people, the council on Asian-Pacific Minnesotans, the Indian affairs council, the commissioner of education, community corrections officials, county corrections officials, the association of counties, and the association of county probation officers.

Subd. 4. [METROPOLITAN WORK AND LEARN SITE.] One facility shall be in the metropolitan area in an academy campus setting and be administered to address the problems of high unemployment rate among people of color, the high drop-out rate of young people in the public school system, and overcrowded correctional facilities. The academy shall provide the following programs:

(1) physical training;

(2) general studies;

(3) motivational and personal development;

(4) business opportunities;

(5) skills improvement; and

(6) structured residential treatment programs of individual and group counseling.

Subd. 5. [WILDERNESS WORK AND LEARN SITE.] One facility shall be in a wilderness setting, no more than 50 miles from the outer boundary of the seven-county metropolitan area, located on a site of at least 60 acres. The wilderness site shall offer a combination of the following:

(1) group activities that develop cooperation, teamwork, and trust in others;

(2) wilderness camping experiences that ensure that the youth begin to build self-esteem about themselves;

(3) structured residential treatment programs of individual and group counseling;

(4) a teaching and social reinforcement system;

(5) a point and level incentive system;

(6) vocational and academic education; and

(7) life skills training.

Subd. 6. [FAMILY SERVICES.] Both programs shall provide family services during and after the youth's involvement, including six months of intensive follow-up supervision of the youth after return to the community.

Subd. 7. [EVALUATION AND REPORT.] The commissioner shall file a report with the chairs of the senate crime prevention committee and the house of representatives judiciary committee by December 1, 1994, describing the sites selected and the progress made in developing them. The commissioner shall also develop a system for gathering and analyzing information concerning the value and effectiveness of the work and learn facilities. The commissioner shall report to the chairs of the committees in the house of representatives and senate with jurisdiction over criminal justice policy by January 1, 1999, on the operation of the program, with a recommendation as to whether it should be continued.

Sec. 3. Minnesota Statutes 1992, section 299A.31, is amended to read:

299A.31 [CHEMICAL ABUSE AND VIOLENCE PREVENTION RESOURCE COUNCIL.]

Subdivision 1. [ESTABLISHMENT; MEMBERSHIP.] A chemical abuse and violence prevention resource council consisting of 19 members is established. The commissioners of public safety, education, health, corrections, and human services, the director of the office of strategic and long-range planning, and the attorney general shall each appoint one member from among their employees. The speaker of the house of representatives and the subcommittee on committees of the senate shall each appoint a legislative member. The governor shall appoint an additional ten members who shall represent the demographic and geographic composition of the state and, to the extent possible, shall represent the following: public health; education including preschool, elementary, and higher education; social services; financial aid services; chemical dependency treatment; law enforcement; prosecution; defense; the judiciary; corrections; treatment research professionals; drug

abuse prevention professionals; the business sector; religious leaders; representatives of racial and ethnic minority communities; and other community representatives. The members shall designate one of the governor's appointees as chair of the council. Compensation and removal of members are governed by section 15.059.

Subd. 2. [ACCEPTANCE OF FUNDS AND DONATIONS.] The council may accept federal money, gifts, donations, and bequests for the purpose of performing the duties set forth in this section and section 299A.32. The council shall use its best efforts to solicit funds from private individuals and organizations to match state appropriations.

Sec. 4. Minnesota Statutes 1992, section 299A.32, subdivision 3, is amended to read:

Subd. 3. [ANNUAL REPORT.] By February 1 each year, the council shall submit a written report to the governor and the legislature describing its activities during the preceding year, describing efforts that have been made to enhance and improve utilization of existing resources and to identify deficits in prevention efforts, and recommending appropriate changes, including any legislative changes that it considers necessary or advisable in the area of chemical abuse *and violence* prevention policy, programs, and services.

Sec. 5. Minnesota Statutes 1992, section 299A.34, subdivision 2, is amended to read:

Subd. 2. [SELECTION AND MONITORING.] The chemical abuse *and violence* prevention ~~resource~~ council shall assist in the selection and monitoring of grant recipients.

Sec. 6. Minnesota Statutes 1993 Supplement, section 299A.35, subdivision 1, is amended to read:

Subdivision 1. [PROGRAMS.] The commissioner shall, in consultation with the chemical abuse *and violence* prevention ~~resource~~ council, administer a grant program to fund community-based programs that are designed to enhance the community's sense of personal security and to assist the community in its crime control efforts. Examples of qualifying programs include, but are not limited to, the following:

(1) programs to provide security systems for residential buildings serving low-income persons, elderly persons, and persons who have physical or mental disabilities;

(2) community-based programs designed to discourage young people from involvement in unlawful drug or street gang activities;

(3) neighborhood block clubs and innovative community-based crime watch programs;

(4) community-based programs designed to enrich the educational, cultural, or recreational opportunities of at-risk elementary or secondary school age youth, including programs designed to keep at-risk youth from dropping out of school and encourage school dropouts to return to school;

(5) support services for a municipal curfew enforcement program including, but not limited to, rent for drop-off centers, staff, supplies, equipment, and the referral of children who may be abused or neglected; ~~and~~

(6) *community-based programs designed to intervene with juvenile offenders who are identified as likely to engage in repeated criminal activity in the future unless intervention is undertaken; and*

(7) other community-based crime prevention programs that are innovative and encourage substantial involvement by members of the community served by the program.

Sec. 7. Minnesota Statutes 1992, section 299A.36, is amended to read:

299A.36 [OTHER DUTIES.]

The assistant commissioner assigned to the office of drug policy and violence prevention, in consultation with the chemical abuse *and violence prevention resource* council, shall:

(1) provide information and assistance upon request to school preassessment teams established under section 126.034 and school and community advisory teams established under section 126.035;

(2) provide information and assistance upon request to the state board of pharmacy with respect to the board's enforcement of chapter 152;

(3) cooperate with and provide information and assistance upon request to the alcohol and other drug abuse section in the department of human services;

(4) assist in coordinating the policy of the office with that of the narcotic enforcement unit in the bureau of criminal apprehension; and

(5) coordinate the activities of the regional drug task forces, provide assistance and information to them upon request, and assist in the formation of task forces in areas of the state in which no task force operates.

Sec. 8. [DEMONSTRATION PROJECT; INTERVENTION WITH CHIPS-DELINQUENTS.]

Subdivision 1. [ESTABLISHMENT.] The commissioners of human services and corrections shall establish a demonstration project to develop and provide effective intervention and treatment for children under the age of ten who are committing or have committed unlawful acts. The commissioners may determine the length of the demonstration project.

Subd. 2. [REPORT.] After the demonstration project has been completed, the commissioners shall evaluate its success and make recommendations to the legislature concerning the types of services that should be provided to these children.

Sec. 9. [INSTITUTE FOR CHILD AND ADOLESCENT SEXUAL HEALTH.]

Subdivision 1. [PILOT PROJECTS.] The institute of child and adolescent sexual health established in Laws 1992, chapter 571, article 1, section 28, and Laws 1993, chapter 326, article 12, section 16, shall implement two pilot projects that examine the relationship between violent juvenile sex offenders and the factors that contribute to their behavior. One pilot project must examine early protective and risk factors associated with adolescent sex offenders in order to identify children who are high risk to become offenders and to develop earlier intervention strategies. The second pilot project must develop and implement an intervention program for children identified as high risk to become sex offenders.

Subd. 2. [FINANCIAL STATUS REPORT.] By March 15, 1995, the institute must report to the commissioner of health the results of grant-seeking efforts, the location of resources for nonproject-related expenses and the status and preliminary findings of the pilot projects under subdivision 1.

Sec. 10. [VIOLENCE PREVENTION PLANNING AND OVERSIGHT.]

Subdivision 1. [REPORT TO THE LEGISLATURE.] The chemical abuse and violence prevention council shall report to the legislature and the chairs of the standing committees of the senate and house of representatives with jurisdiction over criminal justice policy by January 1, 1995, the results of the study of the advisory task force appointed under subdivision 2. The advisory task force shall make recommendations for:

- (1) a state violence prevention policy statement;*
- (2) development of measurable violence prevention goals and objectives and procedures for amending, assessing, and publicly reporting progress toward meeting goals and objectives;*
- (3) a state violence prevention policy and funding framework;*
- (4) identification of state violence prevention policy and funding areas, procedures for adapting and integrating the state violence prevention policy statement, goals, and objectives into the missions of appropriate state agencies, and procedures for assessing agency progress toward meeting violence prevention goals and objectives;*
- (5) a state violence prevention program inventory;*
- (6) coordination of violence prevention policy responsibilities and funding to meet federal mandates, avoid duplication of state agency efforts, maximize funding, and simplify grant procedures and policy and budget oversight;*
- (7) development of long-term and biennial violence prevention budget goals, procedures for their integration into the state budget process, and procedures for assessing and publicly reporting progress toward meeting these goals;*
- (8) interim violence prevention policy and budget goals for the 1996-1997 biennium; and*
- (9) development of an ongoing, coordinated system to provide technical assistance, monitor performance, and evaluate the effectiveness of violence prevention programs funded by the state, and to report results on a regular basis to the legislature in a manner that will facilitate effective policy and budget decisions.*

Subd. 2. [VIOLENCE PREVENTION PLANNING AND OVERSIGHT ADVISORY TASK FORCE.] For purposes of conducting the study under subdivision 1, the chemical abuse and violence prevention council shall establish a 38-member violence prevention planning and oversight advisory task force consisting of the members of the council and:

- (1) one member or designee of the council on Asian-Pacific Minnesotans, the council on Black Minnesotans, the Indian affairs council, and the council on the affairs of Spanish-speaking people, appointed by the council;*
- (2) four members of the legislative commission on children, youth, and their families, selected by the commission; and*

(3) *11 persons appointed by the council who shall represent:*

(i) *to the extent possible, the broad variety of nonprofit and community-based agencies and organizations which advocate or provide services or funding for violence prevention and at-risk youth programs;*

(ii) *individuals who engage in crime prevention and risk and resiliency research;*

(iii) *individuals knowledgeable about family education and child development;*

(iv) *the demographic and geographic composition of the state; and*

(v) *racial and ethnic minority communities.*

Subd. 3. [TASK FORCE CHAIR.] The task force shall be chaired jointly by the members of the chemical abuse and violence prevention council representing the commissioners of public safety and education."

Delete the title and insert:

"A bill for an act relating to crime prevention; providing mandatory minimum prison sentences for persons convicted of a drive-by shooting; requiring prosecutors to report sentencing practices under the mandatory minimum sentencing law relating to certain weapon-related offenses; prohibiting waiver of the mandatory minimum sentence for firearms offenses for a repeat offender; increasing felony penalties for furnishing a minor with a firearm, ammunition, or explosives or recklessly furnishing another with a dangerous weapon; broadening the scope of the gun control act to apply to transfers of firearms by persons who are not federally licensed dealers; requiring a license to sell firearms or ammunition in the metropolitan area; prohibiting assault weapons in the metropolitan area; requiring maintenance of records regarding firearms sales in the metropolitan area; allowing metropolitan city attorneys to obtain assistance from the attorney general in prosecuting firearms offenses; allowing law enforcement agencies to charge a fee to conduct firearms eligibility background checks; clarifying that weapons may be seized in connection with certain offenses; requiring inspection of correctional facilities and lockups at least once every biennium; authorizing the commissioner of corrections to impose disciplinary confinement periods comparable to periods in place for inmates sentenced before August 1, 1993; modifying eligibility criteria for the challenge incarceration program; defining the length of phase III of the program; authorizing the commissioner of corrections to limit placement of convicted felons awaiting completion of presentence investigation reports in state correctional facilities; providing for good time reduction of sentences in local correctional facilities; providing a separate definition of "mentally incapacitated" for certain victims under 18; expanding first-degree criminal sexual conduct to cover sexual contact with a child under 13; increasing the penalty for assault and malicious punishment of a child under three; expanding the forfeiture law's definition of "weapon used"; requiring the destruction of forfeited weapons used, firearms, ammunition, and firearm accessories; increasing the maximum fine applicable to petty misdemeanor traffic violations; clarifying the elements of the driving after license suspension, revocation, and cancellation offenses; increasing the penalty for committing certain escapes from custody; modifying criminal provisions relating to blasting agents and explosives; requiring county attorneys to adopt charging and plea bargaining practices; providing for two

work and learn facilities for youth; appropriating money for public defense, criminal justice, corrections, and related purposes; providing for the transfer of certain money in the state treasury; amending Minnesota Statutes 1992, sections 13.99, by adding a subdivision; 124.912, subdivision 6; 169.89, subdivision 2; 171.18, subdivision 1; 219.383, subdivision 4; 241.021, subdivision 2; 241.26, subdivision 7; 243.18, subdivision 1; 243.23, subdivision 2; 243.24, subdivision 1; 244.09, by adding a subdivision; 244.12, subdivisions 1 and 2; 244.15, subdivision 4; 244.172, subdivision 3; 260.132, by adding a subdivision; 260.165, subdivision 1; 299A.31; 299A.32, subdivision 3; 299A.34, subdivisions 1 and 2; 299A.36; 299A.38, subdivision 3; 299C.065, as amended; 299F.72, subdivision 2, and by adding a subdivision; 299F.73; 299F.74; 299F.75; 299F.77; 299F.78, subdivision 1; 299F.79; 299F.80; 299F.82; 299F.83; 383B.225, subdivision 6; 388.051, by adding a subdivision; 487.25, by adding a subdivision; 609.0331; 609.0332; 609.115, subdivision 1; 609.185; 609.20; 609.223, by adding a subdivision; 609.224, subdivision 3; 609.245; 609.28; 609.341, subdivisions 4, 7, 11, and 12; 609.342, subdivision 1; 609.377; 609.485, subdivision 4; 609.5315, subdivision 6, and by adding a subdivision; 609.5316, subdivisions 1 and 3; 609.66, subdivisions 1b and 1c; 609.746, subdivision 1; 609.855; 611A.19, subdivision 1; 624.21; 624.712, by adding subdivisions; 624.7131, subdivisions 2 and 3; 624.714, subdivision 6; 624.731, subdivision 8; 626.76; 626.846, subdivision 6; 626A.05, subdivision 2; 631.425, subdivision 6; and 642.09; Minnesota Statutes 1993 Supplement, sections 171.24; 241.021, subdivision 1; 243.18, subdivision 2; 260.221, subdivision 1; 299A.35, subdivision 1; 518B.01, subdivision 6; 609.11, subdivisions 8, 9, and by adding a subdivision; 609.345, subdivision 1; 609.531, subdivision 1; 609.5315, subdivisions 1 and 2; 609.66, subdivision 1d; 609.902, subdivision 4; 624.713, subdivision 1, and by adding subdivisions; 624.7131, subdivision 10; 624.7132, subdivisions 1, 2, 4, 8, 11, 12, and 14; 626.556, subdivision 2; and 628.26; proposing coding for new law in Minnesota Statutes, chapters 242; 299A; 299F; 609; and 629; repealing Minnesota Statutes 1992, sections 299F.71; 299F.72, subdivisions 3 and 4; 299F.78, subdivision 2; 299F.815, subdivision 2; and 609.855, subdivision 4; Minnesota Statutes 1993 Supplement, sections 243.18, subdivision 3; 299F.811; 299F.815, subdivision 1; and 624.7132, subdivisions 7 and 10; Laws 1993, chapter 146, article 2, sections 15 and 18."

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

SECOND READING OF SENATE BILLS

S.F. Nos. 2151, 1922, 2429, 1984, 1641 and 2090 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 423, 2512, 2139, 942, 2426, 2967, 1829, 2135, 2034, 2882, 2159 and 2591 were read the second time.

MOTIONS AND RESOLUTIONS

Mrs. Benson, J.E.; Messrs. Stevens; Bertram; Johnson, D.E. and Samuelson introduced—

Senate Resolution No. 72: A Senate resolution recognizing St. Cloud State University on its 125th Anniversary.

Referred to the Committee on Rules and Administration.

Mr. Betzold moved that H.F. No. 2148, No. 4 on the Consent Calendar, be stricken and placed on General Orders. The motion prevailed.

Ms. Flynn moved that S.F. No. 2858, No. 14 on the Consent Calendar, be stricken and placed on General Orders. The motion prevailed.

Mr. Betzold moved that S.F. No. 2090, on General Orders, be stricken and re-referred to the Committee on Finance. The motion prevailed.

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate proceeded to the Order of Business of the Consent Calendar.

CONSENT CALENDAR

H.F. No. 3091: 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 1992, sections 17.47, subdivision 3; 41A.05, subdivision 2; 60B.04, subdivision 1; 60B.09, subdivisions 1 and 3; 115.41, subdivisions 1 and 2; 115.42; 115.43, subdivision 2; 115.44, subdivision 2; 115.45, subdivision 1; 115.50; 115.52; 115.53; 120.101, subdivisions 2 and 6; 121.88, subdivision 8; 125.611, subdivision 1; 136.24, subdivision 1; 136.622, subdivision 1; 152.02, subdivisions 9, 12, and 13; 160.265; 169.443, subdivision 8; 171.22, subdivision 2; 214.01, subdivision 3; 214.13, subdivision 1; 237.60, subdivision 2; 256D.06, subdivision 1b; 260.151, subdivision 1; 299C.61, subdivision 4; 309.53, subdivision 2; 326.212; 326.224; 326.461, subdivision 1; 327.32, subdivision 8; 327.33; 327.34, subdivision 1; 331A.06, subdivision 4; 348.13; 352.119, subdivision 1; 386.61, by adding a subdivision; 423B.12; 446A.07, subdivision 6; 449.06; 469.174, subdivision 10; 469.181, subdivision 1; and 471A.11; Minnesota Statutes 1993 Supplement, sections 16B.06, subdivision 2a; 16B.122, subdivision 3; 62A.31, subdivision 1n; 62N.075; 82.195, subdivision 2; 115A.542; 115C.082, subdivision 1; 124.195, subdivision 8; 138.96, subdivision 2; 144.991, subdivisions 3 and 4; 152.11, subdivision 1; 169.121, subdivision 1c; 214.103, subdivision 6; 245A.04, subdivision 3b; 256D.44, subdivision 3; 257.67, subdivision 3; 268.92, subdivision 1; 296.035; 325F.755, subdivision 5; 326.111, subdivision 4; 326.975, subdivision 2; 349.217, subdivision 1; 386.66; 491A.01, subdivision 3; 549.09, subdivision 1; 609.5312, subdivision 3; 609.605, subdivision 1; 609.749, subdivision 5; and Laws 1992, chapter 513, article 4, section 60; repealing Minnesota Statutes 1992, sections 216B.164, subdivision 7; 385.08; and 473.872; Laws 1977, chapter 11, section 8; Laws 1982, chapter 514, sections 18 and 19; Laws 1983, chapter 247, section 130; Laws 1984, chapter 628, article 2, section 4; Laws 1985, First Special Session chapters 9, article 2, sections 81 and 82; 13, section 191; and 14, article 9, section 16; Laws 1987, chapters 197, section 1; 315, section 4, subdivision 2; and 336, section 35; Laws 1988, chapters 441, section 2; 486, sections 15 and 68; 496, section 8; 514, section 5; and 636, section 3; Laws 1989, chapters 89, sections 1 (in part) and 13; 133, section 1; 144, article 2, section 8; 209, article 2, sections 8 and 34; 222, sections 10, 21, 22, and 36; 271, section 32; 282, article 2, sections

144 and 186; 293, section 74; 319, article 13, sections 22 and 55; 329, article 5, section 10; 334, article 2, section 17; 335, article 1, sections 200 and 255; 353, section 10; and 356, section 18; Laws 1990, chapters 426, article 1, sections 5 and 32; 480, articles 5, sections 6 and 9; and 9, section 3; 512, section 12; 562, article 10, section 1; 571, section 39; 574, section 5; and 594, article 3, sections 6 and 7; Laws 1991, chapters 58, sections 1, 2, 3, 4, 5, 6, 7, and 8; 130, section 24; 174, section 8; 199, article 1, section 71; 238, article 1, section 7; 265, article 4, section 19; 292, article 4, section 45; 306, section 26; 336, article 2, section 2; 340, sections 1 and 32; and 345, article 2, section 46; Laws 1992, chapters 432, article 2, section 41; 437, section 1; and 499, article 6, section 15; Laws 1993, chapters 4, section 9; 47, sections 1, 4, 6, and 9; 78, section 3; 101, section 1; 224, article 13, sections 3 and 43; 247, articles 1, section 11; and 2, section 9; 269, section 17; 286, sections 2 and 21; 303, sections 15, 17, and 18; 339, section 12; and 369, sections 38 and 128; Laws 1993, First Special Session chapter 1, article 2, section 6.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 66 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Finn	Kroening	Murphy	Runbeck
Anderson	Flynn	Laidig	Neuville	Sams
Belanger	Frederickson	Langseth	Novak	Samuelson
Benson, D.D.	Hanson	Larson	Oliver	Solon
Benson, J.E.	Hottinger	Lesewski	Oison	Spear
Berg	Janezich	Lessard	Pappas	Stevens
Berglin	Johnson, D.E.	Luther	Pariseau	Stumpf
Bertram	Johnson, D.J.	Marty	Piper	Terwilliger
Betzold	Johnson, J.B.	McGowan	Pogemiller	Vickerman
Chandler	Johnston	Merriam	Price	Wiener
Chmielewski	Kelly	Metzen	Ranum	
Cohen	Kiscaden	Moe, R.D.	Reichgott Junge	
Day	Knutson	Mondale	Riveness	
Dille	Krentz	Morse	Robertson	

So the bill passed and its title was agreed to.

H.F. No. 2856: A bill for an act relating to state lands; authorizing the sale of certain tax-forfeited lands that border public water in Mower county.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Finn	Krentz	Mondale	Riveness
Anderson	Flynn	Kroening	Morse	Robertson
Belanger	Frederickson	Laidig	Murphy	Runbeck
Benson, D.D.	Hanson	Langseth	Neuville	Sams
Benson, J.E.	Hottinger	Larson	Oliver	Samuelson
Berg	Janezich	Lesewski	Olson	Solon
Bertram	Johnson, D.E.	Lessard	Pappas	Spear
Betzold	Johnson, D.J.	Luther	Pariseau	Stevens
Chandler	Johnson, J.B.	Marty	Piper	Stumpf
Chmielewski	Johnston	McGowan	Pogemiller	Terwilliger
Cohen	Kelly	Merriam	Price	Vickerman
Day	Kiscaden	Metzen	Ranum	Wiener
Dille	Knutson	Moe, R.D.	Reichgott Junge	

So the bill passed and its title was agreed to.

H.F. No. 2710: A bill for an act relating to state government; requiring the commissioner of administration to study and report on the best way to increase electronic services to citizens; proposing coding for new law in Minnesota Statutes, chapter 16B.

Mr. Riveness moved to amend H.F. No. 2710, as amended pursuant to Rule 49, adopted by the Senate April 6, 1994, as follows:

(The text of the amended House File is identical to S.F. No. 2624.)

Page 1, after line 7, insert:

“Section 1. [3.197] [REQUIRED REPORTS.]

A report to the legislature must contain, at the beginning of the report, the cost of preparing the report, including any cost incurred by another agency or another level of government.

Sec. 2. Minnesota Statutes 1992, section 3.302, subdivision 3, is amended to read:

Subd. 3. [STATE DOCUMENTS.] The library is a depository of all documents published by the state and ~~shall~~ *must* receive ~~them~~ *six copies of each document* automatically without cost. As used in this chapter, “document” includes any publication issued by the state, constitutional officers, departments, commissions, councils, bureaus, research centers, societies, task forces, including advisory task forces created under section 15.014 or 15.0593, or other agencies supported by state funds, or any publication prepared for the state by private individuals or organizations and issued in print, including all forms of duplicating other than by the use of carbon paper, considered to be of interest or value to the library. Intraoffice or interoffice memos and forms and information concerning only the internal operation of an agency are not included.

Sec. 3. Minnesota Statutes 1992, section 3.302, subdivision 3a, is amended to read:

Subd. 3a. [IDENTIFICATION OF DOCUMENTS.] For all documents deposited under subdivision 3, the library shall require that the issuing agency supply proper bibliographic identification. The identification ~~shall~~ *must* appear on the title page of each volume and include a complete title, a statement of authorship, the name of the publisher, and the date and place of publication. If possible the document ~~shall~~ *must* be consecutively paged. The issuing agency shall include a statement citing the statute or session law with which the report complies, if there is one. *The library shall publish and distribute to legislators and other interested persons a regular checklist of state documents.*”

Page 1, line 8, delete “Section 1.” and insert “Sec. 4.”

Page 1, after line 19, insert:

“Sec. 5. [INSTRUCTIONS TO REVISOR.]

It is the intent of the legislature to repeal or otherwise remove from Minnesota Statutes all standing requirements for periodic reports from state agencies to the legislature, effective August 1, 1995. The revisor of statutes shall prepare, for introduction in the 1995 session of the legislature, a bill

making changes in Minnesota Statutes consistent with that intent and with section 1.

Sec. 6. [REPEALER.]

Minnesota Statutes 1992, section 3.195, is repealed.

Sec. 7. [EFFECTIVE DATE.]

Sections 1, 2, 3, and 6 are effective August 1, 1995."

Amend the title as follows:

Page 1, line 2, after the semicolon, insert "reports to the legislature;"

Page 1, line 5, after the semicolon, insert "amending Minnesota Statutes 1992, section 3.302, subdivisions 3 and 3a;"

Page 1, line 6, delete "chapter" and insert "chapters 3; and" and after "16B" insert "; repealing Minnesota Statutes 1992, section 3.195"

The motion prevailed. So the amendment was adopted.

H.F. No. 2710 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dille	Krentz	Mondale	Reichgott Junge
Anderson	Finn	Kroening	Morse	Riveness
Belanger	Flynn	Laidig	Murphy	Runbeck
Benson, D.D.	Frederickson	Langseth	Neuville	Sams
Benson, J.E.	Hanson	Larson	Novak	Samuelson
Berg	Hottinger	Lesewski	Oliver	Solon
Berglin	Janezich	Lessard	Olson	Spear
Bertram	Johnson, D.J.	Luther	Pappas	Stevens
Betzold	Johnson, J.B.	Marty	Pariseau	Stumpf
Chandler	Johnston	McGowan	Piper	Terwilliger
Chmielewski	Kelly	Merriam	Pogemiller	Vickerman
Cohen	Kiscaden	Metzen	Price	Wiener
Day	Knutson	Moe, R.D.	Ranum	

So the bill, as amended, was passed and its title was agreed to.

H.F. No. 2936: A bill for an act relating to Ramsey county; providing for funding the maintenance of turnback roads in Ramsey county; amending Minnesota Statutes 1992, section 383A.16, subdivision 2, and by adding subdivisions; repealing Minnesota Statutes 1992, section 383A.16, subdivision 1.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 65 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Berg	Chmielewski	Flynn	Johnson, D.E.
Anderson	Berglin	Cohen	Frederickson	Johnson, D.J.
Belanger	Bertram	Day	Hanson	Johnson, J.B.
Benson, D.D.	Betzold	Dille	Hottinger	Johnston
Benson, J.E.	Chandler	Finn	Janezich	Kelly

Kiscaden	Lessard	Morse	Piper	Samuelson
Knutson	Luther	Murphy	Pogemiller	Solon
Krentz	Marty	Neuville	Price	Spear
Kroening	McGowan	Novak	Ranum	Stevens
Laidig	Merriam	Oliver	Riveness	Stumpf
Langseth	Metzen	Olson	Robertson	Terwilliger
Larson	Moe, R.D.	Pappas	Runbeck	Vickerman
Lesewski	Mondale	Pariseau	Sams	Wiener

So the bill passed and its title was agreed to.

H.F. No. 2321: A bill for an act relating to state lands; authorizing public sale of certain tax-forfeited land that borders public water in Clay and Wilkin counties.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dille	Krentz	Mondale	Riveness
Anderson	Finn	Kroening	Morse	Robertson
Belanger	Flynn	Laidig	Murphy	Runbeck
Benson, D.D.	Frederickson	Langseth	Neuville	Sams
Benson, J.E.	Hanson	Larson	Novak	Samuelson
Berg	Hottinger	Lesewski	Oliver	Solon
Berglin	Janezich	Lessard	Olson	Spear
Bertram	Johnson, D.J.	Luther	Pappas	Stevens
Betzold	Johnson, J.B.	Marty	Pariseau	Stumpf
Chandler	Johnston	McGowan	Piper	Terwilliger
Chmielewski	Kelly	Merriam	Pogemiller	Vickerman
Cohen	Kiscaden	Metzen	Price	Wiener
Day	Knutson	Moe, R.D.	Ranum	

So the bill passed and its title was agreed to.

H.F. No. 985: A bill for an act relating to retirement; public employees police and fire fund; modifying the disability benefit limitation for reemployed disabilitants; amending Minnesota Statutes 1992, section 353.656, subdivision 4.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 65 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dille	Krentz	Mondale	Reichgott Junge
Anderson	Finn	Kroening	Morse	Riveness
Belanger	Flynn	Laidig	Murphy	Robertson
Benson, D.D.	Frederickson	Langseth	Neuville	Runbeck
Benson, J.E.	Hanson	Larson	Novak	Sams
Berg	Hottinger	Lesewski	Oliver	Samuelson
Berglin	Janezich	Lessard	Olson	Solon
Bertram	Johnson, D.J.	Luther	Pappas	Spear
Betzold	Johnson, J.B.	Marty	Pariseau	Stevens
Chandler	Johnston	McGowan	Piper	Stumpf
Chmielewski	Kelly	Merriam	Pogemiller	Terwilliger
Cohen	Kiscaden	Metzen	Price	Vickerman
Day	Knutson	Moe, R.D.	Ranum	Wiener

So the bill passed and its title was agreed to.

H.F. No. 1927: A bill for an act relating to public employment; authorizing a Medicare coverage referendum for certain city of Karlstad hospital employees.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 65 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dille	Krentz	Mondale	Reichgott Junge
Anderson	Finn	Kroening	Morse	Riveness
Belanger	Flynn	Laidig	Murphy	Robertson
Benson, D.D.	Frederickson	Langseth	Neuville	Runbeck
Benson, J.E.	Hanson	Larson	Novak	Sams
Berg	Hottinger	Lesewski	Oliver	Samuelson
Berglin	Janezich	Lessard	Olson	Solon
Bertram	Johnson, D.J.	Luther	Pappas	Spear
Betzold	Johnson, J.B.	Marty	Pariseau	Stevens
Chandler	Johnston	McGowan	Piper	Stumpf
Chmielewski	Kelly	Merriam	Pogemiller	Terwilliger
Cohen	Kiscaden	Metzen	Price	Vickerman
Day	Knutson	Moe, R.D.	Ranum	Wiener

So the bill passed and its title was agreed to.

H.F. No. 2269: A bill for an act relating to retirement; teachers retirement association; authorizing annuity adjustment for a certain annuitant.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 4, as follows:

Those who voted in the affirmative were:

Adkins	Dille	Krentz	Mondale	Reichgott Junge
Anderson	Finn	Kroening	Morse	Riveness
Belanger	Flynn	Laidig	Murphy	Runbeck
Benson, D.D.	Frederickson	Langseth	Neuville	Sams
Berg	Hanson	Larson	Novak	Samuelson
Berglin	Hottinger	Lesewski	Oliver	Solon
Bertram	Janezich	Lessard	Pappas	Spear
Betzold	Johnson, D.J.	Luther	Pariseau	Stevens
Chandler	Johnson, J.B.	Marty	Piper	Stumpf
Chmielewski	Johnston	McGowan	Pogemiller	Terwilliger
Cohen	Kelly	Metzen	Price	Vickerman
Day	Knutson	Moe, R.D.	Ranum	Wiener

Mrs. Benson, J.E.; Ms. Kiscaden, Mr. Merriam and Ms. Robertson voted in the negative.

So the bill passed and its title was agreed to.

H.F. No. 2657: A bill for an act relating to state parks; allowing handicapped persons to receive a special permit; amending Minnesota Statutes 1992, section 85.053, subdivision 7.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 65 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dille	Krentz	Mondale	Reichgott Junge
Anderson	Finn	Kroening	Morse	Rivness
Belanger	Flynn	Laidig	Murphy	Robertson
Benson, D.D.	Frederickson	Langseth	Neuville	Runbeck
Benson, J.E.	Hanson	Larson	Novak	Sams
Berg	Hottinger	Lesewski	Oliver	Samuelson
Berglin	Janezich	Lessard	Olson	Solon
Bertram	Johnson, D.J.	Luther	Pappas	Spear
Betzold	Johnson, J.B.	Marty	Pariseau	Stevens
Chandler	Johnston	McGowan	Piper	Stumpf
Chmielewski	Kelly	Merriam	Pogemiller	Terwilliger
Cohen	Kiscaden	Metzen	Price	Vickerman
Day	Knutson	Moe, R.D.	Ranum	Wiener

So the bill passed and its title was agreed to.

SUSPENSION OF RULES

Mr. Moe, R.D. moved that the rules of the Senate be so far suspended as to waive the lie-over requirement for the remainder of the Consent Calendar. The motion prevailed.

S.F. No. 862: A bill for an act relating to motor vehicles; providing for service of process for certain alleged violations; providing civil penalty; amending Minnesota Statutes 1992, section 168.27, by adding a subdivision.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dille	Kroening	Murphy	Runbeck
Anderson	Finn	Laidig	Neuville	Sams
Belanger	Flynn	Langseth	Novak	Samuelson
Benson, D.D.	Hanson	Lesewski	Oliver	Solon
Benson, J.E.	Hottinger	Lessard	Olson	Spear
Berg	Janezich	Luther	Pappas	Stevens
Berglin	Johnson, D.J.	Marty	Pariseau	Stumpf
Bertram	Johnson, J.B.	McGowan	Piper	Terwilliger
Betzold	Johnston	Merriam	Pogemiller	Vickerman
Chandler	Kelly	Metzen	Price	Wiener
Chmielewski	Kiscaden	Moe, R.D.	Ranum	
Cohen	Knutson	Mondale	Rivness	
Day	Krentz	Morse	Robertson	

So the bill passed and its title was agreed to.

H.F. No. 1966: A bill for an act relating to peace officers; authorizing officers of states adjoining Minnesota to render assistance to peace officers of this state on request; granting these officers arrest authority in this state under certain circumstances; extending the state and local government tort liability laws to the conduct of these officers; proposing coding for new law in Minnesota Statutes, chapter 626.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dille	Krentz	Morse	Robertson
Anderson	Finn	Kroening	Murphy	Runbeck
Belanger	Flynn	Laidig	Neuville	Sams
Benson, D.D.	Frederickson	Langseth	Novak	Samuelson
Benson, J.E.	Hanson	Larson	Oliver	Solon
Berg	Hottinger	Lesewski	Olson	Spear
Berglin	Janezich	Lessard	Pappas	Stevens
Bertram	Johnson, D.J.	Luther	Pariseau	Stumpf
Betzold	Johnson, J.B.	Marty	Piper	Terwilliger
Chandler	Johnston	Merriam	Pogemiller	Vickerman
Chmielewski	Kelly	Metzen	Price	Wiener
Cohen	Kiscaden	Moe, R.D.	Ranum	
Day	Knutson	Mondale	Riveness	

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate reverted to the Order of Business of the Calendar.

SUSPENSION OF RULES

Mr. Moe, R.D. moved that the rules of the Senate be so far suspended as to waive the lie-over requirement. The motion prevailed.

CALENDAR

S.F. No. 1593: A bill for an act relating to crime; eliminating the defense of mistake of age or consent for persons who are prosecuted for a prostitution offense; amending Minnesota Statutes 1992, section 609.325, subdivision 2.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Finn	Kroening	Morse	Reichgott Junge
Anderson	Flynn	Laidig	Murphy	Riveness
Belanger	Frederickson	Langseth	Neuville	Robertson
Benson, D.D.	Hanson	Larson	Novak	Runbeck
Benson, J.E.	Hottinger	Lesewski	Oliver	Sams
Berg	Janezich	Lessard	Olson	Samuelson
Berglin	Johnson, D.J.	Luther	Pappas	Solon
Bertram	Johnson, J.B.	Marty	Pariseau	Spear
Betzold	Johnston	McGowan	Piper	Stevens
Chandler	Kelly	Merriam	Pogemiller	Stumpf
Cohen	Kiscaden	Metzen	Price	Terwilliger
Day	Knutson	Moe, R.D.	Ranum	Vickerman
Dille	Krentz	Mondale		Wiener

So the bill passed and its title was agreed to.

S.F. No. 1741: A bill for an act relating to game and fish; allowing nonresidents to take rough fish by harpooning; amending Minnesota Statutes 1992, section 97C.381.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 1, as follows:

Those who voted in the affirmative were:

Adkins	Finn	Laidig	Murphy	Robertson
Anderson	Flynn	Langseth	Neuville	Runbeck
Belanger	Frederickson	Larson	Novak	Sams
Benson, D.D.	Hanson	Lesewski	Oliver	Samuelson
Benson, J.E.	Hottinger	Lessard	Olson	Solon
Berg	Janezich	Luther	Pappas	Spear
Berglin	Johnson, J.B.	Marty	Pariseau	Stevens
Bertram	Johnston	McGowan	Piper	Stumpf
Betzold	Kelly	Merriam	Pogemiller	Terwilliger
Chandler	Kiscaden	Metzen	Price	Vickerman
Cohen	Knutson	Moe, R.D.	Ranum	Wiener
Day	Krentz	Mondale	Reichgott Junge	
Dille	Kroening	Morse	Riveness	

Mr. Johnson, D.J. voted in the negative.

So the bill passed and its title was agreed to.

S.F. No. 1740: A bill for an act relating to local government; requiring the metropolitan council to study housing redevelopment and rehabilitation costs and benefits; requiring local governments in the seven-county metropolitan area to cooperate with the metropolitan council for purposes of the study.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 65 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dille	Krentz	Mondale	Reichgott Junge
Anderson	Finn	Kroening	Morse	Riveness
Belanger	Flynn	Laidig	Murphy	Robertson
Benson, D.D.	Frederickson	Langseth	Neuville	Runbeck
Benson, J.E.	Hanson	Larson	Novak	Sams
Berg	Hottinger	Lesewski	Oliver	Samuelson
Berglin	Janezich	Lessard	Olson	Solon
Bertram	Johnson, D.J.	Luther	Pappas	Spear
Betzold	Johnson, J.B.	Marty	Pariseau	Stevens
Chandler	Johnston	McGowan	Piper	Stumpf
Chmielewski	Kelly	Merriam	Pogemiller	Terwilliger
Cohen	Kiscaden	Metzen	Price	Vickerman
Day	Knutson	Moe, R.D.	Ranum	Wiener

So the bill passed and its title was agreed to.

S.F. No. 2551: A bill for an act relating to the city of Duluth; establishing the powers and duties of the board of directors of trusts of Miller-Dwan Hospital in the establishment, administration, management, maintenance, improvement, and financing of the hospital; amending Laws 1969, chapter 224, sections 1, 2, and 3.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 2, as follows:

Those who voted in the affirmative were:

Adkins	Dille	Krentz	Murphy	Robertson
Anderson	Finn	Kroening	Neuville	Runbeck
Belanger	Flynn	Laidig	Novak	Sams
Benson, D.D.	Frederickson	Langseth	Oliver	Samuelson
Benson, J.E.	Hanson	Larson	Olson	Solon
Berg	Hottinger	Lesewski	Pappas	Spear
Berglin	Janezich	Lessard	Pariseau	Stevens
Bertram	Johnson, D.J.	Luther	Piper	Stumpf
Betzold	Johnson, J.B.	McGowan	Pogemiller	Terwilliger
Chandler	Johnston	Metzen	Price	Vickerman
Chmielewski	Kelly	Moe, R.D.	Ranum	Wiener
Cohen	Kiscaden	Mondale	Reichgott Junge	
Day	Knutson	Morse	Riveness	

Messrs. Marty and Merriam voted in the negative.

So the bill passed and its title was agreed to.

H.F. No. 1936: A bill for an act relating to game and fish; requiring return to the water of fish snagged in certain waters; amending Minnesota Statutes 1993 Supplement, section 97C.331.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 57 and nays 3, as follows:

Those who voted in the affirmative were:

Adkins	Flynn	Langseth	Murphy	Runbeck
Anderson	Frederickson	Larson	Neuville	Sams
Belanger	Hanson	Lesewski	Oliver	Solon
Benson, J.E.	Hottinger	Lessard	Olson	Spear
Berg	Janezich	Luther	Pappas	Stevens
Bertram	Johnson, D.J.	Marty	Pariseau	Stumpf
Chandler	Johnson, J.B.	McGowan	Piper	Terwilliger
Chmielewski	Kelly	Merriam	Pogemiller	Vickerman
Cohen	Knutson	Metzen	Price	Wiener
Day	Krentz	Moe, R.D.	Ranum	
Dille	Kroening	Mondale	Riveness	
Finn	Laidig	Morse	Robertson	

Mr. Betzold, Ms. Johnston and Kiscaden voted in the negative.

So the bill passed and its title was agreed to.

H.F. No. 1880: 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.

Was read the third time and placed on its final passage.

The question was taken on the passage of the resolution.

The roll was called, and there were yeas 51 and nays 14, as follows:

Those who voted in the affirmative were:

Adkins	Chmielewski	Johnson, D.J.	Kroening	McGowan
Belanger	Day	Johnson, J.B.	Laidig	Metzen
Benson, D.D.	Dille	Johnston	Langseth	Moe, R.D.
Benson, J.E.	Finn	Kelly	Larson	Mondale
Berg	Frederickson	Kiscaden	Lesewski	Morse
Berglin	Hanson	Knutson	Lessard	Murphy
Bertram	Janezich	Krentz	Luther	Neuville

Novak	Pogemiller	Robertson	Samuelson	Stumpf
Oliver	Price	Runbeck,	Solon	Terwilliger
Olson	Reichgott Junge	Sams	Stevens	Vickerman
Pariseau				

Those who voted in the negative were:

Anderson	Cohen	Marty	Piper	Spear
Betzold	Flynn	Merriam	Ranum	Wiener
Chandler	Hottinger	Pappas	Riveness	

So the resolution passed and its title was agreed to.

S.F. No. 1759: A bill for an act relating to corrections; requiring a study of the need for training of correctional staff regarding mental health needs of inmates; requiring a study of the need for training of correctional staff regarding HIV/AIDS issues.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Finn	Laidig	Murphy	Runbeck
Anderson	Flynn	Langseth	Neuville	Sams
Belanger	Frederickson	Larson	Novak	Samuelson
Benson, D.D.	Hanson	Lesewski	Oliver	Solon
Benson, J.E.	Hottinger	Lessard	Olson	Spear
Berg	Janezich	Luther	Pappas	Stevens
Berglin	Johnson, D.J.	Marty	Pariseau	Stumpf
Bertram	Johnson, J.B.	McGowan	Piper	Terwilliger
Betzold	Johnston	Merriam	Pogemiller	Vickerman
Chandler	Kelly	Metzen	Price	Wiener
Chmielewski	Kiscaden	Moe, R.D.	Ranum	
Day	Krentz	Mondale	Reichgott Junge	
Dille	Kroening	Morse	Robertson	

So the bill passed and its title was agreed to.

H.F. No. 1928: A bill for an act relating to motor vehicles; authorizing special license plates for vehicles owned by volunteer ambulance drivers; amending Minnesota Statutes 1992, section 168.12, by adding a subdivision.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 1, as follows:

Those who voted in the affirmative were:

Adkins	Dille	Krentz	Mondale	Robertson
Anderson	Finn	Kroening	Morse	Runbeck
Belanger	Flynn	Laidig	Murphy	Sams
Benson, D.D.	Frederickson	Langseth	Neuville	Samuelson
Benson, J.E.	Hanson	Larson	Novak	Solon
Berg	Hottinger	Lesewski	Oliver	Spear
Berglin	Janezich	Lessard	Olson	Stevens
Bertram	Johnson, D.J.	Luther	Pappas	Stumpf
Betzold	Johnson, J.B.	Marty	Pariseau	Terwilliger
Chandler	Johnston	McGowan	Piper	Vickerman
Chmielewski	Kelly	Merriam	Pogemiller	Wiener
Cohen	Kiscaden	Metzen	Price	
Day	Knutson	Moe, R.D.	Ranum	

Mr. Riveness voted in the negative.

So the bill passed and its title was agreed to.

S.F. No. 1816: A bill for an act relating to motor carriers; amending and eliminating the repeal of regulations related to personal transportation service providers; defining terms and setting requirements related to personal transportation service; increasing a fee; amending Minnesota Statutes 1992, sections 168.1281, subdivisions 1, 2, and by adding a subdivision; 221.011, subdivision 34; and 221.85, subdivisions 1, 3, and by adding a subdivision; Minnesota Statutes 1993 Supplement, section 168.011, subdivision 36; Laws 1993, chapter 323, section 5; repealing Minnesota Statutes 1993 Supplement, section 168.1281, subdivision 4; Laws 1992, chapter 578, section 56; Laws 1993, chapter 323, sections 3 and 4.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 57 and nays 5, as follows:

Those who voted in the affirmative were:

Adkins	Frederickson	Laidig	Novak	Sams
Belanger	Hanson	Langseth	Oliver	Samuelson
Benson, D.D.	Hottinger	Larson	Olson	Solon
Benson, J.E.	Janezich	Lesewski	Pappas	Spear
Berg	Johnson, D.J.	Lessard	Pariseau	Stevens
Bertram	Johnson, J.B.	Luther	Piper	Stumpf
Betzold	Johnston	McGowan	Pogemiller	Terwilliger
Chandler	Kelly	Metzen	Price	Vickerman
Cohen	Kiscaden	Moe, R.D.	Reichgott Junge	Wiener
Day	Knutson	Mondale	Riveness	
Dille	Krentz	Morse	Robertson	
Finn	Kroening	Neuville	Runbeck	

Those who voted in the negative were:

Anderson	Berglin	Flynn	Murphy	Ranum
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So the bill passed and its title was agreed to.

S.F. No. 2099: A bill for an act relating to recreational vehicles; requiring department of transportation to accept competitive design-build bids for certain nonvehicular bridges on pedestrian facilities and bicycle paths; amending Minnesota Statutes 1992, section 160.262, by adding a subdivision.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 65 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dille	Krentz	Mondale	Reichgott Junge
Anderson	Finn	Kroening	Morse	Riveness
Belanger	Flynn	Laidig	Murphy	Robertson
Benson, D.D.	Frederickson	Langseth	Neuville	Runbeck
Benson, J.E.	Hanson	Larson	Novak	Sams
Berg	Hottinger	Lesewski	Oliver	Samuelson
Berglin	Janezich	Lessard	Olson	Solon
Bertram	Johnson, D.J.	Luther	Pappas	Spear
Betzold	Johnson, J.B.	Marty	Pariseau	Stevens
Chandler	Johnston	McGowan	Piper	Stumpf
Chmielewski	Kelly	Merriam	Pogemiller	Terwilliger
Cohen	Kiscaden	Metzen	Price	Vickerman
Day	Knutson	Moe, R.D.	Ranum	Wiener

So the bill passed and its title was agreed to.

S.F. No. 1694: A bill for an act relating to civil commitment; modifying procedures relating to administering intrusive mental health treatment to persons committed as mentally ill and dangerous under the civil commitment act; modifying petition and prepetition procedures; amending Minnesota Statutes 1992, sections 13.42, subdivision 3; 253B.03, subdivisions 6b and 6c; 253B.07, subdivisions 1, 2, and 4, and by adding a subdivision; 253B.09, subdivision 2; 253B.12, subdivision 1; 253B.17, subdivision 1; and 525.56, subdivision 3.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 65 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dille	Krentz	Mondale	Reichgott Junge
Anderson	Finn	Kroening	Morse	Riveness
Belanger	Flynn	Laidig	Murphy	Robertson
Benson, D.D.	Frederickson	Langseth	Neuville	Runbeck
Benson, J.E.	Hanson	Larson	Novak	Sams
Berg	Hottinger	Lesewski	Oliver	Samuelson
Berglin	Janezich	Lessard	Olson	Solon
Bertram	Johnson, D.J.	Luther	Pappas	Spear
Betzold	Johnson, J.B.	Marty	Pariseau	Stevens
Chandler	Johnston	McGowan	Piper	Stumpf
Chmielewski	Kelly	Merriam	Pogemiller	Terwilliger
Cohen	Kiscaden	Metzen	Price	Vickerman
Day	Knutson	Moe, R.D.	Ranum	Wiener

So the bill passed and its title was agreed to.

S.F. No. 2465: A bill for an act relating to the jobs and training department; modifying provisions relating to certain departmental contracts; amending Minnesota Statutes 1993 Supplement, section 16B.06, subdivision 2a.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 65 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dille	Krentz	Mondale	Reichgott Junge
Anderson	Finn	Kroening	Morse	Riveness
Belanger	Flynn	Laidig	Murphy	Robertson
Benson, D.D.	Frederickson	Langseth	Neuville	Runbeck
Benson, J.E.	Hanson	Larson	Novak	Sams
Berg	Hottinger	Lesewski	Oliver	Samuelson
Berglin	Janezich	Lessard	Olson	Solon
Bertram	Johnson, D.J.	Luther	Pappas	Spear
Betzold	Johnson, J.B.	Marty	Pariseau	Stevens
Chandler	Johnston	McGowan	Piper	Stumpf
Chmielewski	Kelly	Merriam	Pogemiller	Terwilliger
Cohen	Kiscaden	Metzen	Price	Vickerman
Day	Knutson	Moe, R.D.	Ranum	Wiener

So the bill passed and its title was agreed to.

S.F. No. 584: A bill for an act relating to free speech; protecting citizens and organizations from civil lawsuits for exercising their rights of public participation in government; proposing coding for new law as Minnesota Statutes, chapter 554.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Finn	Kroening	Morse	Riveness
Anderson	Flynn	Laidig	Murphy	Robertson
Belanger	Frederickson	Langseth	Neuville	Runbeck
Benson, D.D.	Hanson	Larson	Novak	Sams
Benson, J.E.	Hottinger	Lesewski	Oliver	Samuelson
Berg	Janezich	Lessard	Olson	Solon
Berglin	Johnson, D.J.	Luther	Pappas	Spear
Bertram	Johnson, J.B.	Marty	Pariseau	Stevens
Betzold	Johnston	McGowan	Piper	Stumpf
Chandler	Kelly	Merriam	Pogemiller	Terwilliger
Cohen	Kiscaden	Metzen	Price	Vickerman
Day	Knutson	Moe, R.D.	Ranum	Wiener
Dille	Krentz	Mondale	Reichgott Junge	

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS – CONTINUED

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate reverted to the Orders of Business of Reports of Committees and Second Reading of Senate Bills.

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

Mr. Merriam from the Committee on Finance, to which was re-referred

S.F. No. 2097: A bill for an act relating to transportation; establishing annual gasoline excise tax rate adjustment; increasing the transfer of motor vehicle excise tax receipts to the transit assistance fund; providing for distribution of money from the transit assistance fund; requiring study of electric vehicle transportation technology; requiring high-speed rail study; requiring action on environmental impact statement for Wakota Bridge; authorizing the sale of state bonds; appropriating money; amending Minnesota Statutes 1992, sections 296.02, by adding a subdivision; 297B.09, subdivision 1; and 360.305, subdivision 4; Minnesota Statutes 1993 Supplement, section 174.32, subdivision 2; Laws 1993, chapter 373, section 25, subdivision 5.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 27, after "SUMMARY" insert "BY FUND

TOTAL APPROPRIATION \$214,347,000"

Page 1, line 28, delete "\$,000" and insert "18,196,000"

Page 1, line 29, delete ".....,000" and insert "126,784,000"

Page 1, line 30, delete ".....,000" and insert "26,555,000"

Page 2, line 1, delete ".....,000" and insert "730,000"

County State Aid Highway Fund 32,595,000

Municipal State Aid Street Fund 9,487,000''

Page 2, delete line 4 and insert:

''Sec. 2. TRANSPORTATION 199,347,000''

Page 2, line 7, delete ''.....,000'' and insert ''3,096,000''

Page 2, line 9, before the period, insert ''for fiscal year 1995''

Page 2, delete lines 10 to 13

Page 2, line 19, delete ''....,000'' and insert ''100,000''

Page 2, line 21, before the period, insert ''for fiscal year 1995''

Page 2, delete lines 22 to 25

Page 3, line 48, delete ''.....'' and insert ''32,595,000''

Page 3, line 55, delete ''.....'' and insert ''9,487,000''

Page 4, line 7, delete ''...000,000'' and insert ''101,297,000''

Page 4, delete lines 8 to 21 and insert:

''\$50,000,000 of this amount is available immediately and shall be spent by the commissioner in construction year 1994.''

Page 4, line 22, delete ''.....,000'' and insert ''9,771,000''

Page 4, line 27, delete ''\$.....,000'' and insert ''\$4,885,000''

Page 4, line 28, delete ''\$.....,000'' and insert ''\$4,886,000''

Page 4, line 30, delete ''.....,000'' and insert ''2,500,000''

Page 5, line 29, delete the comma

Page 5, line 30, after ''county'' insert a comma

Page 7, delete section 3 and insert:

''Sec. 3. REGIONAL TRANSIT BOARD 15,000,000

This appropriation is from the transit assistance fund to the regional transit board for fiscal year 1995.

\$5,300,000 is for the metropolitan transit commission.

\$2,500,000 is for metro mobility.

\$5,000,000 is for vision for transit projects.''

Page 8, line 2, delete ''1997'' and insert ''2004''

Page 8, lines 34 and 35, delete ''by multiplying the amount''

Pages 13 and 14, delete section 10

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 14, delete “; Laws 1993,” and insert a period

Page 1, delete line 15

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Merriam from the Committee on Finance, to which was referred

S.F. No. 2900: A bill for an act relating to education; appropriating money for education and related purposes to the state board of technical colleges, higher education board, state university board, and board of regents of the University of Minnesota, with certain conditions; modifying the award of grants for faculty exchange and temporary assignment programs; designating community colleges; establishing the mission of Fond du Lac campus; changing certain financial aid grants; modifying the child care grant program; clarifying an exemption to private, business, trade, and correspondence school licensing; providing for appointments; permitting rulemaking; adopting a post-secondary funding formula; permitting the higher education board to establish tuition rates for the 1995-1996 academic year; postponing mandated planning; amending Minnesota Statutes 1992, sections 135A.01; 135A.03, subdivisions 1a, and by adding subdivisions; 135A.04; 136.60, subdivisions 1 and 3; 136A.101, subdivision 5; 136A.121, subdivisions 5, 17, and by adding subdivisions; 136A.125, subdivisions 2, 4, and by adding a subdivision; 136A.15, subdivision 6; and 141.35; Minnesota Statutes 1993 Supplement, sections 125.138, subdivisions 1, 6, and 8; and 135A.05; 136A.121, subdivision 6; Laws 1993, First Special Session chapter 2, article 5, section 2; proposing coding for new law in Minnesota Statutes, chapters 135A; and 136; repealing Minnesota Statutes 1992, sections 135A.02; 135A.03, subdivisions 1, 2, 3, 4, 5, and 6; 136.60, subdivision 4; and 136C.36.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 18, delete “7,975,000” in both places and insert “1,550,000” in both places

Pages 2, line 20, delete “560,000” in both places and insert “985,000” in both places

Page 2, after line 23, insert:

“Department of Finance	-0-	6,000,000	6,000,000”
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Page 2, line 39, delete “7,975,000” and insert “1,550,000”

Page 2, line 41, delete “systemwide accounting and”

Page 3, line 3, delete “560,000” and insert “985,000”

Page 3, line 4, delete “for” and insert “to strengthen academic programs, including”

Page 3, after line 22, insert:

“Sec. 6. DEPARTMENT OF FINANCE

Total Appropriation Changes

6,000,000

This appropriation is for developing an accounting system. The higher education board and the commissioner of finance shall jointly develop an accounting system to accommodate the specific needs of higher education and jointly plan for the expenditure of this appropriation. The commissioner, when requested, shall provide the board with detailed information on the expenditure of this appropriation."

Page 3, after line 29, insert:

"Sec. 8. [RESERVE ACCOUNTS.]

The technical college, community college, state university, and higher education boards shall develop policies for fund balances and the creation and use of reserve accounts. The commissioner of finance shall review the policies. The technical college, community college, state university, and higher education boards shall submit the policies to the higher education finance divisions of the legislature by January 1, 1995. Beginning January 1, 1995, the technical college, community college, state university, and higher education boards shall report quarterly to the commissioner of finance the amounts, intended and actual use, and remaining balance in their respective fund balances and reserve accounts."

Page 3, line 33, delete "7" and insert "9"

Renumber the sections of article 1 in sequence

Page 12, line 18, delete "EMERGENCY"

Page 12, line 19, delete from "may" through page 12, line 20, to "14.36" and insert "shall adopt rules by August 1, 1994, under Minnesota Statutes, chapter 14"

And when so amended the bill do pass. Amendments adopted. Report adopted.

SECOND READING OF SENATE BILLS

S.F. Nos. 2097 and 2900 were read the second time.

RECESS

Mr. Moe, R.D. moved that the Senate do now recess subject to the call of the President. The motion prevailed.

After a brief recess, the President called the Senate to order.

APPOINTMENTS

Mr. Moe, R.D. from the Subcommittee on Committees recommends that the following Senators be and they hereby are appointed as a Conference Committee on:

H.F. No. 1914: Messrs. Metzen, Solon and Belanger.

S.F. No. 1744: Messrs. Vickerman, Murphy and Chmielewski.

S.F. No. 1898: Mses. Wiener, Piper and Mr. Frederickson.

S.F. No. 1912: Messrs. Vickerman, Larson and Chandler.

S.F. No. 2246: Messrs. Murphy, Morse and Dille.

Mr. Moe, R.D. moved that the foregoing appointments be approved. The motion prevailed.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time and referred to the committees indicated.

Mr. Luther introduced—

S.F. No. 2901: A bill for an act relating to tax increment financing; providing for qualified economic development districts; amending Minnesota Statutes 1992, section 469.177, subdivision 5; Minnesota Statutes 1993 Supplement, sections 273.1399, subdivision 1; and 469.175, subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Johnson, D.J.; Samuelson; Solon; Janezich and Benson, D.D. introduced—

S.F. No. 2902: A bill for an act relating to state government; increasing the membership of the designer selection board; requiring representation on the board from each congressional district; amending Minnesota Statutes 1992, section 16B.33, subdivision 2.

Referred to the Committee on Governmental Operations and Reform.

Mr. Samuelson, for the Committee on Health Care, introduced—

S.F. No. 2903: A bill for an act relating to public administration; authorizing spending to acquire and to better public land and buildings and other public improvements of a capital nature with certain conditions; authorizing issuance of bonds; appropriating money, with certain conditions.

Under the rules of the Senate, laid over one day.

SUSPENSION OF RULES

Mr. Moe, R.D. moved that the rules of the Senate be suspended so that S.F. No. 2903 be referred to the Committee on Finance. The motion prevailed.

MEMBERS EXCUSED

Mr. Beckman was excused from the Session of today. Mr. Johnson, D.E. was excused from the Session of today at 11:45 a.m.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 8:00 a.m., Friday, April 8, 1994. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

EIGHTY-SIXTH DAY

St. Paul, Minnesota, Friday, April 8, 1994

The Senate met at 8:00 a.m. and was called to order by the President.

CALL OF THE SENATE

Mr. Moe, R.D. imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

Prayer was offered by the Chaplain, Monsignor Ambrose V. Hayden.

The roll was called, and the following Senators answered to their names:

Adkins	Finn	Kroening	Murphy	Runbeck
Anderson	Flynn	Laidig	Neuville	Sarns
Belanger	Frederickson	Langseth	Novak	Samuelson
Benson, D.D.	Hanson	Larson	Oliver	Solon
Benson, J.E.	Hottinger	Lesewski	Olson	Spear
Berg	Janezich	Lessard	Pappas	Stevens
Berglin	Johnson, D.E.	Luther	Pariseau	Stumpf
Bertram	Johnson, D.J.	Marty	Piper	Terwilliger
Betzold	Johnson, J.B.	McGowan	Pogemiller	Vickerman
Chandler	Johnston	Merriam	Price	Wiener
Chmielewski	Kelly	Metzen	Ranum	
Cohen	Kiscaden	Moe, R.D.	Reichgott Junge	
Day	Knutson	Mondale	Riveness	
Dille	Krentz	Morse	Robertson	

The President declared a quorum present.

The reading of the Journal was dispensed with and the Journal, as printed and corrected, was approved.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communication was received.

April 6, 1994

The Honorable Irv Anderson
Speaker of the House of Representatives

The Honorable Allan H. Spear
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1994 Session of the State Legislature have been received from the Office of the

Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

S.F. No.	H.F. No.	Session Laws Chapter No.	Time and Date Approved 1994	Date Filed 1994
2383		387	11:22 a.m. April 6	April 6
2086		389	11:24 a.m. April 6	April 6
	2090	390	11:27 a.m. April 6	April 6
	1906	391	11:30 a.m. April 6	April 6
	1845	392	11:32 a.m. April 6	April 6
2274		393	11:27 a.m. April 6	April 6

Sincerely,
Joan Anderson Growe
Secretary of State

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate Files, herewith returned: S.F. Nos. 2267, 1825, 2070 and 2672.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 7, 1994

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S.F. No. 819: A bill for an act relating to telephone services; prohibiting collection of charges for information services as if they were charges for telephone services; providing for notice of certain call blocking options; amending Minnesota Statutes 1992, section 237.66; by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 325F.

Senate File No. 819 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 7, 1994

CONCURRENCE AND REPASSAGE

Ms. Johnson, J.B. moved that the Senate concur in the amendments by the House to S.F. No. 819 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 819 was read the third time, as amended by the House, and placed on its repassage.

The question was taken on the repassage of the bill, as amended.

The roll was called, and there were yeas 56 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dille	Kroening	Neuville	Sams
Anderson	Finn	Langseth	Novak	Samuelson
Belanger	Flynn	Larson	Oliver	Solon
Benson, D.D.	Frederickson	Lesewski	Olson	Spears
Berg	Hanson	Lessard	Pappas	Stevens
Berglin	Hottinger	Luther	Pariseau	Stumpf
Bertram	Johnson, D.E.	Marty	Piper	Vickerman
Betzold	Johnson, J.B.	Merriam	Price	Wiener
Chandler	Johnston	Metzen	Ranum	
Chmielewski	Kelly	Moe, R.D.	Reichgott Junge	
Cohen	Kiscaden	Morse	Robertson	
Day	Krentz	Murphy	Runbeck	

So the bill, as amended, was repassed and its title was agreed to.

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of 3 members of the House, on the amendments adopted by the House to the following Senate File:

S.F. No. 2260: A bill for an act relating to public safety; making technical corrections; allowing special, coded license plates to be issued, following impoundment of former plates, to licensed driver identified by vehicle's registered owner; requiring department of public safety to keep records for five years of cancellations and disqualifications of drivers' licenses, unless rescinded; classifying offenses of following too closely and erratic lane change as serious traffic offenses for purposes of disqualifying driver from operating commercial motor vehicle; imposing a penalty for displaying invalid driver's license as being valid; requiring same waiting period for Minnesota limited driver's license whether offense was committed in Minnesota or in another state; amending Minnesota Statutes 1992, sections 168.042, subdivision 12; 171.12, subdivisions 1, 3, and 3a; 171.165, subdivision 4; and 260.151, subdivision 1; Minnesota Statutes 1993 Supplement, sections 171.22, subdivision 1; 171.29, subdivision 2; and 171.30, subdivision 2a.

There has been appointed as such committee on the part of the House:

McCollum, Osthoff and Lieder.

Senate File No. 2260 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 7, 1994.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 2248:

H.F. No. 2248: A bill for an act relating to agriculture; changing certain

pesticide posting requirements; amending Minnesota Statutes 1992, section 18B.07, subdivision 3.

The House respectfully requests that a Conference Committee of 3 members be appointed thereon.

Gutknecht, Dauner and Davids have been appointed as such committee on the part of the House.

House File No. 2248 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 7, 1994

Mr. Benson, D.D. moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 2248, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 1921, 2013, 2493, 2626, 3120, 1999, 2796, 2405, 2617 and 2658.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 7, 1994

FIRST READING OF HOUSE BILLS

The following bills were read the first time and referred to the committees indicated.

H.F. No. 1921: A bill for an act relating to retirement; increasing employee contribution rates and benefit computation formulas for the teachers retirement fund; amending Minnesota Statutes 1992, sections 354.42, subdivision 2; and 354.44, subdivision 6.

Referred to the Committee on Finance.

H.F. No. 2013: A bill for an act relating to public employment; correcting unintended omissions from previous early retirement legislation; ratifying certain prior payments.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1908, now on General Orders.

H.F. No. 2493: A bill for an act relating to agriculture; changing the law on nuisance liability of agricultural operations; amending Minnesota Statutes 1992, section 561.19, subdivisions 1 and 2.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2247, now on General Orders.

H.F. No. 2626: A bill for an act relating to retirement; authorizing purchase of prior service credit from the teachers retirement association by a certain member.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2432, now on General Orders.

H.F. No. 3120: A bill for an act relating to military affairs; expediting payment to forces ordered to active duty; amending Minnesota Statutes 1992, section 192.52.

Referred to the Committee on Finance.

H.F. No. 1999: A bill for an act relating to insurance; requiring disclosure of information relating to insurance fraud; granting immunity for reporting suspected insurance fraud; requiring insurers to develop antifraud plans; prescribing penalties; proposing coding for new law in Minnesota Statutes, chapter 60A.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1784, now on General Orders.

H.F. No. 2796: A bill for an act relating to the environment; toxic pollution prevention act; adding definitions; clarifying applicability; modifying the schedule for submitting plans and reports; amending Minnesota Statutes 1992, sections 115D.03, subdivision 5, and by adding a subdivision; 115D.05; and 115D.08, subdivision 1; Minnesota Statutes 1993 Supplement, sections 115D.07, subdivision 1; and 115D.12, subdivision 2.

Referred to the Committee on Finance.

H.F. No. 2405: A bill for an act relating to retirement; making various administrative and minor substantive changes in the laws governing the Minnesota state retirement system, the public employees retirement association, the teachers retirement association, and police and firefighters retirement law; requiring disclosure of certain investment information; amending Minnesota Statutes 1992, sections 352.01, subdivisions 11 and 13; 352.029, subdivision 1, and by adding subdivisions; 352.04, subdivisions 2 and 3; 352.119, by adding a subdivision; 352B.265; 352D.04, subdivision 2; 353.03, subdivisions 1 and 3a; 354.05, subdivisions 2, 21, 22, 35, and by adding subdivisions; 354.06, subdivisions 2a and 4; 354.071, subdivision 5; 354.091; 354.10, subdivisions 1 and 2; 354.41, subdivision 4, and by adding subdivisions; 354.42, subdivisions 3 and 5; 354.44, subdivisions 1a, 4, and 5a; 354.47; 354.48, subdivision 2; 354.49, subdivision 1; 354.52, subdivisions 2, 2a, 4, and by adding subdivisions; 354.66, subdivisions 2, 3, and by adding a subdivision; and 356.30, subdivision 1; Minnesota Statutes 1993 Supplement, sections 3A.02, subdivision 5; 352.22, subdivision 2; 352.93, subdivision 2a; 352.96, subdivision 4; 352B.08, subdivision 2a; 353.01, subdivisions 10, 12a, 16, and 28; 353.017, subdivisions 1, 3, and by adding subdivisions; 353.27, subdivision 7; 353.37, subdivisions 1, 2, and 4; 353.65, subdivision 3a; 353A.08, subdivision 3; 354.05, subdivision 8; and 354.46, subdivisions 1 and 5; proposing coding for new law in Minnesota Statutes, chapters 354; 356; and 423A; repealing Minnesota Statutes 1992, sections 352.15, subdivision 2; 352D.09, subdivision 6; 354.05, subdivisions 15 and 29; 354.43, subdivision 3; 354.57; 354.65; and 356.18.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2288, now on General Orders.

H.F. No. 2617: A bill for an act relating to alcoholic beverages; defining terms; regulating agreements between brewers and wholesalers; providing for amounts of malt liquor that may be brewed in a brewery-restaurant; providing exemption from law regulating nondiscrimination in liquor wholesaling; prohibiting certain solicitations by wholesalers; allowing only owner of a brand of distilled spirits to register that brand; denying registration to certain brand labels; requiring reports by certain brewers; requiring permits for transporters of distilled spirits and wine; removing requirements that retail licensees be citizens or resident aliens; allowing counties to issue on-sale licenses to hotels; allowing political committees to obtain temporary on-sale licenses; restricting issuance of off-sale licenses to drugstores; allowing counties to issue exclusive liquor store licenses in certain towns; allowing counties to issue wine auction licenses; restricting issuance of temporary on-sale licenses to one organization or for one location; imposing new restrictions on issuance of more than one off-sale license to any person in a municipality; regulating wine tastings; allowing on-sales of intoxicating liquor after 8 p.m. on Christmas eve; allowing certain sales by off-sale retailers to on-sale retailers' restricting use of coupons by retailers, wholesalers, and manufacturers; providing for inspection of premises of temporary on-sale licensees; authorizing issuance of licenses by certain cities and counties; amending Minnesota Statutes 1992, sections 325B.02; 325B.04; 325B.05; 325B.12; 340A.101, subdivision 13; 340A.301, subdivisions 6, 7, and by adding a subdivision; 340A.307, subdivision 4; 340A.308; 340A.311; 340A.404, subdivisions 6 and 10; 340A.405, subdivisions 1, 2, and 4; 340A.410, by adding a subdivision; 340A.412, subdivision 3; 340A.416, subdivision 3; 340A.505; and 340A.907; Minnesota Statutes 1993 Supplement, sections 340A.402; and 340A.415; proposing coding for new law in Minnesota Statutes, chapters 325B; and 340A.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2161, now on General Orders.

H.F. No. 2658: A bill for an act relating to retirement; waiving the annuity reduction for certain faculty in the state university system who return to teaching part-time after retirement; mandating employer-paid health insurance for these faculty; proposing coding for new law in Minnesota Statutes, chapters 136 and 354.

Referred to the Committee on Finance.

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted, with the exception of the report pertaining to appointments. The motion prevailed.

Mr. Lessard from the Committee on Environment and Natural Resources, to which was re-referred

S.F. No. 2824: A bill for an act relating to ethanol; increasing the cap on ethanol development payments to ethanol producers; extending expiration of payments for ethanol development; increasing minimum oxygen content of gasoline; eliminating tax credit for agricultural alcohol gasoline; amending Minnesota Statutes 1992, sections 41A.09, subdivision 5; and 296.02, subdivision 7; Minnesota Statutes 1993 Supplement, section 41A.09, subdivision 3; and 239.791, subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. [APPROPRIATIONS; SUMMARY.]

Except as otherwise provided in this act, the sums set forth in the columns designated “fiscal year 1994” and “fiscal year 1995” are appropriated from the general fund, or other named fund, to the agencies for the purposes specified in this act and are added to appropriations for the fiscal years ending June 30, 1994, and June 30, 1995, in Laws 1993, chapter 172, or another named law.

SUMMARY BY FUND

	1994	1995
General Fund	\$ 200,000	\$ 3,825,000
Environmental Trust Fund	1,346,000	
Minnesota Future Resources Fund	1,404,000	
TOTAL	\$ 2,950,000	\$ 3,825,000

APPROPRIATIONS	
Available for the Year	
Ending June 30	
1994	1995

Sec. 2. BOARD OF WATER AND SOIL RESOURCES

\$ 730,000

This appropriation is added to the appropriation in Laws 1993, chapter 172, section 6. Of this amount, \$600,000 is for local implementation of the state revolving fund, which provides grants to soil and water conservation districts (SWCDs). The SWCDs must use the grants to hire staff to assist landowners to implement a variety of conservation practices. This appropriation is contingent upon passage of enabling legislation to provide financial assistance for clean up of nonpoint source water pollution.

Sec. 3. POLLUTION CONTROL AGENCY

1,963,000

(a) Feedlot Assistance and Compliance

1,407,000

This appropriation is added to the appropriation in Laws 1993, chapter 172, section 2, subdivision 2, for feedlot compliance and local assistance.

Of this amount, \$550,000 is for grants for county administration of the feedlot permit program, to be administered by the board of water and soil resources in ac-

cordance with Minnesota Statutes, section 103B.3369, in cooperation with the pollution control agency. Grants must be matched with a combination of local cash or in-kind contributions. Counties receiving these grants shall submit an annual report to the pollution control agency regarding activities conducted under the grant, expenditure made, and local match contributions. First priority for funding shall be given to counties that have requested and received delegation from the pollution control agency for processing of animal feedlot permit applications under Minnesota Statutes, section 116.07, subdivision 7. Delegated counties shall be eligible to receive a grant of \$5,000 plus either: \$5 multiplied by the number of livestock or poultry farms with sales greater than \$10,000, as reported in the 1992 Census of Agriculture, published by the United States Bureau of Census; or \$15 multiplied by the number of feedlots with greater than ten animal units as determined by a level 2 or level 3 feedlot inventory conducted in accordance with the Feedlot Inventory Guidebook published by the board of water and soil resources, dated June 1991.

To receive the additional funding that is based on the county feedlot inventory, the county shall submit a copy of the inventory to the board of water and soil resources.

Any remaining money is transferred to the board of water and soil resources for distribution to counties on a competitive basis through the challenge grant process for the conducting of feedlot inventories, development of delegated county feedlot programs, and for information and education or technical assistance efforts to reduce feedlot-related pollution hazards.

(b) State Revolving Fund Nonpoint Source Implementation

236,000

This appropriation is added to the appropriation in Laws 1993, chapter 172, section 2, subdivision 2, for administrative support for nonpoint source pollution activities, including storm water assistance, individual septic tank systems, and partnerships with local entities to abate non-

point source pollution. This appropriation is contingent upon passage of enabling legislation to provide financial assistance for clean up of nonpoint source water pollution.

(c) External Cost Study

250,000

This appropriation is for an independent study of the external costs of electricity generation in the state. The commissioner must consult with the department of public service, utilities, environmental groups, and other interested persons in the design and scope of the study and selection of a study contractor. Unless the commissioner determines another methodology is more appropriate, the study must employ one or more of the following methodologies based upon the commissioner's consultation with interested persons: (1) damage cost; (2) cost of control; and (3) willingness to pay.

The study must be completed by July 1, 1995, and must be transmitted by the commissioner to the public utilities commission for use in its consideration of environmental cost values under Minnesota Statutes, section 216B.2422, subdivision 2. The commission must not make a final decision on cost value until it has considered the study prepared under this section.

This appropriation may not be spent until the commissioner of the pollution control agency has submitted a work plan to the legislative commission on Minnesota resources and the commission has approved the work plan.

(d) Citizen Lake Monitoring

70,000

This appropriation is for continuation of the citizen lake monitoring program and the electronic lakes bulletin board.

(e) Eagle Lake Sewer Connection

Of the amounts transferred to the public facilities authority under Minnesota Statutes, section 446A.071, subdivision 8, \$154,000 shall be transferred and is appropriated to the commissioner of the pollution control agency for a grant to the city of Eagle Lake to pay for an intercep-

tor connection to the wastewater treatment plant in the city of Mankato. This grant is for payment in the last quarter of fiscal year 1995.

Sec. 4. AGRICULTURE

850,000

(a) Enhanced Feedlot and Manure Management

650,000

This appropriation is added to the appropriation in Laws 1993, chapter 172, section 7, to provide assistance to feedlot operators, and to implement best management practices for animal waste and sound nutrient management practices. Of the amount added to the appropriation in subdivision 4, \$50,000 is for grants.

(b) Agriculture and Rural Best Management Practices Loan Program

150,000

This appropriation is added to the appropriation in Laws 1993, chapter 172, section 7, subdivision 4, and is for the administrative costs of implementing a rural and agriculture loan program for water quality improvement practices. This appropriation is contingent upon passage of enabling legislation to provide financial assistance for clean up of nonpoint source water pollution.

(c) Farm Safety Programs

50,000

(d) Ethanol Producer Payments

Notwithstanding Laws 1993, chapter 172, section 7, subdivision 3, the total payments from the ethanol development account to all producers may not exceed \$14,800,000 for the biennium ending June 30, 1995.

Sec. 5. NATURAL RESOURCES

2,950,000

227,000

Summary by Fund

	1994	1995
General Fund	200,000	227,000
Environmental Trust Fund	1,346,000	
Minnesota Future Resources Fund	1,404,000	

\$150,000 of this appropriation is added to the appropriation in Laws 1993, chapter

172, section 5, subdivision 9, to the commissioner of natural resources for transfer to the environmental quality board. The money must be used for activities related to achieving the sustainable economic development and environmental protection goals of the environmental quality board's sustainable development initiative.

\$200,000 is for workers' compensation payments for employees of the enforcement division. This appropriation is available until June 30, 1995.

\$77,000 in fiscal year 1995 is for payment to Marshall county for construction and maintenance of roads under Minnesota Statutes, section 84A.32, subdivision 1, paragraph (d).

\$650,000 is from the environmental trust fund for repair, rehabilitation, construction, or additions to state park buildings throughout the state. This appropriation is available until June 30, 1995.

\$696,000 from the environmental trust fund and \$1,404,000 from the Minnesota future resources fund is for development of a new small craft harbor in Silver Bay. These appropriations are available until expended.

Sec. 6. CITIZEN'S COUNCIL ON VOYAGEURS NATIONAL PARK

55,000

Any amounts remaining from the appropriation in Laws 1993, chapter 172, section 10, for fiscal year 1994, is available until June 30, 1995.

Sec. 7. Minnesota Statutes 1992, section 3.737, subdivision 1, is amended to read:

Subdivision 1. [COMPENSATION REQUIRED.] Notwithstanding section 3.736, subdivision 3, paragraph (e), or any other law, a livestock owner shall be compensated by the commissioner of agriculture for livestock that is destroyed or is crippled so that it must be destroyed by an animal classified as ~~endangered~~ *a protected mammal* under the federal Endangered Species Act of 1973. The owner is entitled to the fair market value of the destroyed livestock, ~~not to exceed \$400 per animal destroyed,~~ as determined by the commissioner, upon recommendation of the county extension ~~agent~~ *agent educator* for the owner's county ~~and a conservation officer.~~ The commissioner, upon recommendation of the agent ~~and or~~ *and* conservation officer, shall determine whether the livestock was destroyed by an animal described in this subdivision. The owner shall file

a claim on forms provided by the commissioner and available at the county extension agent's educator's office.

Sec. 8. Minnesota Statutes 1992, section 3.737, subdivision 4, is amended to read:

Subd. 4. [PAYMENT, DENIAL OF COMPENSATION.] If the commissioner finds that the livestock owner has shown that the loss of the livestock was caused more probably than not by an animal classified as an endangered species a protected mammal under the Federal Endangered Species Act of 1973, the commissioner shall pay compensation as provided in this section and in the rules of the department. *If the commissioner approves the claim, payment must be made within 60 days after receipt of the claim.*

If the commissioner denies compensation claimed by an owner under this section, the commissioner shall issue a written decision based upon the available evidence. It shall include specification of the facts upon which the decision is based and the conclusions on the material issues of the claim. A copy of the decision shall be mailed to the owner *within 45 days after receipt of the claim. Failure to mail the copy within 45 days shall be deemed an approval of the claim in the amount submitted.*

A decision to deny compensation claimed under this section is not subject to the contested case review procedures of chapter 14, but may be reviewed upon a trial de novo in a court in the county where the loss occurred. The decision of the court may be appealed as in other civil cases. Review in court may be obtained by filing a petition for review with the administrator of the court within 60 days following receipt of a decision under this section. Upon the filing of a petition, the administrator shall mail a copy to the commissioner and set a time for hearing within 90 days of the filing.

Sec. 9. Minnesota Statutes 1992, section 17B.15, subdivision 1, is amended to read:

Subdivision 1. [ADMINISTRATION; APPROPRIATION.] The fees for inspection and weighing shall be fixed by the commissioner and be a lien upon the grain. The commissioner shall set fees for all inspection and weighing in an amount adequate to pay the expenses of carrying out and enforcing the purposes of sections 17B.01 to 17B.23, including the portion of general support costs and statewide indirect costs of the agency attributable to that function, with a reserve sufficient for up to six months. The commissioner shall review the fee schedule twice each year. Fee adjustments are not subject to chapter 14. Payment shall be required for services rendered. If the grain is in transit, the fees shall be paid by the carrier and treated as advance charges, and, if received for storage, the fees shall be paid by the warehouse operator, and added to the storage charges.

All fees collected and all fines and penalties for violation of any provision of this chapter shall be deposited in the grain inspection and weighing account, which is created in the state treasury for carrying out the purpose of sections 17B.01 to 17B.23. The money in the account, *including interest earned on the account*, is annually appropriated to the commissioner of agriculture to administer the provisions of sections 17B.01 to 17B.23.

Sec. 10. Minnesota Statutes 1992, section 41A.09, subdivision 2, is amended to read:

Subd. 2. [DEFINITIONS.] For purposes of this section the terms defined in this subdivision have the meanings given them.

(a) "Ethanol" means agriculturally derived fermentation ethyl alcohol derived from *agricultural products, including potatoes, cereal, grains, cheese whey, and sugar beets, forest products, or other renewable resources, including residue and waste generated from the production, processing, and marketing of agricultural products, forest products, and other renewable resources*, that:

(1) meets all of the specifications in ASTM specification D 4806-88; and

(2) is denatured with unleaded gasoline or rubber hydrocarbon solvent as defined in Code of Federal Regulations, title 27, parts 211 and 212, as adopted by the Bureau of Alcohol, Tobacco and Firearms of the United States Treasury Department.

(b) "Wet alcohol" means agriculturally derived fermentation ethyl alcohol having a purity of at least 50 percent but less than 99 percent.

Sec. 11. Minnesota Statutes 1993 Supplement, section 41A.09, subdivision 3, is amended to read:

Subd. 3. [PAYMENTS FROM ACCOUNT.] (a) The commissioner of agriculture shall make cash payments from the account to producers of ethanol or wet alcohol located in the state. These payments shall apply only to ethanol or wet alcohol fermented in the state. The amount of the payment for each producer's annual production shall be as follows:

(a) (1) for each gallon of ethanol produced on or before June 30, ~~2000~~ 1995, 20 cents per gallon;

(b) (2) for each gallon of ethanol produced on or before June 30, 2010, 25 cents per gallon; and

(3) for each gallon produced of wet alcohol on or before June 30, ~~2000~~ 2010, a payment in cents per gallon calculated by the formula "alcohol purity in percent divided by five," and rounded to the nearest cent per gallon, but not less than 11 cents per gallon.

The producer payment for wet alcohol under this section may be paid to either the original producer of wet alcohol or the secondary processor, at the option of the original producer, but not to both.

(e) (b) In addition to other payments under this subdivision, the commissioner shall make payments to producers of ethanol located in the state in the amount of ten cents for each gallon of annual ethanol production in excess of 37,500,000 gallons. Total payments to a producer under this paragraph in any fiscal year may not exceed \$3,750,000.

(c) The total payments from the account to all producers may not exceed ~~\$10,000,000~~ \$20,000,000 in any fiscal year during the period beginning July 1, ~~1993~~ 1994, and ending June 30, ~~2000~~ 2010. Total payments from the account to any producer ~~in any fiscal year~~ under paragraph (a) may not exceed:

(1) \$3,000,000 in fiscal year 1995; and

(2) \$3,750,000 in fiscal year 1996 and subsequent fiscal years.

(d) By the last day of October, January, April, and July, each producer shall file a claim for payment for production during the preceding three calendar months. The volume of production must be verified by a certified financial audit performed by an independent certified public accountant using generally accepted accounting procedures.

(e) Payments shall be made November 15, February 15, May 15, and August 15.

Sec. 12. Minnesota Statutes 1992, section 41A.09, subdivision 5, is amended to read:

Subd. 5. [EXPIRATION.] This section expires July 1, ~~2000~~ 2010, and the unobligated balance of each appropriation under this section on that date reverts to the general fund.

Sec. 13. Minnesota Statutes 1992, section 84.0887, is amended by adding a subdivision to read:

Subd. 7. [GROUP HEALTH AND ACCIDENTAL DEATH INSURANCE.] *The commissioner may provide group health and accidental death insurance coverage for youth and young adult corps members through an insurance carrier under contract with the National Association of Service and Conservation Corps.*

Sec. 14. Minnesota Statutes 1992, section 84.0887, is amended by adding a subdivision to read:

Subd. 8. [EDUCATION AWARDS.] (a) *A person employed as a corps member for one year of continuous service, as determined by standards adopted by the commissioner, and who receives a satisfactory evaluation upon termination of employment may be provided an incentive award of \$500 or an education voucher in an amount not less than \$1,000 nor more than stipulated in the National and Community Service Act (Public Law Number 101-610, United States Code, title 42, sections 12501 through 12681).*

(b) *The commissioner may authorize a partial incentive award or education voucher to a person employed as a corps member who receives a satisfactory evaluation upon termination of employment if the person is employed as a corps member for less than one year of continuous employment if the commissioner determines that employment was terminated because of special circumstances beyond the control of the corps member. Partial awards may also be made if the person is employed as a corps member for at least ten months but less than one year and the commissioner determines that employment was terminated in order to enable the person to attend an institution of higher education, vocational institution, or other training program or to enable the person to obtain other employment.*

(c) *The education voucher is valid for three years after the date of issuance for the payment of tuition and required program activity fees at any institution of higher education which accepts the voucher. In instances where a corps member has attained a degree or certificate from an institution of higher education and has an education loan outstanding, the education voucher may be used to repay that loan. The commissioner shall authorize payment to the institution of face value of the voucher upon presentation.*

Sec. 15. Minnesota Statutes 1992, section 84A.32, subdivision 1, is amended to read:

Subdivision 1. [RULES.] (a) The department shall manage and control each project approved and accepted under section 84A.31. The department may adopt and enforce rules for the purposes in section 84A.31, subdivision 1, for the prevention of forest fires in the projects, and for the sale of merchantable timber from lands acquired by the state in the projects when, in the opinion of the department, the timber may be sold and removed without damage to the purposes of the projects. Rules must not interfere with, destroy, or damage any privately owned property without just compensation being made to the owner of the private property by purchase or in lawful condemnation proceedings. The rules may relate to the care, preservation, protection, breeding, propagation, and disposition of any species of wildlife in the projects and the regulation, issuance, sale, and revocation of special licenses or special permits for hunting, fishing, camping, or other uses of these areas consistent with applicable state law.

(b) The department may provide for the policing of each project as necessary for the proper development, use, and protection of the project, and of its purpose. Supervisors, guards, custodians, and caretakers assigned to duty in a project have the powers of peace officers while employed by the department.

(c) Lands within the project are subject to these rules, whether owned by the state, or privately, consistent with the constitutional rights of the private owners or with applicable state law. The department may exclude from the operation of the rules any lands owned by private individuals upon which taxes are delinquent for three years or less. Rules must be published once in the official newspaper of each county affected and take effect 30 days after publication. They must also be posted on each of the four corners of each township of each project affected.

(d) In the management, operation, and control of areas taken for afforestation, reforestation, flood control projects, and wild game and fishing reserves, nothing shall be done that will in any manner obstruct or interfere with the operation of ditches or drainage systems existing within the areas, or damage or destroy existing roads or highways within these areas or projects, unless the ditches, drainage systems, roads, or highways are first taken under the right of eminent domain and compensation made to the property owners and municipalities affected and damaged.

(e) Each area or project shall contribute from the funds of the project, in proportion of the state land within the project, for the construction and maintenance of roads and highways necessary within the areas and projects to give the settlers and private owners within them access to their land. *Claims for calendar year 1994 and subsequent years must be submitted to the commissioner of natural resources by April 15 of the following year. The commissioner shall make payments during the month of July of the year in which the claims are submitted. Amounts necessary to pay claims under this paragraph are annually appropriated to the commissioner from the general fund.*

(f) The department may construct and maintain roads and highways within the areas and projects as it considers necessary.

Sec. 16. Minnesota Statutes 1992, section 85A.02, subdivision 17, is amended to read:

Subd. 17. [ADDITIONAL POWERS.] The board may establish a schedule of charges for admission to or the use of the Minnesota zoological garden or any related facility. The board shall have a policy admitting elementary school children at no charge when they are part of an organized school activity. ~~The Minnesota zoological garden must be open to the public without admission charges at least two days each month~~ *The board shall establish a program for admitting, at a reduced charge or at no charge, persons who have historically been underrepresented in attendance at the zoo.* However, the zoo may charge at any time for parking, special services, and for admission to special facilities for the education, entertainment, or convenience of visitors. The board may provide for the purchase, reproduction, and sale of gifts, souvenirs, publications, informational materials, food and beverages, and grant concessions for the sale of these items.

Sec. 17. Minnesota Statutes 1993 Supplement, section 97A.028, subdivision 3, is amended to read:

Subd. 3. [EMERGENCY DETERRENT MATERIALS ASSISTANCE.] (a) For the purposes of this subdivision, "cooperative damage management agreement" means an agreement between a landowner and the commissioner that establishes a program for addressing the problem of destruction of specialty crops by wild animals on the landowner's property.

(b) A person may apply to the commissioner for emergency deterrent materials assistance in controlling destruction of specialty crops by wild animals. Subject to the availability of money appropriated for this purpose, the commissioner shall provide suitable deterrent materials, up to \$3,000 in value per individual or corporation, when the commissioner determines that:

(1) immediate action is necessary to prevent significant damage from continuing; and

(2) a cooperative damage management agreement cannot be implemented immediately.

(c) As a condition of receiving emergency deterrent materials assistance under this subdivision, a landowner shall enter into a cooperative damage management agreement with the commissioner. Deterrent materials provided by the commissioner may include repellents, fencing materials, or other materials recommended in the agreement to alleviate the damage problem. *If requested by a landowner, any fencing materials provided must be capable of providing long-term protection of specialty crops.* A landowner may not receive emergency deterrent materials assistance under this subdivision more than once. A landowner who receives emergency deterrent materials assistance under this subdivision shall comply with the terms of the cooperative damage management agreement.

Sec. 18. Minnesota Statutes 1992, section 296.02, subdivision 7, is amended to read:

Subd. 7. [TAX CREDIT FOR AGRICULTURAL ALCOHOL GASOLINE.] *Until October 1, 1997,* a distributor shall be allowed a credit on each gallon of denatured ethanol commercially blended with gasoline or blended in a tank truck with gasoline on which the tax imposed by subdivision 1 is due and payable. Denatured ethanol is defined in section 296.01, subdivision 13.

After June 30, 1987, The amount of the credit for every gallon of denatured ethanol blended with gasoline to produce agricultural alcohol gasoline is:

- (1) until October 1, 1994, 20 cents;
- (2) until October 1, 1995, 15 cents;
- (3) until October 1, 1996, ten cents; and
- (4) until October 1, 1997, five cents.

The credit allowed a distributor must not exceed the total tax liability under subdivision 1. The tax credit received by a distributor on denatured ethanol blended with motor fuels shall be passed on to the retailer.

Sec. 19. Minnesota Statutes 1992, section 477A.12, is amended to read:

477A.12 [ANNUAL APPROPRIATIONS; LANDS ELIGIBLE; CERTIFICATION OF ACREAGE.]

There is annually appropriated to the commissioner of natural resources from the general fund for payment to counties within the state an amount equal to:

(1) for acquired natural resources land, \$3 multiplied by the number of acres of ~~acquired natural resources land~~, or three-fourths of one percent of the appraised value, whichever is greater;

(2) ~~75~~ 85 cents multiplied by the number of acres of county-administered other natural resources land; and

(3) ~~37.5~~ 42 cents multiplied by the number of acres of commissioner-administered other natural resources land located in each county as of July 1 of each year.

Lands for which payments in lieu are made pursuant to section 97A.061, subdivision 3, and Laws 1973, chapter 567, shall not be eligible for payments under this section. Each county auditor shall certify to the department of natural resources during July of each year the number of acres of county-administered other natural resources land within the county. The department of natural resources may, in addition to the certification of acreage, require descriptive lists of land so certified. The commissioner of natural resources shall determine and certify the number of acres of acquired natural resources land and commissioner-administered natural resources land within each county.

Sec. 20. Minnesota Statutes 1993 Supplement, section 477A.13, is amended to read:

477A.13 [TIME OF PAYMENT, DEDUCTIONS.]

Payments to the counties shall be made from the general fund during the month of July of the year next following certification. There shall be deducted from amounts paid to a county:

(1) any amounts paid to a county or township during the preceding year pursuant to sections 97A.061, subdivisions 1 and 2, and 272.68, subdivision 3, with respect to the lands certified pursuant to section 477A.12; and

(2) amounts necessary to defend the state in any lawsuit related to aid

payments for state lands brought by the county or a group of counties in which the county participates.

Sec. 21. Minnesota Statutes 1993 Supplement, section 477A.14, is amended to read:

477A.14 [USE OF FUNDS.]

Forty percent of the total payment to the county shall be deposited in the county general revenue fund to be used to provide property tax levy reduction. The remainder shall be distributed by the county in the following priority:

(a) ~~37.5~~ 42.5 cents for each acre of county-administered other natural resources land shall be deposited in a resource development fund to be created within the county treasury for use in resource development, forest management, game and fish habitat improvement, and recreational development and maintenance of county-administered other natural resources land. Any county receiving less than \$5,000 annually for the resource development fund may elect to deposit that amount in the county general revenue fund;

(b) From the funds remaining, within 30 days of receipt of the payment to the county, the county treasurer shall pay each organized township 30 cents per acre of acquired natural resources land and ~~7.5~~ 8.5 cents per acre of other natural resources land located within its boundaries. Payments for natural resources lands not located in an organized township shall be deposited in the county general revenue fund. Payments to counties and townships pursuant to this paragraph shall be used to provide property tax levy reduction. Provided that, if the total payment to the county pursuant to section 477A.12 is not sufficient to fully fund the distribution provided for in this clause, the amount available shall be distributed to each township and the county general revenue fund on a pro rata basis; and

(c) Any remaining funds shall be deposited in the county general revenue fund. Provided that, if the distribution to the county general revenue fund exceeds \$35,000, the excess shall be used to provide property tax levy reduction.

Sec. 22. [SUSTAINABLE ECONOMIC DEVELOPMENT AND ENVIRONMENTAL PROTECTION TASK FORCE; STAFF.]

Subdivision 1. [PURPOSE; TASK FORCE MEMBERSHIP.] In order to build a consensus on how to achieve the sustainable economic development and environmental protection goals of the environmental quality board sustainable development initiative throughout the state, the sustainable economic development and environmental protection task force is established. The task force consists of 17 members who serve at the pleasure of the appointing authority as follows:

(1) *six legislators, including three members of the senate appointed by the subcommittee on committees of the committee on rules and administration, and three members of the house of representatives appointed by the speaker of the house; and*

(2) *11 public members who are residents of the state, appointed by the chair of the environmental quality board. Of the 11 members appointed by the chair of the environmental quality board, at least one member shall represent towns, one member shall represent cities, one member shall represent counties, and one shall represent regional development commissions.*

At least one legislator from each house appointed under clause (1) must be a member of the minority caucus.

Subd. 2. [CHAIRS.] The legislative appointing authorities shall designate a legislative appointee to serve as co-chair of the task force and the chair of the environmental quality board shall designate one of the 11 public members as the other co-chair.

Subd. 3. [STAFF.] The environmental quality board shall provide coordination and staff support for the task force.

Subd. 4. [SUNSET.] The task force shall expire on June 30, 1995, at which time a final report and recommendation are due.

Sec. 23. [DUTIES.]

The task force shall research and recommend:

(1) what policies or goals are of statewide interest relating to sustainable communities and land use that should guide decision making at state, regional, and local levels;

(2) what planning framework and process will enhance collaboration at all levels to help achieve the goals; and

(3) how the planning framework will incorporate the following nonexclusive list of issues: sustainable economic development, protection of natural resources, urban-rural linkages, and citizen involvement.

Sec. 24. [PUBLIC INVOLVEMENT.]

The environmental quality board and the task force shall ensure extensive, broad-based involvement of citizens and both public and private sectors in the recommendations. The environmental quality board may contract with facilitators or other consultants to help ensure extensive public participation and to help incorporate public comments into the process.

Sec. 25. [REPORT.]

By January 1, 1995, the environmental quality board and the task force shall submit to the governor and the legislature an initial report of the task force's and the board's findings and recommendations for legislation.

Sec. 26. [EFFECTIVE DATE.]

Sections 1 to 6 are effective the day following final enactment. Section 20 does not apply to lawsuits initiated before July 1, 1994."

Delete the title and insert:

"A bill for an act relating to the organization and operation of state government; appropriating money for environmental, natural resource, and agricultural purposes; modifying provisions relating to ethanol; establishing a procedure for certain claims relating to consolidated conservation lands; requiring the Minnesota zoological board to establish a program of reduced admission charges for certain persons; modifying provisions relating to payments in lieu of taxes; establishing a sustainable economic development and environmental protection task force; amending Minnesota Statutes 1992, sections 3.737, subdivisions 1 and 4; 17B.15, subdivision 1; 41A.09, subdivisions 2 and 5; 84.0887, by adding subdivisions; 84A.32, subdivision 1; 85A.02, subdivision 17; 296.02, subdivision 7; and 477A.12; Minnesota

Statutes 1993 Supplement, sections 41A.09, subdivision 3; 97A.028, subdivision 3; 477A.13; and 477A.14.”

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 2553 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
2553	2332				

and that the above Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 1778 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1778	1641				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1778 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1778 and insert the language after the enacting clause of S.F. No. 1641, the first engrossment; further, delete the title of H.F. No. 1778 and insert the title of S.F. No. 1641, the first engrossment.

And when so amended H.F. No. 1778 will be identical to S.F. No. 1641, and further recommends that H.F. No. 1778 be given its second reading and substituted for S.F. No. 1641, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 2278 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
2278	2259				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 2278 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2278 and insert the language after the enacting clause of S.F. No. 2259, the first engrossment; further, delete the title of H.F. No. 2278 and insert the title of S.F. No. 2259, the first engrossment.

And when so amended H.F. No. 2278 will be identical to S.F. No. 2259, and further recommends that H.F. No. 2278 be given its second reading and substituted for S.F. No. 2259, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Lessard from the Committee on Environment and Natural Resources, to which was referred the following appointment as reported in the Journal for January 19, 1993:

MINNESOTA POLLUTION CONTROL AGENCY

Russell B. Kirby

Reports the same back with the recommendation that the appointment be confirmed.

Mr. Moe, R.D. moved that the foregoing committee report be laid on the table. The motion prevailed.

SECOND READING OF HOUSE BILLS

H.F. Nos. 2553, 1778 and 2278 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Vickerman introduced—

Senate Resolution No. 73: A Senate resolution congratulating the Worthington High School Boys Basketball Team on its successful season.

Referred to the Committee on Rules and Administration.

Mr. Vickerman and Ms. Hanson introduced—

Senate Resolution No. 74: A Senate resolution congratulating the West-

brook-Walnut Grove High School Boys Basketball Team on its successful season.

Referred to the Committee on Rules and Administration.

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate proceeded to the Order of Business of the Calendar.

CALENDAR

H.F. No. 2139: A bill for an act relating to real estate; regulating trust accounts; clarifying a definition for purposes of licensing real estate appraisers; regulating dual agency disclosure; amending Minnesota Statutes 1992, section 82B.02, by adding a subdivision; Minnesota Statutes 1993 Supplement, sections 82.197, subdivision 3; and 82.24, subdivision 1.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 58 and nays 1, as follows:

Those who voted in the affirmative were:

Adkins	Finn	Kroening	Morse	Runbeck
Belanger	Flynn	Laidig	Murphy	Sams
Benson, D.D.	Frederickson	Larson	Neuville	Samuelson
Benson, J.E.	Hanson	Lesewski	Novak	Solon
Berg	Hottinger	Lessard	Oliver	Spear
Berglin	Janezich	Luther	Olson	Stevens
Bertram	Johnson, D.E.	Marty	Pappas	Stumpf
Betzold	Johnston	McGowan	Pariseau	Terwilliger
Chandler	Kelly	Merriam	Piper	Vickerman
Chmielewski	Kiscaden	Metzen	Ranum	Wiener
Cohen	Knutson	Moe, R.D.	Reichgott Junge	
Day	Krentz	Mondale	Robertson	

Ms. Anderson voted in the negative.

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate proceeded to the Order of Business of the Consent Calendar.

CONSENT CALENDAR

H.F. No. 2967: A bill for an act relating to local government; giving the Minneapolis school district and the municipal building commission the same authority as the city of Minneapolis to negotiate certain trade and craft contracts; amending Laws 1988, chapter 471, sections 1 and 2.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dille	Krentz	Mondale	Runbeck
Anderson	Finn	Kroening	Morse	Sams
Belanger	Flynn	Laidig	Murphy	Samuelson
Benson, D.D.	Frederickson	Langseth	Neuville	Solon
Benson, J.E.	Hanson	Larson	Novak	Spear
Berg	Hottinger	Lesewski	Oliver	Stevens
Berglin	Janezich	Lessard	Olson	Stumpf
Bertram	Johnson, D.E.	Luther	Pappas	Terwilliger
Betzold	Johnson, D.J.	Marty	Pariseau	Vickerman
Chandler	Johnson, J.B.	McGowan	Piper	Wiener
Chmielewski	Johnston	Merriam	Price	
Cohen	Kelly	Metzen	Ranum	
Day	Knutson	Moe, R.D.	Robertson	

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS – CONTINUED

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 2900 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 2900: A bill for an act relating to education; appropriating money for education and related purposes to the state board of technical colleges, higher education board, state university board, and board of regents of the University of Minnesota, with certain conditions; modifying the award of grants for faculty exchange and temporary assignment programs; designating community colleges; establishing the mission of Fond du Lac campus; changing certain financial aid grants; modifying the child care grant program; clarifying an exemption to private, business, trade, and correspondence school licensing; providing for appointments; permitting rulemaking; adopting a post-secondary funding formula; permitting the higher education board to establish tuition rates for the 1995-1996 academic year; postponing mandated planning; amending Minnesota Statutes 1992, sections 135A.01; 135A.03, subdivisions 1a, and by adding subdivisions; 135A.04; 136.60, subdivisions 1 and 3; 136A.101, subdivision 5; 136A.121, subdivisions 5, 17, and by adding subdivisions; 136A.125, subdivisions 2, 4, and by adding a subdivision; 136A.15, subdivision 6; and 141.35; Minnesota Statutes 1993 Supplement, sections 125.138, subdivisions 1, 6, and 8; and 135A.05; 136A.121, subdivision 6; Laws 1993, First Special Session chapter 2, article 5, section 2; proposing coding for new law in Minnesota Statutes, chapters 135A; and 136; repealing Minnesota Statutes 1992, sections 135A.02; 135A.03, subdivisions 1, 2, 3, 4, 5, and 6; 136.60, subdivision 4; and 136C.36.

Mr. Neuville moved that S.F. No. 2900 be laid on the table. The motion did not prevail.

Ms. Robertson moved to amend S.F. No. 2900 as follows:

Page 14, line 1, delete “at least”

The motion prevailed. So the amendment was adopted.

Mr. Benson, D.D. moved that S.F. No. 2900 be laid on the table.

CALL OF THE SENATE

Mr. Stumpf imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

The question was taken on the adoption of the motion of Mr. Benson, D.D.

The roll was called, and there were yeas 17 and nays 44, as follows:

Those who voted in the affirmative were:

Belanger	Frederickson	Lesewski	Olson	Terwilliger
Benson, D.D.	Johnston	McGowan	Pariseau	
Benson, J.E.	Knutson	Neuville	Runbeck	
Dille	Laidig	Oliver	Stevens	

Those who voted in the negative were:

Adkins	Day	Kiscaden	Moe, R.D.	Robertson
Anderson	Finn	Krentz	Mondale	Sams
Berg	Flynn	Kroening	Morse	Samuelson
Berglin	Hanson	Larson	Murphy	Solon
Bertram	Hottinger	Lessard	Pappas	Spear
Betzold	Janezich	Luther	Piper	Stumpf
Chandler	Johnson, D.J.	Marty	Price	Vickerman
Chmielewski	Johnson, J.B.	Merriam	Ranum	Wiener
Cohen	Kelly	Metzen	Reichgott Junge	

The motion did not prevail.

S.F. No. 2900 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

The roll was called, and there were yeas 48 and nays 17, as follows:

Those who voted in the affirmative were:

Adkins	Finn	Kroening	Mondale	Robertson
Anderson	Flynn	Langseth	Morse	Sams
Benson, J.E.	Hanson	Larson	Murphy	Samuelson
Berg	Hottinger	Lesewski	Novak	Solon
Berglin	Janezich	Lessard	Pappas	Spear
Bertram	Johnson, D.J.	Luther	Piper	Stumpf
Betzold	Johnson, J.B.	Marty	Pogemiller	Vickerman
Chandler	Kelly	Merriam	Price	Wiener
Chmielewski	Kiscaden	Metzen	Ranum	
Cohen	Krentz	Moe, R.D.	Reichgott Junge	

Those who voted in the negative were:

Belanger	Frederickson	Laidig	Olson	Terwilliger
Benson, D.D.	Johnson, D.E.	McGowan	Pariseau	
Day	Johnston	Neuville	Runbeck	
Dille	Knutson	Oliver	Stevens	

So the bill, as amended, was passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate take up the General Orders Calendar. The motion prevailed.

GENERAL ORDERS

The Senate resolved itself into a Committee of the Whole, with Mr. Kelly in the chair.

After some time spent therein, the committee arose, and Mr. Kelly reported that the committee had considered the following:

S.F. No. 2097, which the committee recommends to pass, subject to the following motions:

Mr. Luther moved to amend S.F. No. 2097 as follows:

Page 12, after line 33, insert:

“Sec. 10. Minnesota Statutes 1992, section 473.167, subdivision 2, is amended to read:

Subd. 2. [LOANS FOR ACQUISITION.] The council may make loans to counties, towns, and statutory and home rule charter cities within the metropolitan area for the purchase of property within the right-of-way of a state trunk highway shown on an official map adopted pursuant to section 394.361 or 462.359 or for the purchase of property within the proposed right-of-way of a principal or intermediate arterial highway designated by the council as a part of the metropolitan highway system plan and approved by the council pursuant to subdivision 1. The loans shall be made by the council, from the fund established pursuant to this subdivision, for purchases approved by the council. The loans shall bear no interest. The council shall make loans only: (1) to accelerate the acquisition of primarily undeveloped property when there is a reasonable probability that the property will increase in value before highway construction, and to update an expired environmental impact statement on a project for which the right-of-way is being purchased; ~~or~~ (2) to avert the imminent conversion or the granting of approvals which would allow the conversion of property to uses which would jeopardize its availability for highway construction; *or* (3) to advance planning and environmental activities on major river crossing projects. The council shall not make loans for the purchase of property at a price which exceeds the fair market value of the property or which includes the costs of relocating or moving persons or property. A private property owner may elect to receive the purchase price either in a lump sum or in not more than four annual installments without interest on the deferred installments. If the purchase agreement provides for installment payments, the council shall make the loan in installments corresponding to those in the purchase agreement. The recipient of an acquisition loan shall convey the property for the construction of the highway at the same price which the recipient paid for the property. The price may include the costs of preparing environmental documents that were required for the acquisition and that were paid for with money that the recipient received from the loan fund. Upon notification by the council that the plan to construct the highway has been abandoned or the anticipated location of the highway changed, the recipient shall sell the property at market value in accordance with the procedures required for the disposition of the property. All rents and other money received because of the recipient's ownership of the property and all proceeds from the conveyance or sale of the property shall be paid to the council. If a recipient is not permitted to include in the conveyance price the cost of preparing environmental documents that were required for the acquisition, then the recipient is not required to repay the council an amount equal to 40 percent of the money received from the loan fund and spent in

preparing the environmental documents. The proceeds of the tax authorized by subdivision 3, all money paid to the council by recipients of loans, and all interest on the proceeds and payments shall be maintained as a separate fund. For administration of the loan program, the council may expend from the fund each year an amount no greater than three percent of the amount of the authorized levy for that year.”

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Merriam moved to amend S.F. No. 2097 as follows:

Page 8, after line 1, insert:

“Sec. 6. Minnesota Statutes 1992, section 162.02, subdivision 7, is amended to read:

Subd. 7. [ESTABLISHMENT IN NEW LOCATION OR OVER ESTABLISHED ROADS.] The county board of any county may establish and locate any county state-aid highway on new location where there is no existing road, or it may establish and locate the highway upon or over any established road or street or a specified portion thereof within its limits; ~~provided, that.~~ *Except as provided in subdivision 8a*, no county state-aid highway shall be established or located within the corporate limits of any city without the approval of the governing body of the city, except that when a county state-aid highway is relocated the approval of the plans by the governing body shall be deemed to be a transfer of the previous location of the highway to the jurisdiction of the city. The approval shall be in the manner and form required by the commissioner.

Sec. 7. Minnesota Statutes 1992, section 162.02, subdivision 8, is amended to read:

Subd. 8. [APPROVAL BY CITY.] *Except as provided in subdivision 8a*, no portion of the county state-aid highway system lying within the corporate limits of any city shall be constructed, reconstructed, or improved nor the grade thereof changed without the prior approval of the plans by the governing body of such city and the approval shall be in the manner and form required by the commissioner.

Sec. 8. Minnesota Statutes 1992, section 162.02, is amended by adding a subdivision to read:

Subd. 8a. [DISPUTE RESOLUTION BOARD.] *If a city has failed to approve establishment, construction, reconstruction, or improvement of a county state-aid highway within its corporate limits under subdivision 7 or 8, the county board may, by resolution, request the commissioner to appoint a dispute resolution board consisting of one county commissioner, one county engineer, one city council member or city mayor, one city engineer, and one representative of the department of transportation. The board shall review the proposed change and make a recommendation to the commissioner. Notwithstanding any other law, the commissioner may approve the establishment, construction, reconstruction, or improvement of a county state-aid highway recommended by the board.*

Sec. 9. Minnesota Statutes 1992, section 162.07, subdivision 1, is amended to read:

Subdivision 1. [FORMULA.] After deducting for administrative costs and for the disaster account and research account and state park roads as heretofore provided, the remainder of the total sum provided for in section 162.06, subdivision 1, shall be identified as the apportionment sum and shall be apportioned by the commissioner to the several counties on the basis of the needs of the counties as determined in accordance with the following formula:

(1) An amount equal to ~~ten~~ five percent of the apportionment sum shall be apportioned equally among the 87 counties.

(2) An amount equal to ~~ten~~ 20 percent of the apportionment sum shall be apportioned among the several counties so that each county shall receive of such amount the percentage that its motor vehicle registration for the calendar year preceding the one last past, determined by residence of registrants, bears to the total statewide motor vehicle registration.

(3) An amount equal to ~~30~~ 35 percent of the apportionment sum shall be apportioned among the several counties so that each county shall receive of such amount the percentage that its total ~~miles existing lane miles~~ of approved county state-aid highways bears to the total ~~miles existing lane miles~~ of approved statewide county state-aid highways.

(4) An amount equal to ~~50~~ 40 percent of the apportionment sum shall be apportioned among the several counties so that each county shall receive of such amount the percentage that its money needs bears to the sum of the money needs of all of the individual counties; ~~provided, that the percentage of such amount that each county is to receive shall be adjusted so that each county shall receive in 1958 a total apportionment at least ten percent greater than its total 1956 apportionments from the state road and bridge fund; and provided further that those counties whose money needs are thus adjusted shall never receive a percentage of the apportionment sum less than the percentage that such county received in 1958.~~

In 1994 and thereafter, no county shall receive more than its apportionment for the previous year plus 39.5 percent, and in 1994 and thereafter no county shall receive less than its apportionment for 1993 plus three percent. The three percent may be decreased proportionately among the counties if the total apportionment sum is insufficient.

Sec. 10. Minnesota Statutes 1992, section 162.07, subdivision 3, is amended to read:

Subd. 3. [COMPUTATIONS FOR RURAL COUNTIES.] An amount equal to a levy of 0.01596 percent on each ~~rural~~ county's total taxable market value for the last preceding calendar year shall be computed and shall be subtracted from the county's total estimated construction costs. The result thereof shall be the money needs of the county. ~~For the purpose of this section, "rural counties" means all counties having a population of less than 175,000.~~

Sec. 11. Minnesota Statutes 1992, section 162.07, subdivision 5, is amended to read:

Subd. 5. [SCREENING BOARD.] On or before September 1 of each year the county engineer of each county shall forward to the commissioner, on forms prepared by the commissioner, all information relating to the mileage in

lane miles of the county state-aid highway system in the county, and the money needs of the county that the commissioner deems necessary in order to apportion the county state-aid highway fund in accordance with the formula heretofore set forth. Upon receipt of the information the commissioner shall appoint a board consisting of ~~nine county engineers. The board shall be so selected that each one~~ county engineer appointed shall be from a different ~~from each of the seven state highway construction district districts outside the department's metropolitan division and five county engineers from the department's metropolitan division.~~ No county engineer shall be appointed so as to serve consecutively for more than ~~two~~ four years. The board shall investigate and review the information submitted by each county and shall on or before the first day of November of each year submit its findings and recommendations in writing as to each county's *lane* mileage and money needs to the commissioner on a form prepared by the commissioner. Final determination of the *lane* mileage of each system and the money needs of each county shall be made by the commissioner.

Sec. 12. Minnesota Statutes 1992, section 162.07, subdivision 6, is amended to read:

Subd. 6. [ESTIMATES TO BE MADE IF INFORMATION NOT PROVIDED.] In the event that any county shall fail to submit the information provided for herein, the commissioner shall estimate the *lane* mileage and the money needs of the county. The estimate shall be used in determining the apportionment formula. The commissioner may withhold payment of the amount apportioned to the county until the information is submitted."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 30 and nays 33, as follows:

Those who voted in the affirmative were:

Anderson	Flynn	Luther	Oliver	Rivness
Belanger	Johnson, D.J.	Marty	Olson	Robertson
Berglin	Kelly	McGowan	Pappas	Runbeck
Betzold	Knutson	Merriam	Pariseau	Spear
Chandler	Krentz	Mondale	Price	Terwilliger
Cohen	Laidig	Novak	Ranum	Wiener

Those who voted in the negative were:

Adkins	Dille	Kiscaden	Moe, R.D.	Samuelson
Benson, D.D.	Finn	Kroening	Morse	Solon
Benson, J.E.	Frederickson	Langseth	Murphy	Stevens
Berg	Janezich	Larson	Neuville	Stumpf
Bertram	Johnson, D.E.	Lesewski	Piper	Vickerman
Chmielewski	Johnson, J.B.	Lessard	Pogemiller	
Day	Johnston	Metzen	Sams	

The motion did not prevail. So the amendment was not adopted.

The question was taken on the recommendation to pass S.F. No. 2097.

The roll was called, and there were yeas 55 and nays 10, as follows:

Those who voted in the affirmative were:

Adkins	Dille	Kiscaden	McGowan	Pogemiller
Anderson	Finn	Knutson	Metzen	Price
Belanger	Flynn	Krentz	Moe, R.D.	Reichgott Junge
Benson, D.D.	Frederickson	Kroening	Mondale	Riveness
Berg	Hanson	Laidig	Morse	Sams
Berglin	Janezich	Langseth	Murphy	Samuelson
Bertram	Johnson, D.E.	Larson	Neuville	Solon
Chandler	Johnson, D.J.	Lesewski	Novak	Stevens
Chmielewski	Johnson, J.B.	Lessard	Olson	Stumpf
Cohen	Johnston	Luther	Pappas	Terwilliger
Day	Kelly	Marty	Piper	Vickerman

Those who voted in the negative were:

Benson, J.E.	Merriam	Pariseau	Robertson	Spear
Betzold	Oliver	Ranum	Runbeck	Wiener

The motion prevailed. So S.F. No. 2097 was recommended to pass.

On motion of Mr. Moe, R.D., the report of the Committee of the Whole, as kept by the Secretary, was adopted.

MOTIONS AND RESOLUTIONS - CONTINUED

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated H.F. No. 1835 a Special Order to be heard immediately.

SPECIAL ORDER

H.F. No. 1835: A bill for an act relating to game and fish; agreements on taking and possession of fish taken from Ontario boundary waters; amending Minnesota Statutes 1993 Supplement, section 97A.531, by adding a subdivision.

Mr. Stumpf moved that the amendment made to H.F. No. 1835 by the Committee on Rules and Administration in the report adopted March 24, 1994, pursuant to Rule 49, be stricken. The motion prevailed. So the amendment was stricken.

Mr. Merriam moved to amend H.F. No. 1835 as follows:

Delete everything after the enacting clause and insert:

“Section 1, Minnesota Statutes 1993 Supplement, section 97A.531, subdivision 1, is amended to read:

97A.531 [SHIPMENT OF WILD ANIMALS TAKEN IN CANADA.]

~~Subdivision 1. [SHIPPING COUPONS.]~~ A person may ship, within or out of the state, wild animals lawfully taken and possessed in Canada and that have lawfully entered the state. The shipment must have the shipping coupons required for a shipment originating in the province where the animals were taken. *Fish that are lawfully taken and possessed in Canada may be brought into the state for filleting and packing and may be transported within the state or out of the state.*

Sec. 2. [REPEALER.]

Minnesota Statutes 1993 Supplement, sections 97A.015, subdivision 26a; and 97A.531, subdivisions 2, 3, 4, and 5, are repealed.

Sec. 3. [EFFECTIVE DATE.]

Sections 1 and 2 are effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to game and fish; transportation of fish taken in Canada; amending Minnesota Statutes 1993 Supplement, section 97A.531, subdivision 1; repealing Minnesota Statutes 1993 Supplement, sections 97A.015, subdivision 26a; 97A.531, subdivisions 2, 3, 4, and 5."

Mr. Laidig questioned whether the amendment was germane.

The Chair ruled that the amendment was germane.

The question was taken on the adoption of the Merriam amendment.

The roll was called, and there were yeas 28 and nays 28, as follows:

Those who voted in the affirmative were:

Anderson	Cohen	Langseth	Pappas	Samuelson
Belanger	Flynn	Lesewski	Pariseau	Spear
Benson, D.D.	Johnston	Luther	Price	Stevens
Berg	Kelly	Merriam	Ranum	Wiener
Berglin	Kiscaden	Mondale	Robertson	
Betzold	Knutson	Oliver	Runbeck	

Those who voted in the negative were:

Adkins	Finn	Johnson, J.B.	Marty	Olson
Benson, J.E.	Frederickson	Krentz	McGowan	Piper
Bertram	Hanson	Kroening	Moe, R.D.	Riveness
Chandler	Janezich	Laidig	Morse	Stumpf
Day	Johnson, D.E.	Larson	Murphy	
Dille	Johnson, D.J.	Lessard	Neuville	

The motion did not prevail. So the amendment was not adopted.

Mr. Johnson, D.J. moved to amend H.F. No. 1835 as follows:

Page 2, line 4, after the period, insert "*This paragraph does not apply to fish taken from Ontario border waters on which limits on the number of fish that may be taken are the same for Minnesota-based anglers and Ontario-based anglers.*"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 48 and nays 2, as follows:

Those who voted in the affirmative were:

Adkins	Frederickson	Kroening	Morse	Riveness
Anderson	Hanson	Laidig	Murphy	Robertson
Belanger	Janezich	Larson	Neuville	Runbeck
Benson, D.D.	Johnson, D.E.	Lesewski	Oliver	Samuelson
Benson, J.E.	Johnson, D.J.	Lessard	Olson	Solon
Berg	Johnson, J.B.	Luther	Pariseau	Spear
Betzold	Johnston	Marty	Piper	Stevens
Day	Kiscaden	McGowan	Pogemiller	Wiener
Dille	Knutson	Merriam	Price	
Flynn	Krentz	Moe, R.D.	Ranum	

Messrs. Finn and Stumpf voted in the negative.

The motion prevailed. So the amendment was adopted:

Mr. Merriam moved to amend H.F. No. 1835 as follows:

Page 2, after line 4, insert:

“(c) Nothing in this section precludes the possession, importation into, or transportation in the state of one trophy fish of each species for the purpose of having the fish preserved by taxidermy, if the fish is transported whole.”

The motion prevailed. So the amendment was adopted.

Mr. Merriam then moved to amend H.F. No. 1835 as follows:

Page 2, after line 4, insert:

“(c) Paragraph (b) does not apply if the governor issues a waiver as provided in this paragraph. The governor may issue a waiver of the requirements of paragraph (b) and subdivisions 2, 3, and 4 if after negotiations with authorized representatives of Ontario, the governor determines that the waiver is in the best interest of the citizens of the state.”

The motion prevailed. So the amendment was adopted.

H.F. No. 1835 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

The roll was called, and there were yeas 35 and nays 16, as follows:

Those who voted in the affirmative were:

Adkins	Hanson	Laidig	Murphy	Price
Benson, J.E.	Janezich	Larson	Neuville	Riveness
Berg	Johnson, D.E.	Lessard	Oliver	Runbeck
Day	Johnson, D.J.	Marty	Olson	Samuelson
Dille	Johnson, J.B.	McGowan	Pariseau	Solon
Finn	Krentz	Moe, R.D.	Piper	Stevens
Frederickson	Kroening	Morse	Pogemiller	Stumpf

Those who voted in the negative were:

Anderson	Flynn	Knutson	Merriam	Robertson
Belanger	Johnston	Lesewski	Pappas	Spear
Benson, D.D.	Kiscaden	Luther	Ranum	Wiener
Betzold				

So the bill, as amended, was passed and its title was agreed to.

MOTIONS AND RESOLUTIONS – CONTINUED

Mr. Riveness moved that S.F. No. 2195, No. 18 on General Orders, be stricken and returned to its author. The motion prevailed.

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate revert to the Order of Business of Reports of Committees. The motion prevailed.

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

Mr. Merriam from the Committee on Finance, to which was re-referred

S.F. No. 2168: A bill for an act relating to agricultural businesses; exempting from sales tax the gross receipts of used farm machinery sales; providing matching moneys for federal emergency disaster funds to flood damaged counties; providing supplemental funding for certain emergency employment programs, financial assistance programs under the ethanol production fund, and small business disaster loan programs; expanding research on grain diseases; increasing funding for the farm advocates program, agricultural resource centers, legal challenges to the federal milk market order system, farm and small business management programs at technical colleges, and the Farmers' Legal Action Group; providing funding to the Agricultural Utilization Research Institute; appropriating money; amending Minnesota Statutes 1992, sections 297A.02, subdivision 2; and 297A.25, by adding a subdivision; Minnesota Statutes 1993 Supplement, section 41B.044, subdivision 2; and Laws 1993, chapter 172, section 7, subdivision 3.

Reports the same back with the recommendation that the bill be amended as follows:

Page 3, line 21, delete "agriculture" and insert "public safety"

Page 3, delete section 6 and insert:

"Sec. 6. [TRANSFER; GRAIN INSPECTION ACCOUNT.]

\$200,000 is appropriated from the general fund for transfer to the grain inspection and weighing account established under Minnesota Statutes, section 17B.15, subdivision 1."

Page 5, line 24, delete "\$1,200,000" and insert "\$900,000"

Page 5, line 32, delete "\$2,000,000" and insert "\$1,500,000"

Page 5, line 35, delete "\$1,441,000" and insert "\$1,050,000"

Page 6, after line 24, insert:

"Sec. 17. [APPROPRIATION; BEAVER CONTROL.]

\$50,000 is appropriated to the commissioner of agriculture for a grant to the beaver damage control joint powers board formed by Beltrami, Clearwater, Marshall, Pennington, Polk, and Red Lake counties, for the purpose of beaver damage control. The grant must be matched by at least \$30,000 from the joint powers board. This appropriation is available until June 30, 1995."

Re-number the sections in sequence

Amend the title as follows:

Page 1, line 6, delete "certain emergency employment" and insert "grain inspection"

And when so amended the bill do pass and be re-referred to the Committee on Taxes and Tax Laws. Amendments adopted. Report adopted.

Ms. Berglin from the Committee on Health Care, to which was re-referred

S.F. No. 2192: A bill for an act relating to health; MinnesotaCare; establishing and regulating community integrated service networks; defining terms; creating a reinsurance and risk adjustment association; classifying data; requiring reports; mandating studies; modifying provisions relating to the

regulated all-payer option; requiring administrative rulemaking; setting time-limits and requiring plans for implementation; designating essential community providers; establishing an expedited fact finding and dispute resolution process; requiring proposed legislation; establishing task forces; providing for demonstration models; mandating universal coverage; requiring insurance reforms; providing grant programs; establishing the Minnesota health care administrative simplification act; implementing electronic data interchange standards; creating the Minnesota center for health care electronic data interchange; providing standards for the Minnesota health care identification card; appropriating money; providing penalties; amending Minnesota Statutes 1992, sections 60A.15, subdivision 1; 62A.303; 62D.04, by adding a subdivision; 62E.02, subdivisions 10, 18, 20, and 23; 62E.10, subdivisions 1, 2, and 3; 62E.141; 62E.16; 62J.03, by adding a subdivision; 62L.02, subdivisions 9, 13, 17, 24, and by adding subdivisions; 62L.03, subdivision 1; 62L.05, subdivisions 1, 5, and 8; 62L.08, subdivisions 2, 5, 6, and 7; 62L.12; 62L.21, subdivision 2; 62M.02, subdivisions 5 and 21; 62M.03, subdivisions 1, 2, and 3; 62M.05, subdivision 3; 62M.06, subdivision 3; 62M.09, subdivision 5; 144.581, subdivision 2; 256.9358, subdivision 4; and 295.50, by adding subdivisions; Minnesota Statutes 1993 Supplement, sections 43A.317, by adding a subdivision; 60K.14, subdivision 7; 61B.20, subdivision 13; 62A.011, subdivision 3; 62A.65, subdivisions 2, 3, 4, 5, and by adding subdivisions; 62D.12, subdivision 17; 62J.03, subdivision 6; 62J.04, subdivisions 1 and 1a; 62J.09, subdivision 2; 62J.33, by adding subdivisions; 62J.35, subdivisions 2 and 3; 62J.38; 62J.41, subdivision 2; 62J.45, by adding subdivisions; 62L.02, subdivisions 8, 11, 15, 16, 19, and 26; 62L.03, subdivisions 3, 4, and 5; 62L.04, subdivision 1; 62L.08, subdivisions 4 and 8; 62N.01; 62N.02, subdivisions 1, 8, and by adding a subdivision; 62N.06, subdivision 1; 62N.065, subdivision 1; 62N.10, subdivisions 1 and 2; 62N.22; 62N.23; 62P.01; 62P.03; 62P.04; 62P.05; 144.1486; 151.21, subdivisions 7 and 8; 256.9352, subdivision 3; 256.9354, subdivision 5; 256.9356, subdivision 3; 256.9657, subdivision 3; 295.50, subdivisions 3, 4, and 12b; 295.52, subdivision 5; 295.53, subdivisions 1, 2, and 5; 295.54; 295.58; and 295.582; Laws 1992, chapter 549, article 9, section 22; proposing coding for new law in Minnesota Statutes, chapters 62A; 62J; 62N; 62P; and 144; proposing coding for new law as Minnesota Statutes, chapter 62Q; repealing Minnesota Statutes 1992, sections 62A.02, subdivision 5; 62E.51; 62E.52; 62E.53; 62E.531; 62E.54; 62E.55; and 256.362, subdivision 5; Minnesota Statutes 1993 Supplement, sections 62J.04, subdivision 8; 62N.07; 62N.075; 62N.08; 62N.085; and 62N.16.

Reports the same back with the recommendation that the bill be amended as follows:

Page 4, line 31, after the period, insert "*Community networks and chemical dependency facilities under contract with a community network shall use the assessment criteria in Minnesota Rules, parts 9530.6600 to 9530.6660, when assessing enrollees for chemical dependency treatment.*"

Page 5, line 7, delete "*community integrated*"

Page 5, line 8, delete "*service network*" and insert "*health plan company, with the exception of a community integrated service network or an indemnity insurer licensed under chapter 60A who does not offer a preferred provider network.*"

Page 6, line 17, delete "Every" and insert "Each health plan company with the exception of community integrated service networks and the health plan companies that are exempt under subdivision 6"

Page 6, line 18, delete "managed care plan"

Page 6, line 20, delete "managed care plan" and insert "health plan company"

Page 6, lines 22 and 23, delete "managed care plan's" and insert "health plan company's"

Page 6, line 25, delete "managed care plan" and insert "health plan company" and after the period, insert "A community integrated service network may offer to its enrollees an expanded network of allied independent health providers as described under this section."

Page 6, lines 27, 28, and 36, delete "managed care plan" and insert "health plan company"

Page 7, lines 3 and 4, delete "managed care plan" and insert "health plan company"

Page 7, lines 13, 25, and 34, delete "managed care plan" and insert "health plan company"

Page 8, delete lines 23 and 24 and insert:

"Subd. 2. [NET WORTH.] "Net worth" means admitted assets as defined in subdivision 3, minus liabilities. Liabilities do not include those obligations that are subordinated in the same manner as preferred ownership claims under section 60B.44, subdivision 10. For purposes of this subdivision, preferred ownership claims under section 60B.44, subdivision 10, include promissory notes subordinated to all other liabilities of the community integrated service network."

Page 8, after line 29, insert:

"Subd. 4. [ACCREDITED CAPITATED PROVIDER.] "Accredited capitated provider" means a health care providing entity that:

(1) receives capitated payments from a community network or under a contract to provide health services to the network's enrollees. For purposes of this section, a health care providing entity is "capitated" when its compensation arrangement with a network involves the provider's acceptance of material financial risk for the delivery of a predetermined set of services for a specified period of time;

(2) is licensed to provide and provides the contracted services, either directly or through an affiliate. For purposes of this section, an "affiliate" is any person that directly or indirectly controls, is controlled by, or is under common control with the health care providing entity, and "control" exists when any person, directly or indirectly, owns, controls, or holds the power to vote or holds proxies representing no less than 80 percent of the voting securities or governance rights of any other person;

(3) agrees to serve as an accredited capitated provider of a community network or for the purpose of reducing the network's net worth and deposit requirements under section 62N.28; and.

(4) is approved by the commissioner as an accredited capitated provider for a community network in accordance with section 62N.31.

Subd. 5. [PERCENTAGE OF RISK CEDED.] "Percentage of risk ceded" means the ratio, expressed as a percentage, between capitated payments made or, in the case of a new entity, expected to be made by a community network to all accredited capitated providers during any contract year and the total premium revenue, adjusted to eliminate expected administrative costs, received for the same time period by the network.

Subd. 6. [PROVIDER AMOUNT AT RISK.] "Provider amount at risk" means a dollar amount certified by a qualified actuary to represent the expected direct costs to an accredited capitated provider for providing the contracted, covered health care services to the enrollees of the network to which it is accredited for a period of 90 days."

Page 9, line 28, delete "(a)"

Page 9, line 32, delete "\$500,000" and insert "50 percent of the amount required under subdivisions 1 to 3"

Page 9, line 34, delete "\$750,000" and insert "75 percent of the amount required under subdivisions 1 to 3"

Page 9, line 36, delete "\$875,000" and insert "87.5 percent of the amount required under subdivisions 1 to 3"

Page 10, line 2, delete "\$1,000,000" and insert "100 percent of the amount required under subdivisions 1 to 3"

Page 10, delete lines 4 to 7 and insert:

"Subd. 5. [NET WORTH REDUCTION.] If a community network has contracts with accredited capitated providers, and only for so long as those contracts or successor contracts remain in force, the net worth requirement of subdivision 1 shall be reduced by the percentage of risk ceded, but in no event shall the net worth requirement be reduced to less than \$1,000,000. The phase-in requirements of subdivision 4 shall not be affected by this reduction."

Pages 10 to 14, delete sections 11 and 12 and insert:

"Sec. 11. [62N.31] [STANDARDS FOR ACCREDITED CAPITATED PROVIDER ACCREDITATION.]

Subdivision 1. [GENERAL.] Each health care providing entity seeking initial accreditation as an accredited capitated provider shall submit to the commissioner of health sufficient information to establish that the applicant has operational capacity, facilities, personnel, and financial capability to provide the contracted covered services to the enrollees of the network for which it seeks accreditation (1) on an ongoing basis; and (2) for a period of 90 days following the insolvency of the network without receiving payment from the network. Accreditation shall continue until abandoned by the accredited capitated provider or revoked by the commissioner in accordance with subdivision 4. The applicant may establish financial capability by demonstrating that the provider amount at risk can be covered by or through any of allocated or restricted funds, a letter of credit, the taxing authority of the applicant or governmental sponsor of the applicant, an unrestricted fund balance at least two times the provider amount at risk, reinsurance, either

purchased directly by the applicant or by the community network to which it will be accredited, or any other method accepted by the commissioner.

Subd. 2. [ANNUAL REPORTING PERIOD.] Each accredited capitated provider shall submit to the commissioner annually, no later than April 15, the following information for each network to which it is accredited, the provider amount at risk for that year, the number of enrollees for the network, both for the prior year and estimated for the current year, any material change in the provider's operational or financial capacity since its last report, and any other information reasonably requested by the commissioner.

Subd. 3. [ADDITIONAL REPORTING.] Each accredited capitated provider shall provide the commissioner with 60 days' advance written notice of termination of the accredited capitated provider relationship with a network.

Subd. 4. [REVOCAION OF ACCREDITATION.] The commissioner may revoke the accreditation of an accredited capitated provider if the accredited capitated provider's ongoing operational or financial capabilities fail to meet the requirements of this section. The revocation shall be handled in the same fashion as placing a health maintenance organization under administrative supervision."

Pages 16 and 17, delete section 17

Page 17, line 3, delete "17" and insert "16"

Renumber the sections of article 1 in sequence

Page 17, line 11, before the period, insert "and shall make available to consumers and purchasers all public data collected by the information clearinghouse"

Page 18, line 24, after the period, insert "This enrollment information provided by health plan companies and group purchasers shall be classified as private data on individuals as defined in section 13.02, subdivision 12."

Page 18, line 25, delete ", in consultation with the data institute, may"

Page 18, delete line 26

Page 18, line 27, delete everything before the period and insert "may make a grant to the data institute to assist in funding with the administration of the patient satisfaction survey" and delete "private sector" and insert "data institute"

Page 18, line 28, delete "entity"

Page 18, line 29, after the period, insert "The raw unaggregated data shall be classified as private data on individuals as defined in section 13.02, subdivision 12."

Page 20, line 14, delete "and reported"

Page 20, line 15, before the period, insert "but shall not be reported" and after the period, insert "The commissioner, in consultation with the data institute and counties, shall report to the legislature by December 15, 1994, on recommendations on how this collected data can be reported in a manner that addresses the privacy interests of individuals."

Page 21, line 20, after "62M.16" insert "and section 72A.201, subdivisions 8 and 8a"

Page 21, line 23, after "62M.16" insert "and section 72A.201, subdivisions 8 and 8a"

Page 28, delete section 17 and insert:

"Sec. 17. [62Q.035] [TRANSITION FEE.]

Subdivision 1. [TRANSITION FEE.] After April 1, 1994, no health plan company may be given a certificate to operate a new health maintenance organization under chapter 62D, be licensed as an integrated service network or community integrated service network under chapter 62N, or form an affiliation with and shift current enrolled persons to one of these organizations, without payment of a transitional fee to be paid as follows:

(1) the fee must be determined by the commissioner of health and must be based on and comprised of the entire difference between the reserves currently held on current enrollees and the reserve requirements allowed for those enrollees under health maintenance organization, integrated service network, or community integrated service network reserve requirements;

(2) the fee must be voluntarily paid by the health plan company to the commissioner of health and certified as appropriate by the appropriate state regulator before the current enrollees may be covered under any new structure and before a new license or certificate may be issued; and

(3) in no case may the net worth of an existing health plan company fall more than ten percent below the level in place as of April 1, 1994, except through compliance with this section.

Subd. 2. [DEPOSIT.] Fees paid under this section must be paid to the commissioner of health for deposit in the health care access fund. One-third of all revenues shall annually be appropriated to the Minnesota comprehensive health association and may only be used to lower the assessments paid by association members. Two-thirds of the fees shall be annually appropriated to the reinsurance and risk adjustment association and shall be used by the association to lower the amount charged to association members for reinsurance.

Subd. 3. [REPORT.] A health plan company that lowers reserves more than one-half of one percent below the total dollar level held on April 1, 1994, must file a report with the departments of commerce and health specifying the exact amounts spent from reserves and the purposes for which those amounts were spent. The report shall document compliance with this section and compliance with any other appropriate state laws."

Page 30, line 10, after the second semicolon, insert "homeless persons;"

Page 30, line 18, delete "health plan company" and insert "community integrated service network or an indemnity insurer licensed under chapter 60A who does not offer any policies through a preferred provider network"

Page 31, delete lines 10 to 18 and insert:

"Subdivision 1. [ESTABLISHED.] The commissioners of health and commerce shall make dispute resolution processes available to encourage early settlement of disputes in order to avoid the time and cost associated with litigation and other formal adversarial hearings. For purposes of this section, "dispute resolution" means the use of negotiation, mediation, arbitration,

mediation-arbitration, neutral fact finding, and minitrials. These processes shall be nonbinding unless otherwise agreed to by all parties to the dispute.

Subd. 2. [REQUIREMENTS.] (a) If an enrollee, health care provider, or applicant for network provider status chooses to use a dispute resolution process prior to the filing of a formal claim or of a lawsuit, the health plan company must participate.

(b) If an enrollee, health care provider, or applicant for network provider status chooses to use a dispute resolution process after the filing of a lawsuit, the health plan company must participate in dispute resolution, including, but not limited to, alternative dispute resolution under rule 114 of the Minnesota general rules of practice.

(c) The commissioners of health and commerce shall inform and educate health plan companies' enrollees about dispute resolution and its benefits.

(d) A health plan company may encourage but not require an enrollee to submit a complaint to alternative dispute resolution."

Page 31, after line 23, insert:

"Sec. 22. [62Q.135] [CONTRACTING FOR CHEMICAL DEPENDENCY SERVICES.]

No health plan company shall contract with a chemical dependency treatment program, unless the program participates in the chemical dependency treatment accountability plan established by the commissioner of human services. The commissioner of human services shall make data on chemical dependency services and outcomes collected through this program available to health plan companies."

Page 31, line 27, before the period, insert *“, or services for sexually transmitted diseases”*

Page 32, line 5, delete *“32”* and insert *“24”*

Renumber the sections of article 2 in sequence

Page 35, line 2, before *“REVENUE”* insert *“INTERIM HEALTH PLAN COMPANY”* and strike *“FOR HEALTH PLAN”*

Page 35, line 3, strike *“COMPANY”*

Page 35, line 15, after the stricken *“assessments”* insert *“ “Total revenue” means the sum of all premium and consumer cost-sharing revenue received directly by the health plan company.*

(d) “Net revenue” means total revenue minus exempted taxes and assessments.

(e)”

Page 35, line 25, delete *“(d)”* and insert *“(f)”* and after *“cost-sharing”* insert *“or subscriber liability”*

Page 35, line 26, delete *“requirements”* and insert *“payments”*

Page 35, delete lines 27 to 30 and insert:

“(g) “Total expenditures” means incurred claims or expenditures on health

care services, administrative expenses, charitable contributions, and all other payments made by health plan companies out of premium revenues."

Page 35, line 32, before "revenue" insert "and net"

Page 36, line 12, before "revenue" insert "and net"

Page 36, delete line 13 and insert "month or cost total and net revenue per employee per month, and"

Page 36, line 14, strike "detailed information on" and delete "total aggregate revenue" and strike "and"

Page 36, line 15, strike "reserves" and insert "and total expenditures per member per month or cost per employee per month" and after the period, insert "The commissioner shall also monitor trends in consumer cost-sharing and reserves."

Page 36, strike lines 16 and 17

Page 36, line 18, strike "chapter 62J," and insert "use data collected under section 62J.38 to monitor compliance with the revenue limits"

Page 36, line 19, after the period, insert "Additional data may be required for the purposes of making the adjustments allowed in this subdivision to total revenue before limits are applied."

Page 36, line 29, reinstate the stricken "September 1," and delete "June 1,"

Page 37, line 16, delete "revenue" and strike "target" and insert "revenue limit"

Page 37, line 26, delete "revenue"

Page 37, line 27, strike "target" and insert "revenue limit"

Page 38, line 10, strike "expenditure" and insert "limit"

Page 38, line 26, delete "general" and insert "health care access"

Page 39, line 20, reinstate the stricken "September 1," and delete "June 1,"

Page 40, line 2, after the period, insert "For purposes of this section, definitions related to the implementation of limits for providers other than hospitals are included in Minnesota Rules, chapter 4650, and definitions related to the implementation of limits for hospitals are included in Minnesota Rules, chapter 4651."

Page 40, lines 11 to 16, delete the new language

Page 40, line 20, strike " , hospitals,"

Page 40, line 23, strike "overspent" and insert "exceeding the revenue limits"

Page 40, line 27, delete "averaged" and insert "based on a weighted average"

Page 40, line 28, before "previous" insert "weighted average for the"

Page 40, line 35, delete from "The" through page 41, line 4, to "1995."

Page 41, line 6, delete "overspent" and insert "exceeding the fee limit"

Page 41, line 8, after "revenue" insert "or fee"

Page 41, line 10, delete "target" and insert "or fee limit"

Page 41, line 17, delete the new language

Page 41, line 18, delete the new language and strike the old language

Page 41, strike lines 19 to 21

Page 41, line 23, delete "overspent" and insert "exceeding the revenue or fee limit"

Page 41, line 32, delete "general" and insert "health care access"

Page 43, line 18, after the comma, insert "and"

Page 43, line 19, delete ", and child care facilities"

Page 44, after line 11, insert:

"Subd. 4. [ADVISORY COMMITTEE.] The commissioner shall convene an advisory committee made up of a broad array of health care professionals that will be affected by the fee schedule. Recommendations of this committee must be submitted to the commissioner by November 15, 1994, and must be incorporated in the implementation report due January 1, 1995."

Page 44, line 12, delete "4" and insert "5"

Page 45, line 17, delete "increase" and insert "change"

Page 47, line 6, delete from "Payment" through page 47, line 12, to "care." and insert "Payment rates must be standardized on a statewide basis based on Minnesota specific claims level data available to the commissioner. Rates must be consistent with the overall growth rate for health care spending. Payment rates may be adjusted for area wage rates and other factors."

Page 48, line 24, delete "any other hospital" and insert "another facility licensed under sections 144.50 to 144.58 and operating as an acute care community hospital"

Page 49, line 12, after the period, insert "In setting rate of increase limits for institutional providers, the commissioner shall consider outcomes, comprehensiveness of services, and the special needs and severity of illness of patients treated by individual providers."

Page 51, line 23, delete "ADVOCACY" and insert "SERVICES"

Page 51, lines 25 and 28, delete "advocacy" and insert "services"

Page 52, line 2, before the period, insert "including the fact-finding and dispute resolution process established under section 62Q.30"

Page 52, line 8, after the period, insert "The health department shall periodically summarize the number, type, and resolution of complaints received by the department from ISN enrollees, and shall make that information available through the office of consumer information."

Page 52, lines 10, 16, and 23, delete "advocacy" and insert "services"

Page 52, line 19, before the period, insert "or local ombudsperson"

Page 54, line 33, after *“populations,”* insert *“facilitate the utilization of cost effective alternatives to traditional inpatient acute and extended health care delivery,”*

Page 55, line 8, delete *““appropriate and necessary.””* and insert *“appropriate and necessary care, in terms of type, frequency, level, setting, and duration of services which address the enrollee’s mental and physical condition.”*

Page 55, line 29, delete *“and”*

Page 55, line 30, after *“funding”* insert *“;*

(9) cost savings resulting from the inclusion of a health care service that will decrease the utilization of other health care services in the benefit set; and

(10) cost efficient and effective alternatives to inpatient health care services for acute or extended health care needs, such as home health care services”

Page 55, line 36, after the period, insert *“The health care provider representatives must include both physicians and allied independent health care providers representing both physical and mental health conditions.”*

Page 56, after line 14, insert:

“Subd. 7. [CHEMICAL DEPENDENCY SERVICES.] If chemical dependency services are included in the universal standard benefits set, the commissioner shall consider the cost effectiveness of requiring health plan companies and chemical dependency facilities to use the assessment criteria in Minnesota Rules, parts 9530.6600 to 9530.6660.”

Page 56, line 26, delete *“, subdivision 2”*

Page 57, line 25, before *“financial”* insert *“severe”* and delete *“catastrophe”* and insert *“hardship”*

Page 57, line 27, delete from *“child”* through page 57, line 29, to *“to”* and after *“cost-sharing”* insert *“must not be applied to preventive health services as defined in Minnesota Rules, part 4685.0801, subpart 8”*

Page 58, line 23, before *“all”* insert *“to the enrollee”* and delete *“cost-sharing to”*.

Page 58, line 24, delete *“the enrollee”* and insert *“premium”* and after the comma, insert *“and may return all or part of an enrollee’s cost-sharing for”*

Page 58, line 33, after the period, insert *“The commissioner shall make a report and recommendation to the legislature on the establishment of the expedited fact finding and dispute resolution process by January 1, 1996.”*

Page 59, line 1, delete *“may”* and insert *“shall”*

Page 59, line 2, after *“experts”* insert *“knowledgeable, trained, and practicing in the area in dispute”*

Page 59, line 4, delete *“may fine or revoke”* and insert *“shall take steps including but not limited to fining, suspending, or revoking”*

Page 59, after line 7, insert:

“Sec. 9. [COMPLAINT PROCEDURE.]

The commissioners of health and commerce shall develop an internal grievance procedure and appeals process to be used by all health plan companies. The commissioner shall make a report of recommendations to the legislature by January 1, 1995. In developing the report and recommendations, the commissioner shall consider the current prepaid medical assistance and health maintenance organization internal grievance procedure as models."

Renumber the sections of article 4 in sequence

Page 60, after line 1, insert:

"Sec. 3. [INTEGRATED STATE ADMINISTERED PUBLIC PROGRAM.]

The commissioner of human services in consultation with representatives of counties and consumer groups shall develop an implementation plan for the integration of MinnesotaCare and general assistance medical care into a single cost effective program by July 1, 1996, adding medical assistance into this integrated program under a federal demonstration project waiver by July 1, 1997. The commissioner shall submit the plan including necessary implementation legislation to the legislature by February 1, 1995. The legislation must include:

(1) a definition of services covered by the integrated program, excluding supplemental and long-term care benefits, and supporting actuarial data;

(2) a single set of criteria to determine eligibility for the integrated program;

(3) a request to seek a federal demonstration project waiver to include medical assistance in the integrated program; and

(4) a plan to define the scope and delivery of supplemental long-term care benefits to special populations.

The commissioner will present an update and an initial budget analysis to the legislative commission on health care access no later than December 1, 1994."

Page 60, lines 13 and 24, delete "commissioner" and insert "commissioners of human services and employee relations"

Page 60, line 15, delete "receiving bids from" and insert "purchasing health care services for"

Page 60, delete line 16 and insert "the state employees group insurance program"

Page 60, line 30, delete "representatives" and insert ", exclusive representatives of state employees"

Page 60, line 33, delete "commissioner" and insert "commissioners"

Page 60, line 34, after "health" insert "and commerce" and delete "the commissioner of commerce,"

Page 60, line 35, delete the comma

Page 61, line 6, delete "commissioner" and insert "commissioners" and after "health" insert "and commerce"

Page 62, line 23, delete "7" and insert "8"

Re-number the sections of article 5 in sequence

Page 67, line 21, delete everything after "by"

Page 67, line 22, delete "company,"

Page 67, after line 29, insert:

"(c) Paragraph (b) applies to individuals whose immediately preceding qualifying coverage is medical assistance under chapter 256B, general assistance medical care under chapter 256D, or the MinnesotaCare plan established under section 256.9352, only if the individual has disenrolled from the public program or will disenroll upon issuance of the new coverage. Paragraph (b) does not apply if the public program uses or will use public funds to pay the premiums for an individual who remains or will remain enrolled in the public program. No public funds may be used to purchase private coverage available under this paragraph. This paragraph does not prohibit public payment of premiums to continue private sector coverage originally obtained prior to enrollment in the public program, where otherwise permitted by state or federal law. Paragraph (b) applies only to persons who were enrolled in public programs for reasons other than age or disability. Portability coverage under this paragraph is subject to the provisions of section 65A.65, subdivision 5, clause (b).

(d) Effective July 1, 1994, no health plan company shall offer, sell, issue, or renew any group health plan that does not, with respect to individuals who maintain continuous coverage:

(1) make coverage available on a guaranteed issue basis; and

(2) give full credit for previous continuous coverage against any applicable preexisting condition limitation or exclusion.

To the extent that this paragraph conflicts with chapter 62L, with respect to small employers as defined in section 62L.02, chapter 62L governs."

Page 68, line 6, delete "subdivisions 6, 7, paragraph (b)" and insert "subdivision 6, paragraphs (a) and (b), and subdivision 7, paragraphs (b), (c), and (d)"

Page 71, line 30, delete "PUBLIC HEALTH" and insert "LOCAL PUBLIC ACCOUNTABILITY AND"

Page 72, line 4, delete "region" and insert "service area"

Page 72, line 9, delete everything after the period and insert "Local government units with responsibilities and authority defined under chapters 145A and 256E may designate individuals to participate in the collaborative planning with the managed care organization to provide expertise and represent community needs and goals as identified under chapters 145A and 256E."

Page 72, delete lines 10 to 12

Page 72, line 14, after "strategies" insert "and a description of any activities which contribute to public health goals and needs of high risk and special needs populations as defined and developed under chapters 145A and 256E"

Page 72, line 19, after "units" insert "and local government unit designees".

Page 72, line 33, after the period, insert "The plan may be reviewed by the county boards or city councils acting as a local board of health in accordance with chapter 145A, within the managed care organization's service area to determine whether the plan is consistent with the goals and objectives of the services plans required under chapters 145A and 256E and whether the plan meets the needs of the community. The county board, or applicable city council, may also review and make recommendations on the availability and accessibility of services provided by the managed care organization. The county board, or applicable city council, may submit written comments to the appropriate commissioner, and may advise the commissioner of the managed care organization's effectiveness in assisting to meet the needs and goals as defined under the responsibilities of chapters 145A and 256E."

Page 73, line 5, delete everything after the first "through"

Page 73, line 6, delete everything before the period and insert "a health plan company"

Page 73, line 8, delete "who is"

Page 73, delete lines 9 and 10

Page 73, line 11, delete "option" and insert "accessing the complaint and appeal procedures to ensure that necessary medical services are provided by the health plan company"

Pages 73 to 75, delete sections 3 to 7 and insert:

"Sec. 3. [62Q.33] [LOCAL GOVERNMENT PUBLIC HEALTH FUNCTIONS.]

Subdivision 1. [FINDINGS.] The legislature finds that the local government public health functions of community assessment, policy development, and assurance of service delivery are essential elements in consumer protection and in achieving the objectives of health care reform in Minnesota. The legislature further finds that the site-based and population-based services provided by state and local health departments are a critical strategy for the long-term containment of health care costs. The legislature further finds that without adequate resources, the local government public health system will lack the capacity to fulfill these functions in a manner consistent with the needs of a reformed health care delivery system.

Subd. 2. [REPORT ON SYSTEM DEVELOPMENT.] The commissioner of health, in consultation with the state community health services advisory committee, the commissioner of human services, and representatives of local health departments, county government, a municipal government acting as a local board of health, the Minnesota health care commission, area Indian health services, health care providers, and citizens concerned about public health, shall coordinate the process for defining implementation and financing responsibilities of the local government core public health functions. The commissioner shall submit recommendations and an initial and final report on local government core public health functions according to the timeline established in subdivision 5.

Subd. 3. [CORE PUBLIC HEALTH FUNCTIONS.] (a) The report required in subdivision 2 must describe the local government core public health

functions of: assessing community health needs; goal-determination; developing public policy and programs to address community health needs; and ensuring service availability and accessibility to meet community health goals and needs. The report must further describe activities for implementation of these functions that are the continuing responsibility of the local government public health system, taking into account the ongoing reform of the health care delivery system.

(b) The activities to be defined in terms of the local government core public health functions include, but are not limited to:

- (1) consumer protection and advocacy;
- (2) targeted outreach and linkage to personal services;
- (3) health status monitoring and disease surveillance;
- (4) investigation and control of diseases and injuries;
- (5) protection of the environment, workplaces, housing, food, and water;
- (6) laboratory services to support disease control and environmental protection;
- (7) health education and information;
- (8) community mobilization for health-related issues;
- (9) training and education of public health professionals;
- (10) public health leadership and administration;
- (11) emergency medical services;
- (12) violence prevention; and
- (13) other activities that have the potential to improve the health of the population or special needs populations and reduce the need for or cost of health care services.

Subd. 4. [CAPACITY BUILDING, ACCOUNTABILITY AND FUNDING.] The report required in subdivision 2 shall include:

- (1) a definition of minimum outcomes for implementing core public health functions, including a local ombudsperson under the assurance of services function;
- (2) the identification of counties and applicable cities with public health programs that need additional assistance to meet the minimum outcomes;
- (3) a budget for supporting all functions needed to achieve the minimum outcomes, including the local ombudsperson assurance of services function;
- (4) an analysis of the costs and benefits expected from achieving the minimum outcomes;
- (5) strategies for improving local government public health functions throughout the state to meet the minimum outcomes including: (i) funding distribution for local government public health functions necessary to meet the minimum outcomes; and (ii) strategies for the financing of personal health care services within the uniform benefits set, and identifying appropriate mechanisms for the delivery of these services; and

(6) a recommended level of dedicated funding for local government public health functions in terms of a percentage of total health service expenditures by the state or in terms of a per capita basis, including methods of allocating the dedicated funds to local government.

Subd. 5. [TIMELINE.] (a) By October 1, 1994, the commissioner shall submit to the legislative commission on health care access the initial report and recommendations required by subdivisions 2 to 4.

(b) By February 15, 1995, the commissioner, in cooperation with the legislative commission on health care access, shall submit a final report to the legislature, with specific recommendations for capacity building and financing to be implemented over the period from January 1, 1996, to December 31, 1997.

(c) By January 1, 1997, and by January 1 of each odd-numbered year thereafter, the commissioner shall present to the legislature an updated report and recommendations."

Page 75, after line 32, insert:

"Sec. 5. [PREPAID MEDICAL ASSISTANCE PLAN STUDY.]

The commissioners of health and human services shall study the coordination between health care reform and the prepaid medical assistance plan. The study must also determine whether there have been cost savings, cost increases, or cost shifting under current implementation of the prepaid medical assistance plan. The commissioners shall jointly report their findings to the legislature by January 1, 1995."

Page 75, line 34, delete "8" and insert "5"

Renumber the sections of article 7 in sequence

Page 84, after line 24, insert:

"Sec. 15. [62J.051] [DISTRIBUTION OF HEALTH CARE TECHNOLOGY, FACILITIES, AND FUNCTIONS; PUBLIC FORUMS.]

The commission may promote and facilitate an open, voluntary, nonregulatory, and public process for regional and statewide discussion regarding the appropriate distribution of health care technologies, facilities, and functions. The process must include the participation of consumers, employers and other group purchasers, providers, health plan companies, and the health care technology industry. The commission shall ensure opportunities for broad-based public input from other interested persons and organizations as well. The purpose of the process is to create an open public forum with the goal of facilitating collaboration for the distribution of a particular technology, facility, or function to achieve health reform goals. Participation in the forums is voluntary and agreements or distribution plans that may be recommended through this process are not mandatory or binding on any person or organization. The recommendations may be considered by the commissioner of health for purposes of the antitrust exception process under sections 62J.2911 to 62J.2921, and the process for reviewing major spending commitments under section 62J.17, but are not binding on the commissioner. The commission may develop criteria for selecting specific technologies, facilities, and functions for discussion and may establish procedures and ground rules for discussion and the development of recommended agreements or distribution plans. The commission may appoint advisory committees to facilitate

discussion and planning and may request that regional coordinating boards serve as or convene regional public forums."

Page 87, after line 36, insert:

"Sec. 20. [62J.47] [MORATORIUM ON MERGERS OR ACQUISITIONS BY HEALTH CARRIERS.]

Subdivision 1. [DEFINITIONS.] For purposes of this section, "health carrier" has the meaning given in section 62A.011, subdivision 2.

Subd. 2. [RESTRICTIONS.] Until July 1, 1996, the following health carriers are prohibited from merging with, or acquiring, directly or indirectly, any other health carrier:

(1) a health carrier whose number of enrollees residing in the state in the previous calendar year exceeds five percent of the total number of insured persons in that year residing in the state of Minnesota; and

(2) a health carrier whose number of enrollees residing in the seven-county metropolitan area in the previous calendar year exceeds ten percent of the total number of insured persons in that year residing in the seven-county metropolitan area.

Subd. 3. [ENFORCEMENT.] The district court in Ramsey county has jurisdiction to enjoin an alleged violation of subdivision 2. The attorney general may bring an action to enjoin an alleged violation. The commissioner of health or commerce shall not issue or renew a license or certificate of authority to any health carrier in violation of subdivision 2.

Subd. 4. [EXCEPTION.] This section does not apply to any merger or direct or indirect acquisition pursuant to a letter of intent, memorandum of understanding, or other agreement signed before March 17, 1994, or to any merger or direct or indirect acquisition which develops pursuant to an affiliation for which a letter of intent, memorandum of understanding, or other agreement was signed before March 17, 1994."

Page 99, after line 19, insert:

"Sec. 30. Minnesota Statutes 1992, section 144.335, is amended by adding a subdivision to read:

Subd. 5a. [NOTICE OF RIGHTS; INFORMATION ON RELEASE.] *(a) A provider shall provide to patients, in a clear and conspicuous manner, a written notice concerning practices and rights with respect to access to health records. The notice must include an explanation of:*

(1) disclosures of health records that may be made without the written consent of the patient, including the type of records and to whom the records may be disclosed; and

(2) the right of the patient to have access to and obtain copies of the patient's health records and other information about the patient that is maintained by the provider.

The notice requirements of this paragraph are satisfied if the notice is included with the notice and copy of the patient and resident bill of rights under section 144.652 or if it is displayed prominently in the provider's place of business.

(b) Upon the patient's specific request, a provider shall tell the patient to whom the provider has disseminated the patient's health records and other information about the patient."

Page 100, after line 12, insert:

"Sec. 34. Minnesota Statutes 1993 Supplement, section 256.9353, subdivision 3, is amended to read:

Subd. 3. [INPATIENT HOSPITAL SERVICES.] (a) Beginning July 1, 1993, covered health services shall include inpatient hospital services, including inpatient hospital mental health services and inpatient hospital and residential chemical dependency treatment, subject to those limitations necessary to coordinate the provision of these services with eligibility under the medical assistance spend-down. The inpatient hospital benefit for adult enrollees is subject to an annual benefit limit of \$10,000. The commissioner shall provide enrollees with at least 60 days' notice of coverage for inpatient hospital services and any premium increase associated with the inclusion of this benefit.

(b) Enrollees *determined by the commissioner to have a basis of eligibility for medical assistance* shall apply for and cooperate with the requirements of medical assistance by the last day of the third month following admission to an inpatient hospital. If an enrollee fails to apply for medical assistance within this time period, the enrollee and the enrollee's family shall be disenrolled from the plan within one calendar month. Enrollees and enrollees' families disenrolled for not applying for or not cooperating with medical assistance may not reenroll.

(c) Admissions for inpatient hospital services paid for under section 256.9362, subdivision 3, must be certified as medically necessary in accordance with Minnesota Rules, parts 9505.0500 to 9505.0540, except as provided in clauses (1) and (2):

(1) all admissions must be certified, except those authorized under rules established under section 254A.03, subdivision 3, or approved under Medicare; and

(2) payment under section 256.9362, subdivision 3, shall be reduced by five percent for admissions for which certification is requested more than 30 days after the day of admission. The hospital may not seek payment from the enrollee for the amount of the payment reduction under this clause.

Sec. 35. Minnesota Statutes 1993 Supplement, section 256.9353, subdivision 7, is amended to read:

Subd. 7. [COPAYMENTS AND COINSURANCE.] The MinnesotaCare benefit plan shall include the following copayments and coinsurance requirements:

(1) ten percent of the charges submitted for inpatient hospital services for adult enrollees not eligible for medical assistance, subject to an annual inpatient out-of-pocket maximum of \$1,000 per individual and \$3,000 per family;

(2) \$3 per prescription for adult enrollees; and

(3) \$25 for eyeglasses for adult enrollees.

Enrollees who would be eligible for medical assistance with a spend down shall be financially responsible for the coinsurance amount up to the spend down limit or the coinsurance amount, whichever is less, in order to become eligible for the medical assistance program. Enrollees who are not eligible for medical assistance with or without a spenddown shall be financially responsible for the coinsurance amount and amounts which exceed the \$10,000 benefit limit. MinnesotaCare shall be financially responsible for the spenddown amount up to the \$10,000 benefit limit for enrollees who are eligible for medical assistance with a spenddown; enrollees who are eligible for medical assistance with a spenddown are financially responsible for amounts which exceed the \$10,000 benefit limit.

Sec. 36. Minnesota Statutes 1993 Supplement, section 256.9354, subdivision 1, is amended to read:

Subdivision 1. [CHILDREN; EXPANSION AND CONTINUATION OF ELIGIBILITY.] (a) [CHILDREN.] "Eligible persons" means children who are one year of age or older but less than 18 years of age who have gross family incomes that are equal to or less than 150 percent of the federal poverty guidelines and who are not eligible for medical assistance *without a spenddown* under chapter 256B and who are not otherwise insured for the covered services. The period of eligibility extends from the first day of the month in which the child's first birthday occurs to the last day of the month in which the child becomes 18 years old.

(b) [EXPANSION OF ELIGIBILITY.] Eligibility for MinnesotaCare shall be expanded as provided in subdivisions 2 to 5, except children who meet the criteria in this subdivision shall continue to be enrolled pursuant to this subdivision. The enrollment requirements in this paragraph apply to enrollment under subdivisions 1 to 5. Parents who enroll in the MinnesotaCare plan must also enroll their children and dependent siblings, if the children and their dependent siblings are eligible. Children and dependent siblings may be enrolled separately without enrollment by parents. However, if one parent in the household enrolls, both parents must enroll, unless other insurance is available. If one child from a family is enrolled, all children must be enrolled, unless other insurance is available. If one spouse in a household enrolls, the other spouse in the household must also enroll, unless other insurance is available. Families cannot choose to enroll only certain uninsured members. For purposes of this section, a "dependent sibling" means an unmarried child who is a full-time student under the age of 25 years who is financially dependent upon a parent. Proof of school enrollment will be required.

(c) [CONTINUATION OF ELIGIBILITY.] Individuals who initially enroll in the MinnesotaCare plan under the eligibility criteria in subdivisions 2 to 5 remain eligible for the MinnesotaCare plan, regardless of age, place of residence, or the presence or absence of children in the same household, as long as all other eligibility criteria are met and residence in Minnesota and continuous enrollment in the MinnesotaCare plan or medical assistance are maintained. In order for either parent or either spouse in a household to remain enrolled, both must remain enrolled, unless other insurance is available.

Sec. 37. Minnesota Statutes 1993 Supplement, section 256.9354, subdivision 4, is amended to read:

Subd. 4. [FAMILIES WITH CHILDREN; ELIGIBILITY BASED ON PERCENTAGE OF INCOME PAID FOR HEALTH COVERAGE.] Beginning January 1, 1993, "eligible persons" means children, parents, and

dependent siblings residing in the same household who are not eligible for medical assistance *without a spenddown* under chapter 256B. Children who meet the criteria in subdivision 1 shall continue to be enrolled pursuant to subdivision 1. Persons who are eligible under this subdivision or subdivision 2, 3, or 5 must pay a premium as determined under sections 256.9357 and 256.9358, and children eligible under subdivision 1 must pay the premium required under section 256.9356, subdivision 1. Individuals and families whose income is greater than the limits established under section 256.9358 may not enroll in MinnesotaCare.

Sec. 38. Minnesota Statutes 1993 Supplement, section 256.9354, subdivision 5, is amended to read:

Subd. 5. [ADDITION OF SINGLE ADULTS AND HOUSEHOLDS WITH NO CHILDREN.] Beginning July 1, 1994, "eligible persons" means all families and individuals who are not eligible for medical assistance *without a spenddown* under chapter 256B. These persons are eligible for coverage through the MinnesotaCare plan but must pay a premium as determined under sections 256.9357 and 256.9358. Individuals and families whose income is greater than the limits established under section 256.9358 may not enroll in the MinnesotaCare plan.

Sec. 39. Minnesota Statutes 1993 Supplement, section 256.9354, subdivision 6, is amended to read:

Subd. 6. [APPLICANTS POTENTIALLY ELIGIBLE FOR MEDICAL ASSISTANCE.] Individuals who apply for MinnesotaCare, but who are potentially eligible for medical assistance *without a spenddown* shall be allowed to enroll in MinnesotaCare for a period of 60 days, so long as the applicant meets all other conditions of eligibility. The commissioner shall identify and refer such individuals to their county social service agency. The enrollee must cooperate with the county social service agency in determining medical assistance eligibility within the 60-day enrollment period. Enrollees who do not apply for and cooperate with medical assistance within the 60-day enrollment period, and their other family members, shall be disenrolled from the plan within one calendar month. Persons disenrolled for nonapplication for medical assistance may not reenroll until they have obtained a medical assistance eligibility determination for the family member or members who were referred to the county agency. Persons disenrolled for noncooperation with medical assistance may not reenroll until they have cooperated with the county agency and have obtained a medical assistance eligibility determination. The commissioner shall redetermine provider payments made under MinnesotaCare to the appropriate medical assistance payments for those enrollees who subsequently become eligible for medical assistance.

Sec. 40. Minnesota Statutes 1993 Supplement, section 256.9362, subdivision 6, is amended to read:

Subd. 6. [ENROLLEES 18 OR OLDER.] Payment by the MinnesotaCare program for inpatient hospital services provided to MinnesotaCare enrollees who are 18 years old or older on the date of admission to the inpatient hospital must be in accordance with paragraphs (a) and (b).

(a) If the medical assistance rate minus any copayment required under section 256.9353, subdivision 6, is less than or equal to the amount remaining in the enrollee's benefit limit under section 256.9353, subdivision 3, payment must be the medical assistance rate minus any copayment required under

section 256.9353, subdivision 6. The hospital must not seek payment from the enrollee in addition to the copayment. The MinnesotaCare payment plus the copayment must be treated as payment in full.

(b) If the medical assistance rate minus any copayment required under section 256.9353, subdivision 6, is greater than the amount remaining in the enrollee's benefit limit under section 256.9353, subdivision 3, payment must be the lesser of:

- (1) the amount remaining in the enrollee's benefit limit; or
- (2) charges submitted for the inpatient hospital services less any copayment established under section 256.9353, subdivision 6.

The hospital may seek payment from the enrollee for the amount by which usual and customary charges exceed the payment under this paragraph. *If payment is reduced under section 256.9353, subdivision 3, paragraph (c), the hospital may not seek payment from the enrollee for the amount of the reduction.*

Sec. 41. Minnesota Statutes 1993 Supplement, section 256.9363, subdivision 6, is amended to read:

Subd. 6. [COPAYMENTS AND BENEFIT LIMITS.] Enrollees are responsible for all copayments in section 256.9353, subdivision 6, and shall pay copayments to the managed care plan or to its participating providers. The enrollee is also responsible for payment of inpatient hospital charges which exceed the MinnesotaCare benefit limit ~~to the managed care plan or its participating providers.~~

Sec. 42. Minnesota Statutes 1993 Supplement, section 256.9363, subdivision 7, is amended to read:

Subd. 7. [MANAGED CARE PLAN VENDOR REQUIREMENTS.] The following requirements apply to all counties or vendors who contract with the department of human services to serve MinnesotaCare recipients. Managed care plan contractors:

- (1) shall authorize and arrange for the provision of the full range of services listed in section 256.9353 in order to ensure appropriate health care is delivered to enrollees;
- (2) shall accept the prospective, per capita payment or other contractually defined payment from the commissioner in return for the provision and coordination of covered health care services for eligible individuals enrolled in the program;
- (3) may contract with other health care and social service practitioners to provide services to enrollees;
- (4) shall provide for an enrollee grievance process as required by the commissioner and set forth in the contract with the department;
- (5) shall retain all revenue from enrollee copayments;
- (6) shall accept all eligible MinnesotaCare enrollees, without regard to health status or previous utilization of health services;
- (7) shall demonstrate capacity to accept financial risk according to requirements specified in the contract with the department. A health mainte-

nance organization licensed under chapter 62D, or a nonprofit health plan licensed under chapter 62C, is not required to demonstrate financial risk capacity, beyond that which is required to comply with chapters 62C and 62D; and

(8) shall submit information as required by the commissioner, including data required for assessing enrollee satisfaction, quality of care, cost, and utilization of services; and

(9) shall submit to the commissioner claims in the format specified by the commissioner of human services for all hospital services provided to enrollees for the purpose of determining whether enrollees meet medical assistance spend-down requirements and shall provide to the enrollee, upon the enrollee's request, information on the cost of services provided to the enrollee by the managed care plan for the purpose of establishing whether the enrollee has met medical assistance spend-down requirements.

Sec. 43. Minnesota Statutes 1993 Supplement, section 256.9363, subdivision 9, is amended to read:

Subd. 9. [RATE SETTING.] Rates will be prospective, per capita, where possible. *The commissioner may allow health plans to arrange for inpatient hospital services on a risk or nonrisk basis.* The commissioner shall consult with an independent actuary to determine appropriate rates."

Page 102, after line 5, insert:

"Sec. 47. [317A.022] [ELECTION BY CERTAIN CHAPTER 318 ASSOCIATIONS.]

Subdivision 1. [GENERAL.] An association described in section 318.02, subdivision 5, may elect to cease to be an association subject to and governed by chapter 318 and to become subject to and governed by this chapter in the same manner and to the extent provided in this chapter as though it were a nonprofit corporation by complying with this section.

Subd. 2. [AMENDED TITLE AND OTHER CONFORMING AMENDMENTS.] The declaration of trust, as defined in section 318.02, subdivision 1, of the association must be amended to identify it as the "articles of an association electing to be treated as a nonprofit corporation." All references in this chapter to "articles" or "articles of incorporation" include the declaration of trust of an electing association. If the declaration of trust includes a provision prohibited by this chapter for inclusion in articles of incorporation, omits a provision required by this chapter to be included in articles of incorporation, or is inconsistent with this chapter, the electing association shall amend its declaration of trust to conform to the requirements of this chapter. The appropriate provisions of the association's declaration of trust or bylaws or chapter 318 control the manner of adoption of the amendments required by this subdivision.

Subd. 3. [METHOD OF ELECTION.] An election by an association under subdivision 2 must be made by resolution approved by the affirmative vote of the trustees of the association and by the affirmative vote of the members or other persons with voting rights in the association. The affirmative vote of both the trustees of the association and of the members or other persons with voting rights, if any, in the association must be of the same proportion that is required for an amendment of the declaration of trust of the association before the election, in each case upon proper notice that a purpose of the meeting is

to consider an election by the association to cease to be an association subject to and governed by chapter 318 and to become and be a nonprofit corporation subject to and governed by this chapter. The resolution and the articles of the amendment of the declaration of trust must be filed with the secretary of state and are effective upon filing, or a later date as may be set forth in the filed resolution. Upon the effective date, without any other action or filing by or on behalf of the association, the association automatically is subject to this chapter in the same manner and to the same extent as though it had been formed as a nonprofit corporation pursuant to this chapter. Upon the effective date of the election, the association is not considered to be a new entity, but is considered to be a continuation of the same entity.

Subd. 4. [EFFECTS OF ELECTION.] Upon the effective date of an association's election under subdivision 3, and consistent with the continuation of the association under this chapter:

(1) the organization has the rights, privileges, immunities, powers, and is subject to the duties and liabilities, of a corporation formed under this chapter;

(2) all real or personal property, debts, including debts arising from a subscription for membership and interests belonging to the association, continue to be the real and personal property, and debts of the organization without further action;

(3) an interest in real estate possessed by the association does not revert to the grantor, or otherwise, nor is it in any way impaired by reason of the election, and the personal property of the association does not revert by reason of the election;

(4) except where the will or other instrument provides otherwise, a devise, bequest, gift, or grant contained in a will or other instrument, in a trust or otherwise, made before or after the election has become effective, to or for the association, inures to the organization;

(5) the debts, liabilities, and obligations of the association continue to be the debts, liabilities, and obligations of the organization, just as if the debts, liabilities, and obligations had been incurred or contracted by the organization after the election;

(6) existing claims or a pending action or proceeding by or against the association may be prosecuted to judgment as though the election had not been affected;

(7) the liabilities of the trustees, members, officers, directors, or similar groups or persons, however denominated, of the association, are not affected by the election;

(8) the rights of creditors or liens upon the property of the association are not impaired by the election;

(9) an electing association may merge with one or more nonprofit corporations in accordance with the applicable provisions of this chapter, and either the association or a nonprofit corporation may be the surviving entity in the merger; and

(10) the provisions of the bylaws of the association that are consistent with this chapter remain or become effective and provisions of the bylaws that are inconsistent with this chapter are not effective.

Sec. 48. Minnesota Statutes 1992, section 318.02, is amended by adding a subdivision to read:

Subd. 5. [ELECTION TO BE GOVERNED BY CHAPTER 317A.] An association may cease to be subject to or governed by this chapter by filing an election in the manner described in section 317A.022, to be subject to and governed by chapter 317A in the same manner and to the same extent provided in chapter 317A as though it were a nonprofit corporation if:

(1) it is not formed for a purpose involving pecuniary gain to its members, other than to members that are nonprofit organizations or subdivisions, units, or agencies of the United States or a state or local government; and

(2) it does not pay dividends or other pecuniary remuneration, directly or indirectly, to its members, other than to members that are nonprofit organizations or subdivisions, units, or agencies of the United States or a state or local government."

Renumber the sections of article 8 in sequence

Page 103, line 10, after "organizations" insert "doing business in Minnesota."

Page 103, line 17, after "providers" insert "doing business in Minnesota"

Page 105, line 12, before the period, insert ", except as provided in subdivision 5"

Page 105, delete lines 34 to 36

Page 106, line 1, delete "other hospital outpatient"

Page 106, line 16, before the period, insert ", except as provided in subdivision 5"

Page 107, line 11, delete "or" and insert "and"

Page 107, line 15, before the period, insert ", except as provided in subdivision 5"

Page 107, after line 15, insert:

"Subd. 5. [STATE AND FEDERAL HEALTH CARE PROGRAMS.] (a) Skilled nursing facilities and intermediate care facilities for the mentally retarded services billed to state and federal health care programs administered by the department of human services shall use the form designated by the department of human services.

(b) On or after July 1, 1996, state and federal health care programs administered by the department of human services shall accept the HCFA 1450 for community mental health center services, and shall accept the HCFA 1500 for freestanding ambulatory surgical center services.

(c) State and federal health care programs administered by the department of human services shall be authorized to use the forms designated by the department of human services for pharmacy services and for child and teen checkup services.

(d) State and federal health care programs administered by the department of human services shall accept the form designated by the department of

human services and the HCFA 1500 for supplies, medical supplies, or durable medical equipment. Health care providers may choose which form to submit.”

Page 107, delete lines 18 to 21

Page 107, line 22, delete “(b)” and before “II” insert “I and”

Page 107, line 32, before the period, insert “, except as provided in paragraph (d)”

Page 108, after line 6, insert:

“(d) The state and federal health care programs administered by the department of human services shall use the unique identification number assigned to health care providers for implementation of the Medicaid management information system or the unique physician identification number (UPIN) assigned by the health care financing administration.”

Page 108, line 11, before the period, insert “, except as provided in paragraph (e)”

Page 108, delete lines 12 to 15 and insert:

“(b) The unique patient identification number (UPIN) assigned by the health care financing administration shall be used as the unique identification number for individual health care providers. Providers who do not currently have a unique identification number shall request one from the health care financing administration.”

Page 108, after line 22, insert:

“(e) The state and federal health care programs administered by the department of human services shall use the unique identification number assigned to health care providers for implementation of the Medicaid management information system or the unique physician identification number (UPIN) assigned by the health care financing administration.”

Page 109, line 14, before the period, insert “, except as provided in paragraph (e)”

Page 109, line 15, before “Following” insert “Except as provided in paragraph (d),”

Page 109, line 25, after the period, insert “This provision does not require that patients provide their social security numbers and does not require group purchasers or providers to demand that patients provide their social security numbers. Group purchasers and health care providers shall establish procedures to notify patients that they can elect not to have their social security number used as the unique patient identification number.”

Page 109, after line 25, insert:

“(e) The state and federal health care programs administered by the department of human services shall use the unique person master index (PMI) identification number assigned to clients participating in programs administered by the department of human services.”

Page 109, line 36, after the period, insert “The encryption algorithm and hardware used must not use clipper chip technology.”

Page 110, line 27, delete "organizations" and insert "category I and II industry participants"

Page 110, line 33, delete "health care" and insert "category I and II industry"

Page 111, line 17, before the comma, insert "and the Minnesota center for health care electronic data interchange"

Page 112, line 34, delete "January" and insert "July"

Page 112, line 35, delete "group purchasers in this state" and insert "industry participants, except pharmacists,"

Page 112, line 36, delete "use" and insert "submit or accept, as appropriate,"

Page 113, line 2, delete "submission" and insert "transfer" and delete "to health care"

Page 113, line 3, delete "providers"

Page 113, line 4, delete "January" and insert "July" and delete "group purchasers in" and insert "industry participants, except pharmacists,"

Page 113, line 5, delete "this state" and delete "use" and insert "submit or accept, as appropriate,"

Page 113, delete lines 9 to 14

Page 113, line 15, delete "(a)" and delete "October" and insert "July"

Page 113, line 16, delete "1994" and insert "1995" and delete "group purchasers in this state" and insert "industry participants, except pharmacists,"

Page 113, lines 17 and 30, before "the" insert "or submit, as appropriate,"

Page 113, line 18, before the period, insert "(draft standard for trial use version 3030) for the electronic transfer of health care claim information" and delete "group purchasers in this state" and insert "industry participants, except pharmacists,"

Page 113, line 19, before "this" insert "or submit, as appropriate," and delete ", in a test"

Page 113, delete line 20 and insert "beginning July 1, 1996."

Page 113, delete lines 21 to 27

Page 113, line 28, delete "(a)" and delete "April" and insert "January"

Page 113, line 29, delete "1995" and insert "1996" and delete "group purchasers in this state" and insert "industry participants, except pharmacists"

Page 113, line 31, before the period, insert "(draft standard for trial use version 3030) for the electronic transfer of health care claim information" and delete "group purchasers in this state" and insert "industry participants, except pharmacists,"

Page 113, line 32, before "this" insert "or submit, as appropriate," and delete "in a test"

Page 113, delete line 33 and insert "*beginning January 1, 1997.*"

Page 113, delete lines 34 to 36

Page 114, delete lines 1 to 4

Page 114, line 5, delete "(a)" and delete "April 1, 1995" and insert "January 1, 1996"

Page 114, line 6, delete "group purchasers in this state" and insert "industry participants, except pharmacists,"

Page 114, line 7, before "the" insert "or submit, as appropriate,"

Page 114, line 8, before the period, insert "(draft standard for trial use version 3030) for the electronic transfer of health care claim information" and delete "group purchasers" and insert "industry participants, except pharmacists,"

Page 114, line 9, before "this" insert "or submit, as appropriate," and delete ", in a test production basis, by"

Page 114, delete line 10 and insert "*beginning January 1, 1997.*"

Page 114, delete lines 11 to 17

Page 114, line 20, before "pharmacists" insert "category I and II"

Page 114, line 24, delete the second "category"

Page 117, line 9, delete "60J.50 to 60J.61" and insert "62J.50 to 62J.54, subdivision 3, and 62J.56 to 62J.59"

Page 117, line 16, after the period, insert "*The commissioner shall not promulgate any rules requiring patients to provide their social security numbers unless and until federal laws are modified to allow or require such action nor shall the commissioner promulgate rules which allow medical records, claims, or other treatment or clinical data to be included on the health care identification card, except as specifically provided in this chapter. The commissioner shall seek comments from the ethics and confidentiality committee of the Minnesota health data institute and the department of administration, public information policy analysis division, before adopting or publishing final rules relating to issues of patient privacy and medical records.*"

Page 150, line 3, before "The" insert "(a)"

Page 151, after line 14, insert:

"(b) Notwithstanding paragraph (a), the commissioner shall proceed with the enrollment of single adults and households without children in accordance with section 256.9354, subdivision 5, paragraph (a), even if the expenditures do not remain within the limits of available revenues through fiscal year 1997 to allow the departments of human services and health to develop the plan required under paragraph (a)."

Page 151, after line 31, insert:

"Sec. 3. Minnesota Statutes 1992, section 256.9355, is amended by adding a subdivision to read:

Subd. 4. [APPLICATION PROCESSING.] The commissioner of human

services shall determine an applicant's eligibility for MinnesotaCare no more than 30 days from the date that the application is received by the department of human services. This requirement shall be suspended for four months following the dates in which single adults and families without children become eligible for the program."

Page 152, line 15, after "nonpayment" insert "of the premium without good cause"

Page 152, after line 28, insert:

"Sec. 5. Minnesota Statutes 1993 Supplement, section 256B.0625, subdivision 13, is amended to read:

Subd. 13. [DRUGS.] (a) Medical assistance covers drugs if prescribed by a licensed practitioner and dispensed by a licensed pharmacist, or by a physician enrolled in the medical assistance program as a dispensing physician. The commissioner, after receiving recommendations from professional medical associations and professional pharmacist associations, shall designate a formulary committee to advise the commissioner on the names of drugs for which payment is made, recommend a system for reimbursing providers on a set fee or charge basis rather than the present system, and develop methods encouraging use of generic drugs when they are less expensive and equally effective as trademark drugs: The formulary committee shall consist of nine members, four of whom shall be physicians who are not employed by the department of human services, and a majority of whose practice is for persons paying privately or through health insurance, three of whom shall be pharmacists who are not employed by the department of human services, and a majority of whose practice is for persons paying privately or through health insurance, a consumer representative, and a nursing home representative. Committee members shall serve three-year terms and shall serve without compensation. Members may be reappointed once.

(b) The commissioner shall establish a drug formulary. Its establishment and publication shall not be subject to the requirements of the administrative procedure act, but the formulary committee shall review and comment on the formulary contents. The formulary committee shall review and recommend drugs which require prior authorization. The formulary committee may recommend drugs for prior authorization directly to the commissioner, as long as opportunity for public input is provided. Prior authorization may be requested by the commissioner based on medical and clinical criteria before certain drugs are eligible for payment. Before a drug may be considered for prior authorization at the request of the commissioner:

(1) the drug formulary committee must develop criteria to be used for identifying drugs; the development of these criteria is not subject to the requirements of chapter 14, but the formulary committee shall provide opportunity for public input in developing criteria;

(2) the drug formulary committee must hold a public forum and receive public comment for an additional 15 days; and

(3) the commissioner must provide information to the formulary committee on the impact that placing the drug on prior authorization will have on the quality of patient care and information regarding whether the drug is subject to clinical abuse or misuse. Prior authorization may be required by the

commissioner before certain formulary drugs are eligible for payment. The formulary shall not include:

- (i) drugs or products for which there is no federal funding;
- (ii) over-the-counter drugs, except for antacids, acetaminophen, family planning products, aspirin, insulin, products for the treatment of lice, vitamins for adults with documented vitamin deficiencies, and vitamins for children under the age of seven and pregnant or nursing women;
- (iii) any other over-the-counter drug identified by the commissioner, in consultation with the drug formulary committee, as necessary, appropriate, and cost-effective for the treatment of certain specified chronic diseases, conditions or disorders, and this determination shall not be subject to the requirements of chapter 14;
- (iv) anorectics; and
- (v) drugs for which medical value has not been established.

The commissioner shall publish conditions for prohibiting payment for specific drugs after considering the formulary committee's recommendations.

(c) The basis for determining the amount of payment shall be the lower of the actual acquisition costs of the drugs plus a fixed dispensing fee established by the commissioner, the maximum allowable cost set by the federal government or by the commissioner plus the fixed dispensing fee or the usual and customary price charged to the public. Actual acquisition cost includes quantity and other special discounts except time and cash discounts. The actual acquisition cost of a drug shall *may* be estimated by the commissioner, ~~at average wholesale price minus 7.6 percent effective January 1, 1994.~~ The maximum allowable cost of a multisource drug may be set by the commissioner and it shall be comparable to, but no higher than, the maximum amount paid by other third party payors in this state who have maximum allowable cost programs. Establishment of the amount of payment for drugs shall not be subject to the requirements of the administrative procedure act. An additional dispensing fee of \$.30 may be added to the dispensing fee paid to pharmacists for legend drug prescriptions dispensed to residents of long-term care facilities when a unit dose blister card system, approved by the department, is used. Under this type of dispensing system, the pharmacist must dispense a 30-day supply of drug. The National Drug Code (NDC) from the drug container used to fill the blister card must be identified on the claim to the department. The unit dose blister card containing the drug must meet the packaging standards set forth in Minnesota Rules, part 6800.2700, that govern the return of unused drugs to the pharmacy for reuse. The pharmacy provider will be required to credit the department for the actual acquisition cost of all unused drugs that are eligible for reuse. Over-the-counter medications must be dispensed in the manufacturer's unopened package. The commissioner may permit the drug clozapine to be dispensed in a quantity that is less than a 30-day supply. Whenever a generically equivalent product is available, payment shall be on the basis of the actual acquisition cost of the generic drug, unless the prescriber specifically indicates "dispense as written - brand necessary" on the prescription as required by section 151.21, subdivision 2. Implementation of any change in the fixed dispensing fee that has not been subject to the administrative procedure act is limited to not more than 180 days, unless, during that time, the commissioner initiates rulemaking through the administrative procedure act.

(d) Until the date the on-line, real-time Medicaid Management Information System (MMIS) upgrade is successfully implemented, as determined by the commissioner of administration, a pharmacy provider may require individuals who seek to become eligible for medical assistance under a one-month spend-down, as provided in section 256B.056, subdivision 5, to pay for services to the extent of the spend-down amount at the time the services are provided. A pharmacy provider choosing this option shall file a medical assistance claim for the pharmacy services provided. If medical assistance reimbursement is received for this claim, the pharmacy provider shall return to the individual the total amount paid by the individual for the pharmacy services reimbursed by the medical assistance program. If the claim is not eligible for medical assistance reimbursement because of the provider's failure to comply with the provisions of the medical assistance program, the pharmacy provider shall refund to the individual the total amount paid by the individual. Pharmacy providers may choose this option only if they apply similar credit restrictions to private pay or privately insured individuals. A pharmacy provider choosing this option must inform individuals who seek to become eligible for medical assistance under a one-month spend-down of (1) their right to appeal the denial of services on the grounds that they have satisfied the spend-down requirement, and (2) their potential eligibility for the health right program or the children's health plan."

Page 159, line 29, delete everything after "Act"

Page 159, line 30, delete everything before the period

Page 160, lines 6 and 11, delete "8" and insert "10"

Page 160, line 17, delete "CORRECTION;"

Page 160, line 18, delete "16 corrects and" and insert "18"

Page 160, line 34, delete "16" and insert "18"

Renumber the sections of article 11 in sequence

Page 161, after line 8, insert:

"ARTICLE 12
APPROPRIATIONS

Section 1. [APPROPRIATIONS; SUMMARY.]

Except as otherwise provided in this act, the sums set forth in the columns designated "fiscal year 1994" and "fiscal year 1995" are appropriated from the general fund, or other named fund, to the agencies for the purposes specified in this act and are added to the appropriations for the fiscal years ending June 30, 1994, and June 30, 1995, in Laws 1993, chapter 345, or another named law.

SUMMARY BY FUND

APPROPRIATIONS	1994	1995
HCAF Fund	\$	\$
State Government Special Revenue

Subdivision 1. DEPARTMENT OF HUMAN SERVICES

(a) Forecast Adjustment – Health Care Access Fund	(6,995,000)	(25,829,000)
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These reductions are to the appropriations in Laws 1993, chapter 345, article 14, section 2, based on the MinnesotaCare forecast.

(b) Rate Reduction – Health Care Access Fund	-0-	(145,000)
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This reduction is to the appropriation in Laws 1993, chapter 345, article 14, section 2, due to the imposition of a five percent rate reduction for hospitals not providing preadmission certification of MinnesotaCare enrollees receiving inpatient services.

(c) Delayed Enrollment of Single Adults Health Care Access Fund
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Subd. 2. DEPARTMENT OF EMPLOYEE RELATIONS

Health Care Access Fund	(1,854,000)	(6,125,000)
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This reduction is to the appropriation in Laws 1993, chapter 345, article 14, section 9, due to a negotiation of a third-party carrier contract for Minnesota employers insurance program.

Subd. 3. DEPARTMENT OF HEALTH

Health Care Access Fund	-0-	1,282,000
State Government Special Revenue	-0-	1,525,000

Of this appropriation, \$100,000 is for the purpose of making a grant to the school of medicine at the Duluth campus of the University of Minnesota for planning to meet the increasing need for rural family physicians.

Sec. 2. REVENUES	1994	1995
Health Care Access Fund	(100,000)	(3,700,000)
State Government Special Revenue	-0-	167,000

Sec. 3. TRANSFERS

The commissioner of finance shall transfer \$..... in fiscal year 1994 and \$..... in fiscal year 1995 from the health care access fund to the general fund.

Money appropriated before fiscal year 1995 to the commissioner of health for the administrative functions in connection with the data institute may be used by the data institute for the administration of the patient satisfaction survey to the extent that there are matching financial contributions from the private sector."

Amend the title as follows:

Page 1, line 32, after "5;" insert "144.335, by adding a subdivision;" and after "2;" insert "256.9355, by adding a subdivision;"

Page 1, line 33, delete "and"

Page 1, line 34, after the semicolon, insert "and 318.02, by adding subdivisions;"

Page 2, line 3, after "3;" insert "256.9353, subdivisions 3 and 7;"

Page 2, line 4, delete "subdivision 5" and insert "subdivisions 1, 4, 5, and 6"

Page 2, line 5, after "3;" insert "256.9362, subdivision 6; 256.9363, subdivisions 6, 7, and 9; 256B.0625, subdivision 13;"

Page 2, line 10, delete "and 144" and insert "62Q; 144; and 317A"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

MOTIONS AND RESOLUTIONS - CONTINUED

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate proceeded to the Order of Business of Introduction and First Reading of Senate Bills.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time and referred to the committees indicated.

Ms. Runbeck introduced—

S.F. No. 2904: A bill for an act relating to workers' compensation law and insurance; permitting the commissioner of the department of labor and industry to certify a certain plan of workers' compensation law; alternatively abolishing the department and providing a new general system of law and insurance provisions for the compensation of employment related injuries; transferring the jurisdiction and personnel of the workers' compensation court of appeals; providing rights, duties, and remedies; providing for administration and procedure; permitting adoption of administrative rules; proposing penalties; amending Minnesota Statutes 1992, sections 15.01; 79.34, subdi-

vision 1; 79.35; 175.007, subdivision 2; 175.17; 176A.01, by adding subdivisions; 176A.02, subdivision 1, and by adding subdivisions; 176A.07, subdivision 1; 176A.10; 180.11; and 219.52; amending Minnesota Statutes 1993 Supplement, section 15A.081, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 79; and 176A; proposing coding for new law as Minnesota Statutes, chapters 176C; and 176D; repealing Minnesota Statutes 1992, sections 79.01; 79.074; 79.081; 79.085; 79.095; 79.096; 79.10; 79.253; 79.34, as amended; 79.35; 79.36; 79.37; 79.38; 79.39; 79.40; 79.50; 79.52; 79.53; 79.531; 79.54; 79.55; 79.56; 79.57; 79.58; 79.59; 79.60; 79.61; 79.62; 175.001; 175.002; 175.003; 175.004; 175.005; 175.006; 175.10; 175.14; 175.16; 175.171; 175.20; 175.24; 175.27; 176.001; 176.011, subdivisions 1, 2, 3, 4, 5, 6, 7, 7a, 8, 9a, 11a, 12, 14, 15, 16, 17, 18, 20, 21, 22, 23, 24, 25, 26, and 27; 176.021; 176.031; 176.041, subdivisions 1, 2, 3, 4, 5a, and 6; 176.051; 176.061; 176.071; 176.081; 176.095; 176.101; 176.1011; 176.102; 176.1021; 176.103; 176.104; 176.1041; 176.105; 176.106; 176.111, subdivisions 1, 2, 3, 4, 6, 7, 8, 9a, 10, 12, 14, 15, 16, 17, 18, 20, and 21; 176.121; 176.129; 176.130; 176.1311; 176.132; 176.1321; 176.133; 176.135; 176.1351; 176.136, subdivisions 1, 1a, 1c, 2, and 3; 176.1361; 176.137; 176.139; 176.141; 176.145; 176.151; 176.155; 176.161; 176.165; 176.171; 176.175; 176.178; 176.179; 176.181; 176.182; 176.183; 176.184; 176.185; 176.186; 176.191; 176.192; 176.194; 176.195; 176.201; 176.205; 176.211; 176.215; 176.221; 176.222; 176.225; 176.231; 176.232; 176.234; 176.235; 176.238; 176.239; 176.245; 176.251; 176.253; 176.261; 176.2615; 176.271; 176.275; 176.281; 176.291; 176.295; 176.301; 176.305; 176.306; 176.307; 176.311; 176.312; 176.321; 176.322; 176.325; 176.331; 176.341; 176.351; 176.361; 176.371; 176.381; 176.391; 176.401; 176.411; 176.421; 176.442; 176.451; 176.461; 176.471; 176.481; 176.491; 176.511; 176.521, subdivisions 2a and 3; 176.522; 176.531; 176.540; 176.541; 176.551; 176.561; 176.571; 176.572; 176.581; 176.591; 176.603; 176.611; 176.641; 176.645; 176.651; 176.66; 176.669; 176.82; 176.83; 176.84; 176.85; 176.86; 176A.01; 176A.02, subdivisions 1, 2, 3, 4, 5, and 6; 176A.03; 176A.04; 176A.05; 176A.06; 176A.07; 176A.08; 176A.09; 176A.10; and 176A.12; Minnesota Statutes 1993 Supplement, sections 79.211; 79.251; 79.252; 79.255; 79.361; 79.362; 79.363; 79.371; 79.51; 176.011, subdivision 10; 176.041, subdivision 1a; 176.091; 176.092; 176.111, subdivision 5; 176.136, subdivision 1b; 176.521, subdivisions 1 and 2; 176.5401; 176A.02, subdivision 2a; and 176A.11, subdivisions 1, 2, and 3.

Referred to the Committee on Jobs, Energy and Community Development.

Ms. Runbeck introduced—

S.F. No. 2905: A bill for an act relating to workers' compensation; implementing recommendations submitted by the National Commission on State Workmen's Compensation Laws; modifying provisions relating to eligibility for and entitlement to benefits; amending Minnesota Statutes 1992, sections 176.011, subdivision 18; 176.021, subdivision 3; 176.041, subdivisions 1, 2, and 3; 176.051; 176.101, subdivisions 1, 3d, 3e, 3f, 3j, 3k, 3l, 4, and 6; 176.111, subdivisions 6, 7, 9a, 12, 14, and 15; and 176.135, subdivision 1; repealing Minnesota Statutes 1992, sections 176.011, subdivisions 23 and 26; 176.021, subdivisions 3a and 3b; 176.101, subdivisions 2, 3a, 3b, 3c, 3g, 3h, 3i, 3m, 3n, 3o, 3p, 3q, 3r, 3s, 3t, and 4a; 176.1011; 176.102; 176.104; 176.111, subdivisions 4, 8, 8a, 17, and 18; 176.132; 176.133; and 176.137.

Referred to the Committee on Jobs, Energy and Community Development.

Messrs. Janezich and Johnson, D.J. introduced—

S.F. No. 2906: A bill for an act relating to taxation; sales and use; changing the effective date for certain sales and use tax changes relating to taconite production equipment; amending Laws 1993, chapter 375, article 9, section 51.

Referred to the Committee on Taxes and Tax Laws.

Mr. Morse introduced—

S.F. No. 2907: A bill for an act relating to public administration; authorizing spending to acquire and to better public land and buildings and other public improvements of a capital nature with certain conditions; authorizing issuance of bonds; authorizing assessments for debt service; reducing certain earlier project authorizations and appropriations; appropriating money, with certain conditions; amending Minnesota Statutes 1992, sections 103G.005, by adding a subdivision; 103G.511; 103G.521, subdivision 1; and 103G.535; Minnesota Statutes 1993 Supplement, section 85.019, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 16A; 84; and 216C.

Referred to the Committee on Finance.

Messrs. Samuelson, Sams, Mses. Piper, Berglin and Mr. Day introduced—

S.F. No. 2908: A bill for an act relating to human services; modifying certain health and human service provisions; authorizing new programs; providing penalties; appropriating money; amending Minnesota Statutes 1992, sections 62A.046; 62A.048; 62A.27; 62D.102; 144.804, subdivision 1; 245.97, subdivision 1; 246.18, by adding a subdivision; 252.025, by adding a subdivision; 256.74, by adding a subdivision; 256.9365, subdivisions 1 and 3; 256B.056, by adding a subdivision; 256B.0625, subdivision 25, and by adding a subdivision; 256B.0641, subdivision 1; 256B.431, subdivision 17; 256H.05, subdivision 6; 257.62, subdivisions 1, 5, and 6; 257.64, subdivision 3; 257.69, subdivisions 1 and 2; 518.171, subdivision 5; and 518.613, subdivision 7; Minnesota Statutes 1993 Supplement, sections 62A.045; 144A.071, subdivisions 3 and 4a; 245.97, subdivision 6; 246.18, subdivision 4; 252.46, subdivision 6, and by adding a subdivision; 256.969, subdivision 24; 256B.431, subdivision 24; 256I.04, subdivision 3; 257.55, subdivision 1; 257.57, subdivision 2; 518.171, subdivisions 1, 3, 4, 7, and 8; 518.611, subdivisions 2 and 4; 518.613, subdivision 2; and 518.615, subdivision 3; proposing coding for new law in Minnesota Statutes, chapters 62A and 148; repealing Minnesota Statutes 1992, sections 62C.141; 62C.143; 62D.106; and 62E.04, subdivisions 9 and 10.

Referred to the Committee on Finance.

Messrs. Kroening, Novak, Ms. Anderson, Mr. Frederickson and Ms. Johnson, J.B. introduced—

S.F. No. 2909: A bill for an act relating to public administration; appropriating money for community development and certain agencies of state government, and supplementing, reducing, and transferring earlier appropriations, with certain conditions; regulating certain activities and practices; providing for accounts, fees, and reports; amending Minnesota Statutes 1992, sections 60K.06; 60K.19, subdivision 8; 82.20, subdivisions 7

and 8; 82.21, by adding a subdivision; 82B.08, subdivisions 4 and 5; 82B.09, subdivision 1; 82B.19, subdivision 1; 83.25; 176.102, subdivisions 3a and 14; 462A.05, by adding a subdivision; 504.33, subdivision 4; 504.35; Minnesota Statutes 1993 Supplement, sections 15.50, subdivision 2; 82.21, subdivision 1; 82.22, subdivisions 6 and 13; 82.34, subdivision 3; 116J.966, subdivision 1; 138.763, subdivision 1; 239.785, subdivision 2, and by adding a subdivision; 268.98, subdivision 1; and 504.33, subdivision 7; Laws 1993, chapter 369, section 5, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 268; repealing Minnesota Statutes 1992, sections 268.32; 268.551; and 268.552; Minnesota Rules, parts 3300.0100; 3300.0200; 3300.0300; 3300.0400; 3300.0500; 3300.0600; and 3300.0700.

Referred to the Committee on Finance.

Mr. Kelly, Mses. Johnston and Ranum introduced—

S.F. No. 2910: A bill for an act relating to claims against the state; providing for payment of various claims; appropriating money.

Referred to the Committee on Finance.

MEMBERS EXCUSED

Mr. Beckman was excused from the Session of today. Mr. Johnson, D.J. was excused from the Session of today from 8:40 to 8:45 a.m. Mr. Hottinger was excused from the Session of today at 10:00 a.m. Mr. Pogemiller was excused from the Session of today from 8:00 to 9:00 a.m. Mr. Riveness was excused from the Session of today from 8:00 to 9:20 a.m. Ms. Reichgott Junge was excused from the Session of today at 10:10 a.m. Messrs. Chmielewski, Vickerman, Sams and Terwilliger were excused from the Session of today at 10:20 a.m. Ms. Kiscaden was excused from the Session of today from 10:15 to 10:25 a.m. Messrs. Novak and Metzen were excused from the Session of today at 10:30 a.m. Mr. Bertram and Ms. Berglin were excused from the Session of today at 10:45 a.m. Mr. Chandler was excused from the Session of today at 10:50 a.m. Mr. Langseth was excused from the Session of today at 11:10 a.m.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 10:00 a.m., Monday, April 11, 1994. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

EIGHTY-SEVENTH DAY

St. Paul, Minnesota, Monday, April 11, 1994

The Senate met at 10:00 a.m. and was called to order by the President.

CALL OF THE SENATE

Mr. Riveness imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

Prayer was offered by the Chaplain, Rev. John R. Bjorge.

The members of the Senate gave the pledge of allegiance to the flag of the United States of America.

The roll was called, and the following Senators answered to their names:

Adkins	Dille	Krentz	Morse	Robertson
Anderson	Finn	Kroening	Murphy	Runbeck
Beckman	Flynn	Laidig	Neuville	Sams
Belanger	Frederickson	Langseth	Novak	Samuelson
Benson, D.D.	Hanson	Larson	Oliver	Solon
Benson, J.E.	Hottinger	Lesewski	Olson	Spear
Berg	Janezich	Lessard	Pappas	Stevens
Berglin	Johnson, D.E.	Luther	Pariseau	Stumpf
Bertram	Johnson, D.J.	Marty	Piper	Terwilliger
Betzold	Johnson, J.B.	McGowan	Pogemiller	Vickerman
Chandler	Johnston	Merriam	Price	Wiener
Chmielewski	Kelly	Metzen	Ranum	
Cohen	Kiscaden	Moe, R.D.	Reichgott Junge	
Day	Knutson	Mondale	Riveness	

The President declared a quorum present.

The reading of the Journal was dispensed with and the Journal, as printed and corrected, was approved.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communications were received.

April 7, 1994

The Honorable Allan H. Spear
President of the Senate

Dear President Spear:

It is my honor to inform you that I have received, approved, signed and

deposited in the Office of the Secretary of State, S.F. Nos. 2040, 1691, 2522, 1752, 1968, 1983, 1967 and 2415.

Warmest regards,
Arne H. Carlson, Governor

April 8, 1994

The Honorable Irv Anderson
Speaker of the House of Representatives

The Honorable Allan H. Spear
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1994 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

S.F. No.	H.F. No.	Session Laws Chapter No.	Time and Date Approved 1994	Date Filed 1994
2040		386	11:20 a.m. April 7	April 7
1691		388	11:02 a.m. April 7	April 7
2522		394	11:23 a.m. April 7	April 7
1752		395	11:22 a.m. April 7	April 7
1968		396	11:25 a.m. April 7	April 7
1983		397	11:26 a.m. April 7	April 7
1967		398	11:26 a.m. April 7	April 7
2415		399	11:30 a.m. April 7	April 7

Sincerely,
Joan Anderson Growe
Secretary of State

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 2617 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
2617	2161				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 2617 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2617 and insert the language after the enacting clause of S.F. No. 2161, the first engrossment;

further, delete the title of H.F. No. 2617 and insert the title of S.F. No. 2161, the first engrossment.

And when so amended H.F. No. 2617 will be identical to S.F. No. 2161, and further recommends that H.F. No. 2617 be given its second reading and substituted for S.F. No. 2161, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 2626 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
2626	2432				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 2626 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2626 and insert the language after the enacting clause of S.F. No. 2432, the first engrossment; further, delete the title of H.F. No. 2626 and insert the title of S.F. No. 2432, the first engrossment.

And when so amended H.F. No. 2626 will be identical to S.F. No. 2432, and further recommends that H.F. No. 2626 be given its second reading and substituted for S.F. No. 2432, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 1999 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1999	1784				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1999 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1999 and insert the language after the enacting clause of S.F. No. 1784, the second engross-

ment; further, delete the title of H.F. No. 1999 and insert the title of S.F. No. 1784, the second engrossment.

And when so amended H.F. No. 1999 will be identical to S.F. No. 1784, and further recommends that H.F. No. 1999 be given its second reading and substituted for S.F. No. 1784, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 2013 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
2013	1908				

and that the above Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 2493 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
2493	2247				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 2493 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2493 and insert the language after the enacting clause of S.F. No. 2247, the second engrossment; further, delete the title of H.F. No. 2493 and insert the title of S.F. No. 2247, the second engrossment.

And when so amended H.F. No. 2493 will be identical to S.F. No. 2247, and further recommends that H.F. No. 2493 be given its second reading and substituted for S.F. No. 2247, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the

Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 2405 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
2405	2288				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 2405 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2405 and insert the language after the enacting clause of S.F. No. 2288, the first engrossment; further, delete the title of H.F. No. 2405 and insert the title of S.F. No. 2288, the first engrossment.

And when so amended H.F. No. 2405 will be identical to S.F. No. 2288, and further recommends that H.F. No. 2405 be given its second reading and substituted for S.F. No. 2288, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

SECOND READING OF HOUSE BILLS

H.F. Nos. 2617, 2626, 1999, 2013, 2493 and 2405 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Stumpf moved that the name of Mr. McGowan be added as a co-author to S.F. No. 1755. The motion prevailed.

Mr. Stumpf moved that the name of Mr. Riveness be added as a co-author to S.F. No. 1818. The motion prevailed.

Ms. Berglin moved that the name of Ms. Kiscaden be added as a co-author to S.F. No. 2192. The motion prevailed.

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate proceed to the Order of Business of the Calendar. The motion prevailed.

CALENDAR

S.F. No. 2097: A bill for an act relating to transportation; establishing annual gasoline excise tax rate adjustment; increasing the transfer of motor

vehicle excise tax receipts to the transit assistance fund; providing for distribution of money from the transit assistance fund; requiring study of electric vehicle transportation technology; requiring high-speed rail study; requiring action on environmental impact statement for Wakota Bridge; authorizing the sale of state bonds; appropriating money; amending Minnesota Statutes 1992, sections 296.02, by adding a subdivision; 297B.09, subdivision 1; and 360.305, subdivision 4; Minnesota Statutes 1993 Supplement, section 174.32, subdivision 2.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 54 and nays 8, as follows:

Those who voted in the affirmative were:

Adkins	Finn	Kiscaden	Metzen	Pogemiller
Beckman	Flynn	Knutson	Moe, R.D.	Reichgott Junge
Belanger	Frederickson	Krentz	Mondale	Riveness
Benson, D.D.	Hanson	Laidig	Morse	Samuelson
Berg	Hottinger	Langseth	Murphy	Solon
Bertram	Janezich	Larson	Neuville	Stevens
Chandler	Johnson, D.E.	Lesewski	Novak	Stumpf
Chmielewski	Johnson, D.J.	Lessard	Oliver	Terwilliger
Cohen	Johnson, J.B.	Luther	Olson	Vickerman
Day	Johnston	Marty	Pappas	Wiener
Dille	Kelly	McGowan	Piper	

Those who voted in the negative were:

Benson, J.E.	Merriam	Ranum	Runbeck	Spear
Betzold	Pariseau	Robertson		

So the bill passed and its title was agreed to.

RECONSIDERATION

Mr. Moe, R.D. moved that the vote whereby S.F. No. 2097 was passed by the Senate on April 11, 1994, be now reconsidered. The motion prevailed.

Mr. Moe, R.D. moved that S.F. No. 2097 be laid on the table. The motion prevailed.

MOTIONS AND RESOLUTIONS - CONTINUED

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate proceeded to the Order of Business of Introduction and First Reading of Senate Bills.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time and referred to the committees indicated.

Mr. Morse introduced—

S.F. No. 2911: A bill for an act relating to taxation; establishing a consolidated billing and payment system for various environmental taxes and fees; providing penalties; appropriating money; amending Minnesota Statutes 1992, sections 115B.22, by adding subdivisions; 299K.09, by adding a

subdivision; and 299K.095; Minnesota Statutes 1993 Supplement, sections 115D.12, subdivision 2; and 116.12, subdivision 2; proposing coding for new law as Minnesota Statutes, chapter 289B; repealing Minnesota Statutes 1992, section 115B.24.

Referred to the Committee on Taxes and Tax Laws.

Mr. Stumpf introduced—

S.F. No. 2912: A bill for an act relating to public administration; authorizing spending to acquire and to better public land and buildings and other public improvements of a capital nature with certain conditions; authorizing issuance of bonds; requiring payment for debt service; reducing certain earlier project authorizations and appropriations; establishing a library planning task force; providing for appointments; appropriating money, with certain conditions; amending Minnesota Statutes 1993 Supplement, sections 16B.335; and 136.261, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 135A.

Referred to the Committee on Finance.

MOTIONS AND RESOLUTIONS - CONTINUED

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated H.F. No. 2212 a Special Order to be heard immediately.

SPECIAL ORDER

H.F. No. 2212: A bill for an act relating to the environment; genetically engineered organisms; authorizing the department of agriculture to exempt certain federally monitored releases; authorizing the environmental quality board to adopt rules relating to certain releases; providing for certain exemptions; amending Minnesota Statutes 1992, sections 18F.01; 18F.02, subdivisions 1, 5, and by adding a subdivision; 18F.04; 18F.07; 18F.12; 116C.91, subdivision 1; 116C.94; and 116C.96; proposing coding for new law in Minnesota Statutes, chapters 18F; and 116C; repealing Minnesota Statutes 1992, section 18F.02, subdivision 7.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 67 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dille	Krentz	Morse	Robertson
Anderson	Finn	Kroening	Murphy	Runbeck
Beckman	Flynn	Laidig	Neuville	Sams
Belanger	Frederickson	Langseth	Novak	Samuelson
Benson, D.D.	Hanson	Larson	Oliver	Solon
Benson, J.E.	Hottinger	Lesewski	Olson	Spear
Berg	Janezich	Lessard	Pappas	Stevens
Berglin	Johnson, D.E.	Luther	Pariseau	Stumpf
Bertram	Johnson, D.J.	Marty	Piper	Terwilliger
Betzold	Johnson, J.B.	McGowan	Pogemiller	Vickerman
Chandler	Johnston	Merriam	Price	Wiener
Chmielewski	Kelly	Metzen	Rantum	
Cohen	Kiscaden	Moe, R.D.	Reichgott Junge	
Day	Knutson	Mondale	Riveness	

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 1788 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 1788: A bill for an act relating to waste management; applying government waste reduction requirements to compilations of game and fish laws; clarifying the state's waste management goals; adding heat pumps to the definition of major appliances; authorizing larger capital assistance grants to resource recovery projects under certain circumstances; establishing enforcement of the authority of certain counties to inspect records of certain facilities; clarifying management of waste antifreeze and motor oil filters; establishing a process for resolution of disputes related to toxics in packaging and requiring a report; clarifying the prohibition on toxics in products and providing for exemptions; requiring and authorizing training and certification of appliance recyclers and servicers respectively; removing the federal government from the definition of commercial transporter of medical waste; requiring medical waste management plans to contain information regarding mailing of sharps; banning sale of apparel containing mercury switches; authorizing private ownership of solid waste facilities; permitting counties and local governments to impose certain conditions on disposal of unprocessed solid waste; authorizing counties to require record keeping; adding requirements for liners and leachate systems; expanding the restriction on disposal of unprocessed waste from the metropolitan area; requiring a report on management of waste electronic appliances; requiring a report on products that contain mercury; requiring a report on recycling facilities; requiring a report on recycled antifreeze; amending Minnesota Statutes 1992, sections 97A.051, subdivision 1; 115A.02; 115A.03, subdivision 17a; 115A.554; 115A.557, subdivisions 3 and 4; 115A.87; 115A.882, by adding a subdivision; 115A.9157, subdivisions 4 and 5; 115A.918, subdivision 1, and by adding a subdivision; 115A.95; 115A.9561, subdivision 2; 115A.965, subdivision 6, and by adding a subdivision; 116.07, subdivision 4h; 116.76, subdivision 4; 116.92, subdivision 8; 473.803, subdivisions 1 and 1c; 473.811, subdivisions 5 and 5a; 473.843, subdivision 1; 473.844, subdivision 1a; 473.845, subdivision 3; and 473.848, subdivisions 1 and 5; Minnesota Statutes 1993 Supplement, sections 115A.54, subdivision 2a; 115A.916; 115A.929; 115A.9651; 115A.981, subdivision 3; 116.79, subdivision 1; 473.149, subdivision 6; 473.846; and 473.848, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 116; and 473; repealing Minnesota Statutes 1993 Supplement, section 115A.542.

Mr. Berg moved to amend S.F. No. 1788 as follows:

Page 9, line 17, before "motor" insert "or"

Page 9, line 18, strike ", or antifreeze"

Page 9, line 25, delete "(b)" and strike "For the purposes of this section, "antifreeze" does not"

Page 9, strike lines 26 to 29

Page 9, line 30, delete "(c)" and strike "This section does not apply to antifreeze placed in a"

Page 9, strike line 31

Page 9, line 32, strike "treatment works that is permitted by the agency until"

Page 9, line 33, delete the new language and strike the period

Page 9, line 34, delete "(d)" and insert "(b)"

Amend the title as follows:

Page 1, line 10, after the semicolon, insert "removing restrictions on management of waste antifreeze;"

Page 1, line 11, delete "antifreeze and"

The motion did not prevail. So the amendment was not adopted.

Mr. Chandler moved to amend S.F. No. 1788 as follows:

Page 12, line 28, after "IN" insert "SPECIFIED"

Page 12, line 29, strike "After July 1, 1994,"

Page 12, line 30, strike everything after "may"

Page 12, line 31, strike everything before "any" and insert "distribute for sale or use in this state"

Page 12, line 32, strike "that is intended for use or for sale in this state" and insert "manufactured after July 1, 1994, into which lead, cadmium, mercury, or hexavalent chromium has been deliberately introduced"

Page 13, line 4, delete "listed" and delete everything after "metal" and insert "listed in paragraph (a) as an element during manufacture or distribution of an item listed in paragraph (a). Deliberate introduction does not include the incidental presence of any of the prohibited elements.

(c) The concentration of a listed metal in an item listed in paragraph (a) may not exceed 600 parts per million."

Page 13, delete lines 5 and 6

The motion prevailed. So the amendment was adopted.

Mr. Chandler then moved to amend S.F. No. 1788 as follows:

Page 5, after line 14, insert:

"Sec. 5. Minnesota Statutes 1992, section 115A.5501, subdivision 1, is amended to read:

Subdivision 1. [STATEWIDE WASTE PACKAGING REDUCTION GOAL.] It is the goal of the state that there be a minimum 25 percent statewide per capita reduction in the amount of discarded packaging delivered to ~~solid waste composting, incineration, refuse derived fuel and disposal~~ facilities by December 31, 1995, based on a reasonable estimate of the amount of packaging that was delivered to ~~solid waste composting, incineration, and disposal~~ facilities in calendar year 1992.

Sec. 6. Minnesota Statutes 1992, section 115A.5501, subdivision 2, is amended to read:

Subd. 2. [MEASUREMENT; PROCEDURES.] To measure the overall percentage of packaging in the statewide solid waste stream, the commis-

sioner and the chair of the metropolitan council, in consultation with the director, shall each conduct an annual four-season solid waste composition study in the nonmetropolitan and metropolitan areas respectively or shall develop an alternative method that is as statistically reliable as a waste composition study to measure the percentage of packaging in the waste stream.

Beginning in 1993, the chair of the council shall submit the results from the metropolitan area to the commissioner by March 1 of each year. The commissioner shall average the nonmetropolitan and metropolitan results and submit the statewide percentage, along with a statistically reliable margin of error, to the director by April 1 of each year. The director shall report the information to the legislative commission on waste management by July 1 of each year. *The 1994 report must include a discussion of the reliability of data gathered under this subdivision and the methodology used by the commissioner to determine a statistically reliable margin of error.*

Sec. 7. Minnesota Statutes 1993 Supplement, section 115A.5501, subdivision 3, is amended to read:

Subd. 3. [FACILITY COOPERATION AND REPORTS.] The owner or operator of a ~~solid waste composting, incineration, refuse derived fuel or disposal~~ facility shall allow access upon reasonable notice to authorized office, agency, or metropolitan council staff for the purpose of conducting waste composition studies or otherwise assessing the amount of total packaging in the waste delivered to the facility under this section.

Beginning in 1993, by February 1 of each year the owner or operator of a facility governed by this subdivision shall submit a report to the commissioner, on a form prescribed by the commissioner, specifying the total amount of solid waste received by the facility between January 1 and December 31 of the previous year. The commissioner shall calculate the total amount of solid waste delivered to solid waste facilities from the reports received from the facility owners or operators and shall report the aggregate amount to the director by April 1 of each year. The commissioner shall assess a nonforgivable administrative penalty under section 116.072 of \$500 plus any forgivable amount necessary to enforce this subdivision on any owner or operator who fails to submit a report required by this subdivision.

Sec. 8. Minnesota Statutes 1992, section 115A.5501, is amended by adding a subdivision to read:

Subd. 5. [RECOMMENDATIONS FOR FURTHER REDUCTION GOALS.] *If the goal in subdivision 1 is met, the director shall include in the report required in subdivision 4 recommendations for appropriate goals for further reducing the amount of discarded packaging delivered to facilities. The report must include an analysis of the costs of further reductions.*

Sec. 9. Minnesota Statutes 1992, section 115A.5501, is amended by adding a subdivision to read:

Subd. 6. [DEFINITION.] *For the purposes of this section, "facility" means a composting, incineration, refuse-derived fuel, or disposal facility that accepts mixed municipal solid waste or construction waste."*

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Price moved to amend S.F. No. 1788 as follows:

Page 3, after line 17, insert:

“Sec. 4. Minnesota Statutes 1992, section 115A.072, subdivision 4, is amended to read:

Subd. 4. [EDUCATION, PROMOTION, AND PROCUREMENT.] The office shall include waste reduction *and reuse*, including *packaging reduction and reuse*, as an element of its program of public education on waste management required under this section. The waste reduction *and reuse* education program must include dissemination of information and may include an award program for model waste reduction *and reuse* efforts. Waste reduction *and reuse* educational efforts must also include provision of information about and promotion of the model procurement program developed by the commissioner of administration under section 115A.15, subdivision 7, or any other model procurement program that results in significant waste reduction *and reuse*.”

Renumber the sections in sequence and correct the internal references

Amend the title as follows:

Page 1, line 6, after the semicolon, insert “requiring public education on reuse;”

Page 1, line 34, after the second semicolon, insert “115A.072, subdivision 4;”

The motion prevailed. So the amendment was adopted.

Ms. Johnson, J.B. moved that S.F. No. 1788 be laid on the table. The motion prevailed.

MOTIONS AND RESOLUTIONS – CONTINUED

Mr. Janezich moved that his name be stricken as chief author, shown as a co-author, and the name of Mr. Johnson, D.J. be shown as chief author to S.F. No. 2494. The motion prevailed.

Mr. Solon moved that S.F. No. 1879, No. 86 on General Orders, be stricken and re-referred to the Committee on Finance. The motion prevailed.

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate take up the General Orders Calendar. The motion prevailed.

GENERAL ORDERS

The Senate resolved itself into a Committee of the Whole, with Mr. Belanger in the chair.

After some time spent therein, the committee arose, and Mr. Belanger reported that the committee had considered the following:

S.F. Nos. 2550, 2709, 1888, 2393, 2171, 2556, 2004 and H.F. Nos. 2553, 1844, which the committee recommends to pass.

S.F. No. 2496, which the Committee recommends be re-referred to the Committee on Finance.

S.F. No. 2068, which the committee recommends to pass with the following amendments offered by Ms. Berglin:

Page 7, line 7, reinstate the stricken "emergency" and after the reinstated "emergency" insert "and"

The motion prevailed. So the amendment was adopted.

Ms. Berglin then moved to amend S.F. No. 2068 as follows:

Page 2, delete section 2

Page 2, line 20, after the period, insert "*The public notice of this funding and the request for proposal must specify how the approval criteria will be prioritized by the advisory review panel, the interagency long-term care planning committee, and the commissioner.*"

Page 3, line 2, before "financing" insert "*current estimated*" and after the first "costs" insert "*of the proposal including the amount and sources of money, bond fund reserve, annual payments scheduled, interest rates, length of term, closing costs and fees, and insurance costs, any completed marketing study or underwriting review*"

Page 3, line 11, strike "and" and insert:

"(8) *an explanation of any licensure or certification issues, such as certification survey deficiencies; and*"

Page 3, line 12, strike "(8)" and insert "(9)"

Page 4, line 2, after "criteria" insert "*as provided for*"

Page 4, line 3, after "4" insert "*and in emergency and permanent rules adopted by the commissioner*"

Page 4, lines 29 and 30, delete the new language

Page 4, line 31, after "used" insert "*in a consistent manner*"

Page 4, line 32, before the colon, insert "*. The application of criteria listed in clauses (1) to (10) must not reflect any distinction based on the geographic location of the proposed project*"

Page 5, line 4, after "goals" insert "*specified in permanent rules adopted under subdivision 8*"

Page 5, line 10, delete the new language

Page 5, line 13, delete "either"

Page 5, line 16, after "home" insert "*or distinct sections of a facility*" and after the semicolon, insert:

"(4) *until June 30, 1995, notwithstanding section 144A.073, subdivision 5, and paragraph (b) of this subdivision, the extent to which the project would result in a newly constructed facility or an addition to a facility in a county;*

(i) *with less than the statewide average of nursing home beds per 1,000 persons aged 65 or older;*

(ii) where services are available as an alternative to nursing home use;

(iii) where nursing home occupancy exceeds 97 percent as determined by the department of human services; and

(iv) located in an economic development region where the percentage of projected population increase between 1990 and 2005 is the number of persons aged 85 or older exceeds the statewide projection included in 1993 state demographer data. The project must involve a reduction in beds in an economic development region with a nursing home occupancy rate less than the statewide average accomplished through the transfer of beds, especially the transfer of beds from three-bed or four-bed rooms, provided that at least 15 percent of the beds transferred must be delicensed;

(5) until June 30, 1995, and notwithstanding section 144A.073, subdivision 6, the extent to which the project would increase the capacity of a nursing home attached to a hospital that has been delicensed, but only if the 1994 occupancy rate for nursing homes within a 25-mile radius of the facility exceeds 96 percent. The facility shall not be required to comply with the new construction standards contained in the nursing home licensure rules for resident bedrooms;"

Page 5, line 17, delete "(4)" and insert "(6)"

Page 5, line 24, delete "(5)" and insert "(7)"

Page 5, line 29, delete "(6)" and insert "(8)"

Page 6, line 3, delete "and" and insert:

"(9) the extent to which the applicant demonstrates the delivery of quality care to residents as evidenced by the two most recent state agency certification surveys and the applicant's response to those surveys; and"

Page 6, line 4, delete "(7)" and insert "(10)"

Page 6, line 8, delete from "In" through page 6, line 10, to "(3)" and insert "The use of the following criteria is limited to the evaluation, comparison, and ranking of proposals that involve relocation"

Page 6, line 15, delete everything after "project" and insert "; and"

Page 6, delete line 16

Page 6, line 17, after "(2)" insert "the extent to which"

Page 6, line 18, delete "65" and insert "85"

Page 6, line 19, delete from "may" through page 6, line 21, to "and" and insert "supports the need for the project."

Page 6, delete lines 22 to 26

Page 6, line 32, delete "cost savings" and insert "utilization costs"

Page 6, line 33, delete "board" and insert "committee"

Page 6, line 35, delete "cost savings" and insert "costs"

Page 7, line 6, delete everything after "must" and insert "be in accordance with and implement only the criteria listed in"

Page 7, line 11, after "with" insert "and implements only criteria listed in"

Page 9, after line 7, insert:

“Sec. 9. [POLICY OPTIONS FOR BED TRANSFERS.]

The interagency long-term care planning committee shall present to the legislature by January 15, 1995, policy options for transferring beds from areas of the state with a bed surplus to areas of the state with a bed shortage. The options must include a comprehensive plan for distributing existing nursing home and certified boarding care home beds in order to serve the aging population as projected by the state demographer.”

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

S.F. No. 2104, which the committee recommends to pass with the following amendment offered by Ms. Runbeck:

Page 4, line 8, after “*population*” insert “, and must include one member from the department of human services child protection unit”

The motion prevailed. So the amendment was adopted.

S.F. No. 1872, which the committee recommends to pass with the following amendment offered by Ms. Hanson:

Page 1, line 21, after the period, insert “*Nothing in this section will supersede or replace chapter 326.*”

The motion prevailed. So the amendment was adopted.

S.F. No. 348, which the committee recommends to pass with the following amendment offered by Ms. Anderson:

Page 1, line 15, delete “1997” and insert “1996”

The motion prevailed. So the amendment was adopted.

S.F. No. 2642, which the committee recommends to pass with the following amendment offered by Mr. Finn:

Page 1, after line 6, insert:

“Section 1. Minnesota Statutes 1992, section 253B.23, subdivision 4, is amended to read:

Subd. 4. [IMMUNITY.] All persons acting in good faith, upon either actual knowledge or information thought by them to be reliable, who act pursuant to any provision of this chapter or who procedurally or physically assist in the commitment of any individual, pursuant to this chapter, are not subject to any civil or criminal liability under this chapter. Any privilege otherwise existing between patient and physician ~~or between~~, patient and examiner, or patient and social worker, is waived as to any physician ~~or~~, examiner, or social worker who provides information with respect to a patient pursuant to any provision of this chapter.”

Page 3, line 12, after the period, insert “*The exception for social workers does not apply to testimony, records, or other evidence relating to a social worker’s role as a court-appointed examiner, a probation officer, or an investigator employed by the state or a political subdivision.*”

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

On motion of Mr. Moe, R.D., the report of the Committee of the Whole, as kept by the Secretary, was adopted.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Moe, R.D. moved that S.F. No. 1788 be taken from the table. The motion prevailed.

S.F. No. 1788: A bill for an act relating to waste management; applying government waste reduction requirements to compilations of game and fish laws; clarifying the state's waste management goals; adding heat pumps to the definition of major appliances; authorizing larger capital assistance grants to resource recovery projects under certain circumstances; establishing enforcement of the authority of certain counties to inspect records of certain facilities; clarifying management of waste antifreeze and motor oil filters; establishing a process for resolution of disputes related to toxics in packaging and requiring a report; clarifying the prohibition on toxics in products and providing for exemptions; requiring and authorizing training and certification of appliance recyclers and servicers respectively; removing the federal government from the definition of commercial transporter of medical waste; requiring medical waste management plans to contain information regarding mailing of sharps; banning sale of apparel containing mercury switches; authorizing private ownership of solid waste facilities; permitting counties and local governments to impose certain conditions on disposal of unprocessed solid waste; authorizing counties to require record keeping; adding requirements for liners and leachate systems; expanding the restriction on disposal of unprocessed waste from the metropolitan area; requiring a report on management of waste electronic appliances; requiring a report on products that contain mercury; requiring a report on recycling facilities; requiring a report on recycled antifreeze; amending Minnesota Statutes 1992, sections 97A.051, subdivision 1; 115A.02; 115A.03, subdivision 17a; 115A.554; 115A.557, subdivisions 3 and 4; 115A.87; 115A.882, by adding a subdivision; 115A.9157, subdivisions 4 and 5; 115A.918, subdivision 1, and by adding a subdivision; 115A.95; 115A.9561, subdivision 2; 115A.965, subdivision 6, and by adding a subdivision; 116.07, subdivision 4h; 116.76, subdivision 4; 116.92, subdivision 8; 473.803, subdivisions 1 and 1c; 473.811, subdivisions 5 and 5a; 473.843, subdivision 1; 473.844, subdivision 1a; 473.845, subdivision 3; and 473.848, subdivisions 1 and 5; Minnesota Statutes 1993 Supplement, sections 115A.54, subdivision 2a; 115A.916; 115A.929; 115A.9651; 115A.981, subdivision 3; 116.79, subdivision 1; 473.149, subdivision 6; 473.846; and 473.848, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 116; and 473; repealing Minnesota Statutes 1993 Supplement, section 115A.542.

Mr. Chandler moved to amend S.F. No. 1788 as follows:

Page 5, after line 14, insert:

“Sec. 5. [115A.5502] [PACKAGING PRACTICES; PREFERENCES; GOALS.]

Packaging forms a substantial portion of solid waste and contributes to environmental degradation and the costs of managing solid waste. It is imperative to reduce the amount and toxicity of packaging that must be managed as solid waste. In order to achieve significant reduction of packaging in solid waste and to assist packagers and others to meet the packaging reduction goal in section 115A.5501, the goal of the state is that items be distributed without any packaging where feasible and, only when necessary to protect health and safety or product integrity, with the minimal amount of packaging possible. The following categories of packaging are listed in order of preference for use by all persons who find it necessary to package items for distribution or use in the state:

(1) minimal packaging that contains no intentionally introduced toxic materials and that is designed to be and actually is reused for its original purpose at least five times;

(2) minimal packaging that contains no intentionally introduced toxic materials and that consists of at least 50 percent postconsumer material as defined in section 115A.03, subdivision 24b;

(3) minimal packaging that contains no intentionally introduced toxic materials, that is recyclable, and is regularly collected through recycling collection programs available to at least 75 percent of the residents of the state;

(4) minimal packaging that does not comply with clauses (1) to (3) because it is required under federal or state law and for which there does not exist a commercially feasible alternative that does comply with clauses (1) to (3);

(5) packaging that contains no intentionally introduced toxic materials but does not comply with clauses (1) to (4); and

(6) all other packaging.

It is the further goal of this chapter that the packaging described in clauses (5) and (6) no longer be in use for any purpose after December 31, 1999."

Renumber the sections in sequence and correct the internal references

Amend the title as follows:

Page 1, line 8, after the semicolon, insert "listing preferences for use of packaging;"

Page 2, line 3, after "chapters" insert "115A;"

Mr. Lessard moved to amend the Chandler amendment to S.F. No. 1788 as follows:

Page 1, delete lines 21 to 24

Page 1, line 25, delete "(3)" and insert "(2)"

Page 1, lines 29 and 34, delete "(4)" and insert "(3)"

Page 1, lines 30 and 32, delete "to (3)" and insert "and (2)"

Page 1, line 33, delete "(5)" and insert "(4)"

Page 1, line 35, delete "(6)" and insert "(5)" and after the period, insert quotation marks

Page 1, delete line 36

Page 2, delete lines 1 and 2

The motion prevailed. So the amendment to the amendment was adopted.

The question recurred on the Chandler amendment, as amended. The motion prevailed. So the amendment, as amended, was adopted.

Mr. Chandler moved to amend S.F. No. 1788 as follows:

Page 2, after line 6, insert:

“Section 1. Minnesota Statutes 1992, section 8.31, subdivision 1, is amended to read:

Subdivision 1. [INVESTIGATE OFFENSES AGAINST THE PROVISIONS OF CERTAIN DESIGNATED SECTIONS; ASSIST IN ENFORCEMENT.] The attorney general shall investigate violations of the law of this state respecting unfair, discriminatory, and other unlawful practices in business, commerce, or trade, and specifically, but not exclusively, the nonprofit corporation act (sections 317A.001 to 317A.909), the act against unfair discrimination and competition (sections 325D.01 to 325D.08), the unlawful trade practices act (sections 325D.09 to 325D.16), the antitrust act (sections 325D.49 to 325D.66), ~~section sections~~ 325E.41, 325F.67, and other laws against false or fraudulent advertising, the antidiscrimination acts contained in section 325D.67, the act against monopolization of food products (section 325D.68), the act regulating telephone advertising services (section 325E.39), the prevention of consumer fraud act (sections 325F.68 to 325F.70), and chapter 53A regulating currency exchanges and assist in the enforcement of those laws as in this section provided.”

Page 19, after line 12, insert:

“Sec. 28. [325E.41] [DECEPTIVE TRADE PRACTICES; ENVIRONMENTAL MARKETING CLAIMS.]

Subdivision 1. [ADOPTION OF FEDERAL GUIDES.] A manufacturer, packager, wholesaler, or retailer who makes, in any manner, an environmental claim for a product sold or offered for sale or distribution in this state, including those related to the product's packaging, shall comply with Code of Federal Regulations, title 16, part 260, "Guides for the Use of Environmental Marketing Claims."

Subd. 2. [INVESTIGATION; ENFORCEMENT.] A person who violates this section is subject to the penalties and remedies in section 8.31.

Subd. 3. [PUBLICATION OF VIOLATIONS.] The attorney general shall make available, upon written request by any member of the public, a list of any persons who have failed to comply with this section."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Mr. Stevens questioned whether the amendment was germane.

The President ruled that the amendment was germane.

Mr. Lessard moved to amend the Chandler amendment to S.F. No. 1788 as follows:

Page 1, line 35, after the period, insert quotation marks

Page 1, delete line 36

Page 2, delete lines 1 to 3

The motion prevailed. So the amendment to the amendment was adopted.

Ms. Kiscaden moved to amend the Chandler amendment to S.F. No. 1788 as follows:

Page 1, line 35, before the period, insert “, subdivisions 1 to 3, 3b, and 3c”

CALL OF THE SENATE

Mr. Chandler imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

The question was taken on the adoption of the Kiscaden amendment to the Chandler amendment.

The roll was called, and there were yeas 35 and nays 30, as follows:

Those who voted in the affirmative were:

Beckman	Day	Kiscaden	Lessard	Robertson
Belanger	Dille	Knutson	Marty	Runbeck
Benson, D.D.	Frederickson	Kroening	McGowan	Sams
Benson, J.E.	Hanson	Laidig	Neuville	Solon
Berg	Janezich	Langseth	Oliver	Stevens
Bertram	Johnson, D.E.	Larson	Olson	Terwilliger
Chmielewski	Johnston	Lesewski	Pariseau	Vickerman

Those who voted in the negative were:

Adkins	Finn	Krentz	Novak	Reichgott Junge
Anderson	Flynn	Luther	Pappas	Riveness
Berglin	Hottinger	Merriam	Piper	Samuelson
Betzold	Johnson, D.J.	Moe, R.D.	Pogemiller	Spear
Chandler	Johnson, J.B.	Mondale	Price	Stumpf
Cohen	Kelly	Morse	Ranum	Wiener

The motion prevailed. So the amendment to the amendment was adopted.

Mr. Neuville moved to amend the Chandler amendment to S.F. No. 1788 as follows:

Page 1, line 15, after “325E.41,” insert “325E.42,”

Page 2, line 3, after the period, delete the quotation marks

Page 2, after line 3, insert:

“Sec. 29. [325E.42] [DECEPTIVE TRADE PRACTICES; GAMBLING ADVERTISING AND MARKETING CLAIMS.]

Subdivision 1. [REGULATION.] All advertising or marketing materials relating to the conduct of any form of legal gambling in Minnesota, including informational or promotional materials, must:

(1) be sufficiently clear to prevent deception; and

(2) not overstate expressly, or by implication, the attributes or benefits of participating in legal gambling.

Subd. 2. [ENFORCEMENT.] A person who violates this section is subject to the penalties and remedies in section 8.31. Nothing in this section limits the rights or remedies otherwise available under other law.

Subd. 3. [ADVERTISING MEDIA EXCLUDED.] This section applies to

actions of the owner, publisher, agent, or employee of newspapers, magazines, other printed matter, or radio or television stations or other advertising media used for the publication or dissemination of an advertisement or marketing materials; only if the owner, publisher, agent, or employee has knowledge of the misleading or deceptive character of the advertisement or marketing materials."

Mr. Lessard questioned whether the amendment was germane.

The President ruled that the amendment was not germane.

The question recurred on the Chandler amendment, as amended. The motion prevailed. So the amendment, as amended, was adopted.

Mr. Chandler moved to amend S.F. No. 1788 as follows:

Page 3, after line 17, insert:

"Sec. 4. Minnesota Statutes 1992, section 115A.03, is amended by adding a subdivision to read:

Subd. 33a. [TRANSPORT PACKAGING.] "Transport packaging" means packaging that is used primarily for transportation of products prior to final sale or delivery, whichever occurs later, of the products to their ultimate consumers. Transport packaging includes, but is not limited to, crates, barrels, boxes, pallets, and packing materials that are or may be removed prior to final sale or delivery of a product to a consumer.

Sec. 5. Minnesota Statutes 1992, section 115A.12, subdivision 1, is amended to read:

Subdivision 1. [SOLID AND HAZARDOUS WASTE MANAGEMENT.]

(a) The director shall establish a solid waste management advisory council, a hazardous waste management planning council, and a market development coordinating council, that are broadly representative of the geographic areas and interests of the state.

(b) The solid waste council shall have not less than nine nor more than 21 members. The membership of the solid waste council shall consist of one-third citizen representatives, one-third representatives from local government units, and one-third representatives from private solid waste management firms. The solid waste council shall contain at least three members experienced in the private recycling industry and at least one member experienced in each of the following areas: state and municipal finance; solid waste collection, processing, and disposal; and solid waste reduction and resource recovery.

(c) The hazardous waste council shall have not less than nine nor more than 18 members. The membership of the hazardous waste advisory council shall consist of one-third citizen representatives, one-third representatives from local government units, and one-third representatives of hazardous waste generators and private hazardous waste management firms.

(d) The market development coordinating council shall have not less than nine nor more than 18 members and shall consist of one representative from the department of trade and economic development, the department of administration, the pollution control agency, Minnesota Technology, Inc., the metropolitan council, and the legislative commission on waste management. The other members shall represent local government units, private recycling

markets, and private recycling collectors. The market development coordinating council expires June 30, 1994 1998.

(e) The chairs of the advisory councils shall be appointed by the director. The director shall provide administrative and staff services for the advisory councils. The advisory councils shall have such duties as are assigned by law or the director. The solid waste advisory council shall make recommendations to the office on its solid waste management activities. The hazardous waste advisory council shall make recommendations to the office on its activities under sections 115A.08, 115A.09, 115A.10, 115A.11, 115A.20, 115A.21, and 115A.24. Members of the advisory councils shall serve without compensation but shall be reimbursed for their reasonable expenses as determined by the director. The solid waste management advisory council and the hazardous waste management planning council expire June 30, 1994."

Page 5, after line 14, insert:

"Sec. 7. [115A.5502] [TRANSPORT PACKAGING; PROHIBITIONS.]

Subdivision 1. [CORRUGATED FIBERBOARD AND WOOD.] After June 30, 1997, a person may not place discarded corrugated fiberboard transport packaging or wood transport packaging from nonresidential generators in mixed municipal solid waste or a solid waste composting, incineration, refuse-derived fuel, or disposal facility, except for reuse or recycling.

Subd. 2. [STRETCH-WRAP TRANSPORT PACKAGING.] After June 30, 1998, a person may not place discarded stretch-wrap transport packaging from nonresidential generators in mixed municipal solid waste or a solid waste composting, incineration, refuse-derived fuel, or disposal facility, except for reuse or recycling.

Subd. 3. [REPORTS.] The director shall report to the legislative commission on waste management on the feasibility of the prohibitions in subdivisions 1 and 2, including whether sufficient markets will continue to exist for these materials after the prohibitions go into effect. The reports must include a description of trends in the use of reusable transport packaging nationwide and any recommendations the director has for changes in the law. For corrugated fiberboard and wood transport packaging, the report must be submitted by October 1, 1996. For stretch-wrap transport packaging, the report must be submitted by October 1, 1997.

Subd. 4. [MARKET DEVELOPMENT.] In awarding grants for market development under section 115A.48, the director shall give priority to the development of markets for the materials covered by subdivisions 1 and 2."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion did not prevail. So the amendment was not adopted.

S.F. No. 1788 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

The roll was called, and there were yeas 54 and nays 12, as follows:

Those who voted in the affirmative were:

Anderson	Frederickson	Kroening	Murphy	Riveness
Beckman	Hanson	Laidig	Novak	Runbeck
Belanger	Hottinger	Langseth	Oliver	Sams
Benson, D.D.	Janezich	Lessard	Olson	Samuelson
Berglin	Johnson, D.E.	Luther	Pappas	Solon
Bertram	Johnson, D.J.	Marty	Pariseau	Spear
Betzold	Johnson, J.B.	Merriam	Piper	Stevens
Chandler	Kelly	Metzen	Pogemiller	Stumpf
Cohen	Kiscaden	Moe, R.D.	Price	Terwilliger
Finn	Knutson	Mondale	Ranum	Wiener
Flynn	Krentz	Morse	Reichgott Junge	

Those who voted in the negative were:

Benson, J.E.	Day	Larson	Neuville	Vickerman
Berg	Dille	Lesewski	Robertson	
Chmielewski	Johnston	McGowan		

So the bill, as amended, was passed and its title was agreed to.

MOTIONS AND RESOLUTIONS – CONTINUED

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate reverted to the Orders of Business of Reports of Committees and Second Reading of Senate Bills.

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted, with the exception of the reports on S.F. Nos. 2371, 2036 and the report pertaining to appointments. The motion prevailed.

Ms. Berglin from the Committee on Health Care, to which was re-referred

S.F. No. 2371: A bill for an act relating to crime; imposing penalties on any person who performs female genital mutilation; providing certain exceptions; requiring the commissioner of health to carry out appropriate education, prevention, and outreach activities in communities that traditionally engage in these practices; proposing coding for new law in Minnesota Statutes, chapters 144; and 609.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. [FEMALE GENITAL MUTILATION; EDUCATION AND OUTREACH.]

The commissioner of health, in consultation with representatives of the affected communities, shall carry out appropriate education, prevention, and outreach activities in communities that traditionally practice female circumcision, excision, or infibulation to inform people in those communities about the health risks and emotional trauma inflicted by those practices. The information shall include notification that these practices may be subject to criminal prosecution under state laws including those prohibiting assault, child abuse, and the practice of medicine without a license. The commissioner shall work with culturally appropriate groups to obtain private funds to help finance these prevention and outreach activities.”

Delete the title and insert:

“A bill for an act relating to health; requiring the commissioner of health to carry out appropriate education, prevention, and outreach activities in communities that traditionally engage in female genital mutilation.”

And when so amended the bill do pass.

Pursuant to Joint Rule 2.03, the bill was referred to the Committee on Rules and Administration.

Ms. Berglin from the Committee on Health Care, to which was re-referred

S.F. No. 2036: A bill for an act relating to human services; permitting certain providers to request a state agency hearing; modifying the conduct of state agency hearings; modifying certain requirements for prior authorization of services under medical assistance; amending Minnesota Statutes 1992, sections 256.045, subdivisions 3, 4, 5 and by adding a subdivision; and 256B.0625, subdivisions 8, 8a, 25, 31, and by adding a subdivision.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1992, section 256.045, subdivision 3, is amended to read:

Subd. 3. [STATE AGENCY HEARINGS.] (a) 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.

(b) 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, *except if assisting a recipient as provided in subdivision 4.*

(c) 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. 2. Minnesota Statutes 1992, section 256.045, subdivision 4, is amended to read:

Subd. 4. [CONDUCT OF HEARINGS.] All hearings held pursuant to subdivision 3, 3a, or 4a shall be conducted according to the provisions of the

federal Social Security Act and the regulations implemented in accordance with that act to enable this state to qualify for federal grants-in-aid, and according to the rules and written policies of the commissioner of human services. County agencies shall install equipment necessary to conduct telephone hearings. A state human services referee may schedule a telephone conference hearing when the distance or time required to travel to the county agency offices will cause a delay in the issuance of an order, or to promote efficiency, or at the mutual request of the parties. Hearings may be conducted by telephone conferences unless the applicant, recipient, or former recipient objects. The hearing shall not be held earlier than five days after filing of the required notice with the county or state agency. The state human services referee shall notify all interested persons of the time, date, and location of the hearing at least five days before the date of the hearing. Interested persons may be represented by legal counsel or other representative of their choice at the hearing and may appear personally, testify and offer evidence, and examine and cross-examine witnesses. The applicant, recipient, or former recipient shall have the opportunity to examine the contents of the case file and all documents and records to be used by the county or state agency at the hearing at a reasonable time before the date of the hearing and during the hearing. Upon request, the county agency shall provide reimbursement for transportation, child care, photocopying, medical assessment, witness fee, and other necessary and reasonable costs incurred by the applicant, recipient, or former recipient in connection with the appeal. All evidence, except that privileged by law, commonly accepted by reasonable people in the conduct of their affairs as having probative value with respect to the issues shall be submitted at the hearing and such hearing shall not be "a contested case" within the meaning of section 14.02, subdivision 3. *The agency must present its evidence prior to or at the hearing and may not submit evidence after the hearing except by agreement of the parties at the hearing, provided the recipient has the opportunity to respond.*

Sec. 3. Minnesota Statutes 1992, section 256.045, subdivision 5, is amended to read:

Subd. 5. [ORDERS OF THE COMMISSIONER OF HUMAN SERVICES.] A state human services referee shall conduct a hearing on the appeal and shall recommend an order to the commissioner of human services. The recommended order must be based on all relevant evidence and must not be limited to a review of the propriety of the state or county agency's action. A referee may take official notice of adjudicative facts. The commissioner of human services may accept the recommended order of a state human services referee and issue the order to the county agency and the applicant, recipient, former recipient, or prepaid health plan. The commissioner on refusing to accept the recommended order of the state human services referee, shall notify the county agency and the applicant, recipient, former recipient, or prepaid health plan of that fact and shall state reasons therefor and shall allow each party ten days' time to submit additional written argument on the matter. After the expiration of the ten-day period, the commissioner shall issue an order on the matter to the county agency and the applicant, recipient, former recipient, or prepaid health plan.

A party aggrieved by an order of the commissioner may appeal under subdivision 7, or request reconsideration by the commissioner within 30 days after the date the commissioner issues the order. The commissioner may reconsider an order upon request of any party or on the commissioner's own

motion. A request for reconsideration does not stay implementation of the commissioner's order. Upon reconsideration, the commissioner may issue an amended order or an order affirming the original order.

Any order of the commissioner issued under this subdivision shall be conclusive upon the parties unless appeal is taken in the manner provided by subdivision 7. Any order of the commissioner is binding on the parties and must be implemented by the state agency or a county agency until the order is reversed by the district court, or unless the commissioner or a district court orders monthly assistance or aid or services paid or provided under subdivision 10.

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 or seek judicial review of an order issued under this section, *unless assisting a recipient as provided in subdivision 4.*

Sec. 4. [PRIOR AUTHORIZATION ALTERNATIVES; REPORT REQUIRED.]

The commissioner shall report on alternative methods, other than prior authorization, to achieve utilization review of the therapy services provided by an entity that operates a Medicare certified comprehensive outpatient rehabilitation facility which was certified prior to January 1, 1993; and that is a facility licensed under Minnesota Rules, parts 9570.2000 to 9570.3600, when these services are provided within the comprehensive outpatient rehabilitation facility and not provided in a nursing facility other than the entity's own, and by facilities licensed under Minnesota Rules, parts 9570.2000 to 9570.3600, which provide residential services for persons with physical handicaps. The commissioner must consult with these facilities to develop recommendations for alternative methods of utilization review. By February 1, 1995, the commissioner must submit the report to the legislature."

Delete the title and insert:

"A bill for an act relating to human services; modifying the conduct of state agency hearings; modifying certain requirements for prior authorization of services under medical assistance; amending Minnesota Statutes 1992, section 256.045, subdivisions 3, 4, and 5."

And when so amended the bill do pass.

Pursuant to Joint Rule 2.03, the bill was referred to the Committee on Rules and Administration.

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was re-referred

S.F. No. 2168: A bill for an act relating to agricultural businesses; exempting from sales tax the gross receipts of used farm machinery sales; providing matching moneys for federal emergency disaster funds to flood damaged counties; providing supplemental funding for grain inspection programs, financial assistance programs under the ethanol production fund, and small business disaster loan programs; expanding research on grain diseases; increasing funding for the farm advocates program, agricultural resource centers, legal challenges to the federal milk market order system,

farm and small business management programs at technical colleges, and the Farmers' Legal Action Group; providing funding to the Agricultural Utilization Research Institute; appropriating money; amending Minnesota Statutes 1992, sections 297A.02, subdivision 2; and 297A.25, by adding a subdivision; Minnesota Statutes 1993 Supplement, section 41B.044, subdivision 2; and Laws 1993, chapter 172, section 7, subdivision 3.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Ms. Berglin from the Committee on Health Care, to which was referred the following appointment as reported in the Journal for February 22, 1994:

DEPARTMENT OF HEALTH

COMMISSIONER

Mary Jo O'Brien

Reports the same back with the recommendation that the appointment be confirmed.

Mr. Moe, R.D. moved that the foregoing committee report be laid on the table. The motion prevailed.

Messrs. Pogemiller and Stumpf from the Committee on Education, to which was referred

S.F. No. 2206: A bill for an act relating to education; making technical changes in education programs and policies; amending Minnesota Statutes 1992, sections 124.26, subdivision 1b; 124.95, subdivision 4; and 272.02, subdivision 8; Minnesota Statutes 1993 Supplement, sections 124.155, subdivision 2; 124.226, subdivision 3a; 124.26, subdivision 1c; 124.2714; 124.573, subdivision 2b; 124.91, subdivision 5; 124.95, subdivision 1; 124A.03, subdivision 1c; and 124A.292, subdivision 3.

Report the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"ARTICLE 1

GENERAL EDUCATION REVENUE

Section 1. Minnesota Statutes 1993 Supplement, section 16A.152, subdivision 2, is amended to read:

Subd. 2. [ADDITIONAL REVENUES; PRIORITY.] If on the basis of a forecast of general fund revenues and expenditures the commissioner of finance determines that there will be a positive unrestricted budgetary general fund balance at the close of the biennium, the commissioner of finance must allocate money to the budget reserve and cash flow account until the total amount in the account equals five percent of total general fund appropriations for the current biennium as established by the most recent legislative session. Beginning July 1, 1993, forecast unrestricted budgetary general fund balances are first appropriated to restore the budget reserve and cash flow account to \$500,000,000 and then to reduce the property tax levy recognition percent

under section 121.904, subdivision 4a, to zero before money is allocated to the budget reserve and cash flow account under the preceding sentence. *\$180,000,000 of the budget reserve and cash flow account shall be dedicated to elementary and secondary education.*

The amounts necessary to meet the requirements of this section are appropriated from the general fund.

Sec. 2. Minnesota Statutes 1993 Supplement, section 121.904, subdivision 4a, is amended to read:

Subd. 4a. [LEVY RECOGNITION.] (a) "School district tax settlement revenue" means the current, delinquent, and manufactured home property tax receipts collected by the county and distributed to the school district, including distributions made pursuant to section 279.37, subdivision 7, and excluding the amount levied pursuant to sections 124.2721, subdivision 3; 124.575, subdivision 3; and 124.914, subdivision 1; and Laws 1976, chapter 20, section 4.

(b) In June of each year, the school district shall recognize as revenue, in the fund for which the levy was made, the lesser of:

(1) the May, June, and July school district tax settlement revenue received in that calendar year; or

(2) the sum of the state aids and credits enumerated in section 124.155, subdivision 2, which are for the fiscal year payable in that fiscal year plus an amount equal to the levy recognized as revenue in June of the prior year plus ~~50.0~~ *37.4 percent for fiscal year 1994 and 31.0 percent for fiscal year 1995 and thereafter* of the amount of the levy certified in the prior calendar year according to section 124A.03, subdivision 2, plus or minus auditor's adjustments, not including levy portions that are assumed by the state; or

(3) ~~50.0~~ *37.4 percent for fiscal year 1994 and 31.0 percent for fiscal year 1995 and thereafter* of the amount of the levy certified in the prior calendar year, plus or minus auditor's adjustments, not including levy portions that are assumed by the state, which remains after subtracting, by fund, the amounts levied for the following purposes:

(i) reducing or eliminating projected deficits in the reserved fund balance accounts for unemployment insurance and bus purchases;

(ii) statutory operating debt pursuant to section 124.914, subdivision 1, and Laws 1976, chapter 20, section 4;

(iii) retirement and severance pay pursuant to sections 122.531, subdivision 9, 124.2725, subdivision 15, 124.4945, 124.912, subdivision 1, and 124.916, subdivision 3, and Laws 1975, chapter 261, section 4;

(iv) amounts levied for bonds issued and interest thereon, amounts levied for debt service loans and capital loans, amounts levied for down payments under section 124.82, subdivision 3, and amounts levied pursuant to section 136C.411; and

(v) amounts levied under section 124.755.

(c) In July of each year, the school district shall recognize as revenue that portion of the school district tax settlement revenue received in that calendar

year and not recognized as revenue for the previous fiscal year pursuant to clause (b).

(d) All other school district tax settlement revenue shall be recognized as revenue in the fiscal year of the settlement. Portions of the school district levy assumed by the state, including prior year adjustments and the amount to fund the school portion of the reimbursement made pursuant to section 273.425, shall be recognized as revenue in the fiscal year beginning in the calendar year for which the levy is payable.

Sec. 3. Minnesota Statutes 1993 Supplement, section 121.904, subdivision 4c, is amended to read:

Subd. 4c. [PROPERTY TAX SHIFT REDUCTION.] (a) Money ~~made available~~ *appropriated* under section 16A.152, subdivision 2, must be used to reduce the levy recognition percent specified in subdivision 4a, clauses (b)(2) and (b)(3), for taxes payable in the succeeding calendar year.

(b) The levy recognition percent shall equal the result of the following computation: the current levy recognition percent, times the ratio of

(1) the statewide total amount of levy recognized in June of the year in which the taxes are payable pursuant to subdivision 4a, clause (b), *excluding those levies that are shifted for revenue recognition but are not included in the computation of the adjustment to aids under section 124.155, subdivision 1*, reduced by *the difference between the amount of money made available appropriated under section 16A.152, subdivision 2, and the amount required for the adjustment payment under clause (d)*, to

(2) the statewide total amount of the levy recognized in June of the year in which the taxes are payable pursuant to subdivision 4a, clause (b), *excluding those levies that are shifted for revenue recognition but are not included in the computation of the adjustment to aids under section 124.155, subdivision 1*.

The result shall be rounded up to the nearest whole *one-tenth of a percent*. However, in no case shall the levy recognition percent be reduced below zero or increased above the current levy recognition percent.

(c) The commissioner of finance must certify to the commissioner of education the levy recognition percent computed under this subdivision by January 5 of each year. The commissioner of education must notify school districts of a change in the levy recognition percent by January 15.

(d) *For fiscal years 1994 and 1995, when the levy recognition percent is reduced as provided in this subdivision, a special adjustment payment shall be made to each school district with an operating referendum levy that received an aid reduction under Laws 1991, chapter 265, article 1, section 31, or Laws 1992, chapter 499, article 1, section 22. The special adjustment payment shall be in addition to the additional payments required because of the reduction pursuant to this subdivision of the levy recognition percent. The amount of the special adjustment payment shall be computed by the commissioner of education such that any remaining portion of the aid reduction these districts received that has not been repaid is repaid on a proportionate basis as the levy recognition percent is reduced from 50 percent to 31 percent. The special adjustment payment must be included in the state aid payments to school districts according to the schedule specified in section 124.195, subdivision 3.*

(e) The commissioner of finance shall transfer from the general fund to the education aids appropriations specified by the commissioner of education, the amounts needed to finance the additional payments required because of the reduction pursuant to this subdivision of the levy recognition percent. Payments to a school district of additional state aids resulting from a reduction in the levy recognition percent must be included in the cash metering of payments made according to section 124.195 after January 15, and must be paid in a manner consistent with the percent specified in that section.

Sec. 4. Minnesota Statutes 1992, section 121.904, subdivision 4e, is amended to read:

Subd. 4e. [COOPERATION LEVY RECOGNITION.] (a) A cooperative district is a district or cooperative that receives revenue according to section 124.2721 or 124.575.

(b) In June of each year, the cooperative district shall recognize as revenue, in the fund for which the levy was made, the lesser of:

(1) the sum of the state aids and credits enumerated in section 124.155, subdivision 2, that are for the fiscal year payable in that fiscal year plus an amount equal to the levy recognized as revenue in June of the prior year; or

(2) ~~50.0~~ 37.4 percent for fiscal year 1994 of the difference between

(i) the sum of the amount of levies certified in the prior year according to sections 124.2721, subdivision 3; and 124.575, subdivision 3; and

(ii) the amount of homestead and agricultural credit aid paid to the cooperative unit according to section 273.1392 for the fiscal year to which the levy is attributable.

Sec. 5. Minnesota Statutes 1993 Supplement, section 124.155, subdivision 2, is amended to read:

Subd. 2. [ADJUSTMENT TO AIDS.] (a) The amount specified in subdivision 1 shall be used to adjust the following state aids and credits in the order listed:

(1) general education aid authorized in sections 124A.23 and 124B.20;

(2) secondary vocational aid authorized in section 124.573;

(3) special education aid authorized in section 124.32;

(4) secondary vocational aid for children with a disability authorized in section 124.574;

(5) aid for pupils of limited English proficiency authorized in section 124.273;

(6) transportation aid authorized in section 124.225;

(7) community education programs aid authorized in section 124.2713;

(8) adult education aid authorized in section 124.26;

(9) early childhood family education aid authorized in section 124.2711;

(10) capital expenditure aid authorized in sections 124.243, 124.244, and 124.83;

- (11) secondary vocational cooperative aid according to section 124.575;
- (12) assurance of mastery aid according to section 124.311;
- (13) ~~individual learning and development aid according to section 124.331;~~
- (14) ~~homestead credit under section 273.13 for taxes payable in 1989 and additional transition credit under section 273.1398, subdivision 5, for taxes payable in 1990 and thereafter;~~
- (15) ~~agricultural credit under section 273.132 for taxes payable in 1989 and additional transition credit under section 273.1398, subdivision 5, for taxes payable in 1990 and thereafter;~~
- (16) ~~homestead and agricultural credit aid and, disparity reduction credit and aid authorized in, and changes to credits for prior year adjustments according to section 273.1398, subdivision subdivisions 2, 3, 4, and 7;~~
- (17) (14) attached machinery aid authorized in section 273.138, subdivision 3; and
- (18) (15) alternative delivery aid authorized in section 124.322.

(b) The commissioner of education shall schedule the timing of the adjustments to state aids and credits specified in subdivision 1, as close to the end of the fiscal year as possible.

Sec. 6. Minnesota Statutes 1993 Supplement, section 124.17, subdivision 1, is amended to read:

Subdivision 1. [PUPIL UNIT.] Pupil units for each resident pupil in average daily membership shall be counted according to this subdivision.

(a) A prekindergarten pupil with a disability who is enrolled for the entire fiscal year in a program approved by the commissioner and has an individual education plan that requires up to 437 hours of assessment and education services in the fiscal year is counted as one-half of a pupil unit. If the plan requires more than 437 hours of assessment and education services, the pupil is counted as the ratio of the number of hours of assessment and education service to 875, but not more than one.

(b) A prekindergarten pupil with a disability who is enrolled for less than the entire fiscal year in a program approved by the commissioner is counted as the greater of:

(1) one-half times the ratio of the number of instructional days from the date the pupil is enrolled to the date the pupil withdraws to the number of instructional days in the school year; or

(2) the ratio of the number of hours of assessment and education service required in the fiscal year by the pupil's individual education program plan to 875, but not more than one.

(c) A prekindergarten pupil who is assessed but determined not to be handicapped is counted as the ratio of the number of hours of assessment service to 875.

(d) A kindergarten pupil with a disability who is enrolled in a program approved by the commissioner is counted as the ratio of the number of hours of assessment and education services required in the fiscal year by the pupil's individual education program plan to 875, but not more than one.

(e) A kindergarten pupil who is not included in paragraph (d) is counted as ~~one-half~~ .515 of a pupil unit for fiscal year 1994 and .53 of a pupil unit for fiscal year 1995 and thereafter.

(f) A pupil who is in any of grades 1 to 6 is counted as 1.03 pupil units for fiscal year 1994 and 1.06 pupil units for fiscal year 1995 and thereafter.

(g) A pupil who is in any of grades 7 to 12 is counted as 1.3 pupil units.

(h) A pupil who is in the post-secondary enrollment options program is counted as 1.3 pupil units.

Sec. 7. Minnesota Statutes 1992, section 124.195, subdivision 3a, is amended to read:

Subd. 3a. [APPEAL.] The commissioner in consultation with the commissioner of finance may revise the payment dates and percentages in subdivision 3 for a district if it is determined that there is an emergency or there are serious cash flow problems in the district that cannot be resolved by issuing warrants or other forms of indebtedness or if the commissioner determines that ~~excessive short-term borrowing costs will be incurred by a district, because of the increase in the levy recognition percentage from 37 percent to 50 percent according to section 121.904, subdivisions 4a and 4e, and the district can document substantial harm to instructional programs due to these costs.~~ The commissioner shall establish a process and criteria for school districts to appeal the payment dates and percentages established in subdivision 3.

Sec. 8. Minnesota Statutes 1992, section 124.2725, subdivision 16, is amended to read:

Subd. 16. [EXCLUSION FROM FUND BALANCE.] Revenue received by a district under this section for each year of cooperation and the first three years of combination shall be excluded from the net unreserved operating fund balance, for the purposes of ~~section sections 124A.03, subdivision 3b, paragraph (c), and 124A.26.~~

Sec. 9. Minnesota Statutes 1992, section 124A.02, is amended by adding a subdivision to read:

Subd. 25. [NET UNAPPROPRIATED OPERATING FUND BALANCE.] "*Net unappropriated operating fund balance*" means the sum of the fund balances in the general, transportation, food service, and community service funds minus the balances reserved for statutory operating debt reduction, bus purchase, severance pay, taconite, unemployment compensation, maintenance levy reduction, and encumbrances, computed as of June 30 each year.

Sec. 10. Minnesota Statutes 1993 Supplement, section 124A.03, subdivision 1c, is amended to read:

Subd. 1c. [REFERENDUM ALLOWANCE LIMIT.] (a) Notwithstanding subdivision 1b, a district's referendum allowance must not exceed the greater of:

- (1) the district's referendum allowance for fiscal year 1994; or
- (2) 25 percent of the formula allowance for fiscal year 1995 and later.

(b) ~~The allowance calculated in paragraph (a) must be reduced by the amount of the referendum allowance reduction computed in subdivision 3b.~~

Sec. 11. Minnesota Statutes 1993 Supplement, section 124A.03, subdivision 3b, is amended to read:

Subd. 3b. [REFERENDUM ALLOWANCE REDUCTION.] A district's referendum allowance under subdivision 1c is reduced by the amounts calculated in paragraphs (a), (b), ~~and~~ (c), and (d).

(a) The referendum allowance reduction equals the amount by which a district's supplemental revenue reduction exceeds the district's supplemental revenue allowance for fiscal year 1993.

(b) Notwithstanding paragraph (a), if a district's initial referendum allowance is less than ten percent of the formula allowance for that year, the reduction equals the lesser of (1) an amount equal to \$100, or (2) the amount calculated in paragraph (a).

(c) Notwithstanding paragraph (a) or (b), a school district's referendum allowance reduction equals (1) an amount equal to \$100, times (2) one minus the ratio of 20 percent of the formula allowance minus the district's initial referendum allowance limit to 20 percent of the formula allowance for that year if:

(i) the district's adjusted net tax capacity for assessment year 1992 per actual pupil unit for fiscal year 1995 is less than \$3,000;

(ii) the district's net unappropriated operating fund balance as of June 30, 1993, divided by the actual pupil units for fiscal year 1995 is less than \$200;

(iii) the district's supplemental revenue allowance for fiscal year 1993 is equal to zero; and

(iv) the district's initial referendum revenue authority for the current year divided by the district's net tax capacity for assessment year 1992 is greater than ten percent.

(d) Notwithstanding paragraph (a), (b), or (c), the referendum revenue reduction for a newly consolidated district is computed as follows:

(1) for a newly reorganized district created effective July 1, 1994, the referendum revenue reduction equals either the lesser of the amount calculated for the reorganized district under paragraph (a), (b), or (c), or the sum of the amounts by which each of the reorganizing district's supplemental revenue reduction exceeds its respective supplemental revenue allowances calculated for the districts as if they were still in existence for fiscal year 1995; or

(2) for a newly reorganized district created after July 1, 1994, the referendum revenue reduction equals either the lesser of the amount calculated for the reorganized district under paragraph (a), (b), or (c), or the sum of the amounts by which each of the reorganizing district's supplemental revenue reduction exceeds its respective supplemental revenue allowances calculated for the year preceding the year of reorganization.

Sec. 12. Minnesota Statutes, 1993 Supplement, section 124A.22, subdivision 5, is amended to read:

Subd. 5. [DEFINITIONS.] The definitions in this subdivision apply only to subdivisions 6 and 6a.

(a) "High school" means a secondary school that has pupils enrolled in at least the 10th, 11th, and 12th grades. If there is no secondary school in the district that has pupils enrolled in at least the 10th, 11th, and 12th grades, and

the school is at least 19 miles from the next nearest school, the commissioner shall designate one school in the district as a high school for the purposes of this section.

(b) "Secondary average daily membership" means, for a district that has only one high school, the average daily membership of resident pupils in grades 7 through 12. For a district that has more than one high school, "secondary average daily membership" for each high school means the product of the average daily membership of resident pupils in grades 7 through 12 in the high school, times the ratio of six to the number of grades in the high school.

(c) "Attendance area" means the total surface area of the district, in square miles, divided by the number of high schools in the district. For a district that does not operate a high school and is less than 19 miles from the nearest operating high school, the attendance area equals zero.

(d) "Isolation index" for a high school means the square root of one-half the attendance area plus the distance in miles, according to the usually traveled routes, between the high school and the nearest high school. *For a district in which there is located land defined in section 84A.01, 84A.20, or 84A.31, the distance in miles is the sum of:*

- (1) *the square root of one-half of the attendance area; and*
- (2) *the distance from the border of the district to the nearest high school.*

(e) "Qualifying high school" means a high school that has an isolation index greater than 23 and that has secondary average daily membership of less than 400.

(f) "Qualifying elementary school" means an elementary school that is located 19 miles or more from the nearest elementary school or from the nearest elementary school within the district and, in either case, has an elementary average daily membership of an average of 20 or fewer per grade.

(g) "Elementary average daily membership" means, for a district that has only one elementary school, the average daily membership of resident pupils in kindergarten through grade 6. For a district that has more than one elementary school, "average daily membership" for each school means the average daily membership of kindergarten through grade 6 multiplied by the ratio of seven to the number of grades in the elementary school. *For a building in a district where the nearest elementary school is at least 65 miles distant, pupils served shall be used to determine average daily membership.*

Sec. 13. Minnesota Statutes 1993 Supplement, section 124A.22, subdivision 9, is amended to read:

Subd. 9. [SUPPLEMENTAL REVENUE REDUCTION.] A district's supplemental revenue allowance is reduced by the sum of:

(1) the sum of one-fourth of the difference of:

(i) the sum of the district's training and experience revenue and compensatory revenue per actual pupil unit for that fiscal year, and

(ii) the sum of district's training and experience revenue and compensatory revenue per actual pupil unit for fiscal year 1994; and

(2) the difference between the formula allowance for the current fiscal year and \$3,050.

For fiscal year 1995 only if a district's ratio of adjusted net tax capacity divided by actual pupil units to the equalizing factor is less than or equal to .25 then the difference is equal to \$50.

A district's supplemental revenue allowance may not be less than zero.

Sec. 14. Minnesota Statutes 1993 Supplement, section 124A.225, subdivision 1, is amended to read:

Subdivision 1. [REVENUE.] (a) Of a district's general education revenue an amount equal to the sum of the number of elementary ~~pupil units~~ *pupils in average daily membership* defined in section 124.17, subdivision 1, clause (f) and *one-half of the number of kindergarten pupil units in average daily membership* as defined in section 124.17, subdivision 1, clause (e), times .03 for fiscal year 1994 and .06 for fiscal year 1995 and thereafter times the formula allowance must be reserved according to this section.

(b) For fiscal year 1995, a district must reserve an additional amount equal to the greater of

(i) \$0, or

(ii) \$100 minus the sum of the reduction for supplemental revenue under section 124A.22, subdivision 9, and the reduction for referendum revenue under section 124A.03, subdivision 3b, times the district's actual pupil units times the ratio of the district's elementary average daily membership to the district's average daily membership according to this section. The revenue must be placed in a learning and development reserved account and may only be used according to this section.

(c) The ratio in paragraph (a) for fiscal year 1995 is adjusted by adding an amount equal to the ratio of the difference between the formula allowance for fiscal year 1995 minus 3,150 to 10,000.

Sec. 15. Minnesota Statutes 1993 Supplement, section 124A.23, subdivision 1, is amended to read:

Subdivision 1. [GENERAL EDUCATION TAX RATE.] The commissioner shall establish the general education tax rate by July 1 of each year for levies payable in the following year. The general education tax capacity rate shall be a rate, rounded up to the nearest tenth of a percent, that, when applied to the adjusted net tax capacity for all districts, raises the amount specified in this subdivision. The general education tax rate shall be the rate that raises ~~\$969,800,000 for fiscal year 1994~~, \$1,044,000,000 for fiscal year 1995 and ~~\$1,075,000,000 for fiscal year 1996~~ and later fiscal years. The general education tax rate may not be changed due to changes or corrections made to a district's adjusted net tax capacity after the tax rate has been established.

Sec. 16. Minnesota Statutes 1992, section 124A.26, is amended by adding a subdivision to read:

Subd. 5. [ALLOCATION AMONG ACCOUNTS.] The district must apportion any fund balance reduction under this section among all reserved and unreserved fund balance accounts included in the net unappropriated operating fund balance in the proportion that each account bears to the total.

Sec. 17. Minnesota Statutes 1992, section 124A.28, is amended by adding a subdivision to read:

Subd. 1a. [BUILDING ALLOCATION.] A district must allocate, to the greatest extent possible, compensatory revenue to the buildings in the district with the highest concentration of children from low-income families.

Sec. 18. Laws 1993, chapter 224, article 1, section 38, is amended to read:

Sec. 38. [TAX CREDIT ADJUSTMENT.]

Prior to the computation of homestead and agricultural aid for taxes payable in 1994, the commissioner of revenue shall reduce a school district's homestead and agricultural aid by an amount equal to the homestead and agricultural aid for calendar year 1993 times the ratio of referendum levy certified for 1993 to the certified unequalized levies for 1993. The department of education shall determine the change in referendum levies payable in 1994 attributable to *this section* and the increase in equalization under sections 8 and 9. Notwithstanding any law to the contrary, a district may recognize revenue equal to ~~one-half~~ *37.4 percent for fiscal year 1994 and 31.0 percent for fiscal year 1995 and thereafter* of the levy reduction in the fiscal year the levy is certified and each year thereafter.

Sec. 19. Laws 1993, chapter 224, article 15, section 2, is amended to read:

Sec. 2. [DECLINING PUPIL UNIT AID.]

(a) For fiscal year 1994 only, a school district is eligible for declining pupil unit aid equal to the greater of zero or the result of the following computation:

(1) add 77 percent of the district's actual pupil units for fiscal year 1994 and 23 percent of the district's actual pupil units for fiscal year 1993;

(2) subtract from the amount calculated in clause (1) the district's actual pupil units for fiscal year 1994; and

(3) multiply the amount determined in clause (2) by the basic formula allowance for that year.

(b) The aid amount calculated under paragraph (a) is available from the general education appropriation under article 1, section 41, subdivision 2, to the department of education for payment of declining pupil unit aid.

(c) *For the purposes of this section, pursuant to Minnesota Statutes, section 124.17, subdivision 3, a pupil who is in grades 1 to 6 is counted as 1.03 pupil units for fiscal year 1993.*

Sec. 20. [PEQUOT LAKES; DELAY IN AID REPAYMENT.]

The department of education must allow independent school district No. 186, Pequot Lakes, to repay over a five-year period state aid overpayments for fiscal years 1991 and 1992 due to the property tax revenue recognition shift. Notwithstanding Minnesota Statutes, section 124.155, subdivision 1, aids for independent school district No. 186, Pequot Lakes, shall not be adjusted for fiscal years 1991 and 1992 for pupils transferring into the district under Minnesota Statutes, section 120.062.

Sec. 21. [LEVY RECOGNITION ADJUSTMENT PAYMENT; TRANSFER OF FUNDS.]

The commissioner of finance shall transfer from the general fund to the education aids appropriations specified by the commissioner of education the amounts needed to finance the adjustment to aids required under Minnesota Statutes, section 124.155, resulting from the reduction of the levy recognition percent in Minnesota Statutes, section 121.904, subdivisions 4a and 4e, and the additional payments required under Minnesota Statutes, section 121.904, subdivision 4c, paragraph (d). This transfer of funds is required to ensure that the property tax shift reduction for fiscal year 1994 under Minnesota Statutes, section 16A.152, subdivision 2, as certified by the commissioner of finance according to Minnesota Statutes, section 121.904, subdivision 4c, paragraph (c), is funded for the amount certified.

Sec. 22. [EXEMPTION TO CONTRACT DEADLINE; HAYFIELD.]

Notwithstanding Minnesota Statutes, section 124A.22, subdivision 2a, independent school district No. 203, Hayfield, is not subject to the contract penalty reduction in general education revenue for fiscal year 1994.

Sec. 23. [RICHFIELD AIRPORT IMPACT AID.]

Notwithstanding Minnesota Statutes, section 124.17, independent school district No. 280, Richfield, may count pupils for fiscal years 1995 and 1996 who no longer enroll in the district due to the purchase of homes by the metropolitan airports commission. These pupils shall count as one-half of a pupil unit in 1995 and one-fourth of a pupil unit in 1996.

Sec. 24. [APPROPRIATIONS.]

Subdivision 1. [DEPARTMENT OF EDUCATION.] The sums indicated in this section are appropriated from the general fund to the department of education for the fiscal year designated.

Subd. 2. [GENERAL EDUCATION AID.] For general education aid:

\$ 2,467,000 1994

\$66,730,000 1995

This appropriation recognizes an additional \$51,100,000 of aid savings related to pay 1995 property taxes.

Sec. 25. [EFFECTIVE DATE.]

(a) Section 1 [16A.152, subdivision 2] is effective July 1, 1995.

(b) Sections 2 [121.904, subdivision 4a], 3 [121.904, subdivision 4c], 4 [121.904, subdivision 4e], 18 [Laws 1993, chapter 224, article 1, section 38], and 21 [Levy Recognition], are effective retroactive to January 1, 1994, and apply to aid payments for fiscal years 1994 and later. However, the levy recognition percent for taxes payable in 1994 is set by this article at 37.4 percent, and shall not be recomputed for taxes payable in 1994 under the provisions of section 3, paragraph (b).

(c) Section 11 [124A.03, subdivision 3b] is effective for revenue for the 1994-1995 school year and thereafter.

(d) Sections 6 [124.17, subdivision 1], 14 [124A.225, subdivision 1], 19 [Laws 1993, chapter 224, article 15, section 2], and 24 are effective for fiscal year 1994 and thereafter.

(e) Section 22 [Hayfield] is effective the day following final enactment.

ARTICLE 2

TRANSPORTATION

Section 1. Minnesota Statutes 1992, section 124.225, is amended by adding a subdivision to read:

Subd. 7f. [ADDITIONAL NONREGULAR TRANSPORTATION REVENUE.] A district shall receive additional nonregular transportation revenue equal to 80 percent of the district's actual cost for board and lodging and transportation to and from board and lodging facilities under section 124.223, subdivisions 5, 7, and 8, not funded through the nonregular transportation formula under subdivision 7d. The additional nonregular transportation revenue shall be added to the nonregular transportation revenue under subdivision 7d for purposes of computing transportation aid under subdivision 8a and the nonregular transportation levy under section 124.226, subdivision 4.

Sec. 2. Minnesota Statutes 1993 Supplement, section 124.226, subdivision 3a, is amended to read:

Subd. 3a. [TRANSPORTATION LEVY EQUITY.] (a) If a district's basic transportation levy for a fiscal year is adjusted according to subdivision 3, an amount must be deducted from the state payments that are authorized in chapter 273 and that are receivable for the same fiscal year. The amount of the deduction equals the difference between:

(1) the district's transportation revenue under section 124.225, subdivision 7d; and

(2) the sum of the district's maximum basic transportation levy under subdivision 1, the district's maximum nonregular levy under subdivision 4, ~~the district's maximum excess transportation levy under subdivision 5,~~ the district's contracted services aid reduction under section 124.225, subdivision 8k, and the amount of any reduction due to insufficient appropriation under section 124.225, subdivision 8a.

(b) Notwithstanding paragraph (a), for fiscal year 1995, the amount of the deduction is one-fourth of the difference between clauses (1) and (2); for fiscal year 1996, the amount of the deduction is one-half of the difference between clauses (1) and (2); and for fiscal year 1997, the amount of the deduction is three-fourths of the difference between clauses (1) and (2).

(c) The amount of the deduction in any fiscal year must not exceed the amount of state payments that are authorized in chapter 273 and that are receivable for the same fiscal year in the district's transportation fund.

Sec. 3. Minnesota Statutes 1993 Supplement, section 124.226, subdivision 9, is amended to read:

Subd. 9. [LATE ACTIVITY BUSES.] (a) A school district may levy an amount equal to the lesser of:

(1) the actual cost of late transportation home from school, between schools within a district, or between schools in one or more districts that have an agreement under sections 122.241 to 122.248, 122.535, 122.541, or 124.494, for pupils involved in after school activities for the school year beginning in the year the levy is certified; or

(2) two percent of the *sum of the district's regular transportation revenue and the district's nonregular transportation revenue* for that school year according to section 124.225, subdivision 7d, ~~paragraph (a)~~.

(b) A district that levies under this section must provide late transportation from school for students participating in any academic-related activities provided by the district if transportation is provided for students participating in athletic activities.

(c) *Notwithstanding section 121.904, the entire amount of this levy shall be recognized as revenue for the fiscal year in which the levy is certified.*

Sec. 4. [STAPLES TRANSPORTATION FUNDING.]

Notwithstanding Minnesota Statutes, section 124.225, for fiscal year 1994, transportation aid paid to independent school district No. 793, Staples, for residents of independent school district No. 483, Motley, transported under Minnesota Statutes, section 120.062, subdivision 9, shall be computed using the regular transportation allowance determined according to Minnesota Statutes, section 124.225, for independent school district No. 483, Motley.

Sec. 5. [TRANSPORTATION AID.]

The appropriation in Laws 1993, chapter 224, article 2, section 15, subdivision 2, is reduced by \$89,000 in fiscal year 1995.

Sec. 6. [APPROPRIATIONS.]

Subdivision 1. [DEPARTMENT OF EDUCATION.] The sums indicated in this section are appropriated from the general fund to the department of education for the fiscal year designated.

Subd. 2. [TRANSPORTATION AID.] For transportation aid:

\$77,000 1995

This amount is in addition to the amount appropriated in Laws 1993, chapter 224, article 2, section 15, subdivision 2, as amended by Laws 1933, chapter 374, section 5.

Subd. 3. [METRO DEAF SCHOOL AID.] For transportation aid to independent school district No. 4005, Metro Deaf School:

\$21,000 1994

\$68,000 1995

Notwithstanding Minnesota Statutes, sections 120.064 and 124.248, or other law, the state shall pay transportation aid for fiscal years 1994 and 1995 to independent school district No. 4005, Metro Deaf School. The state aid for each fiscal year equals the district's actual cost for providing transportation services approved by the commissioner of education.

ARTICLE 3

SPECIAL PROGRAMS

Section 1. Minnesota Statutes 1992, section 13.04, is amended by adding a subdivision to read:

Subd. 5. [EDUCATION RECORDS; CHILD WITH A DISABILITY.] Nothing in this chapter shall be construed as limiting the frequency of inspection of the educational records of a child with a disability by the child's parent or guardian or by the child upon the child reaching the age of majority. An agency or institution may not charge a fee to search for or to retrieve the educational records. An agency or institution that receives a request for copies of the educational records of a child with a disability may charge a fee that reflects the costs of reproducing the records except when to do so would impair the ability of the child's parent or guardian, or the child who has reached the age of majority, to exercise their right to inspect and review those records.

Sec. 2. Minnesota Statutes 1992, section 120.17, subdivision 1, is amended to read:

Subdivision 1. [SPECIAL INSTRUCTION FOR CHILDREN WITH A DISABILITY.] Every district shall provide special instruction and services, either within the district or in another district, for children with a disability who are residents of the district and who are disabled as set forth in section 120.03. *Notwithstanding any law to the contrary*, special instruction and services must be provided from birth until September 1 after the child with a disability becomes ~~21~~ 22 years old but shall not extend beyond secondary school or its equivalent, except as provided in section 126.22, subdivision 2. Local health, education, and social service agencies shall refer children under age five who are known to need or suspected of needing special instruction and services to the school district. Districts with less than the minimum number of eligible children with a disability as determined by the state board shall cooperate with other districts to maintain a full range of programs for education and services for children with a disability. This subdivision does not alter the compulsory attendance requirements of section 120.101.

Sec. 3. Minnesota Statutes 1993 Supplement, section 120.17, subdivision 3, is amended to read:

Subd. 3. [RULES OF THE STATE BOARD.] (a) The state board shall promulgate rules relative to qualifications of essential personnel, courses of study, methods of instruction, pupil eligibility, size of classes, rooms, equipment, supervision, parent consultation, and any other rules it deems necessary for instruction of children with a disability. These rules shall provide standards and procedures appropriate for the implementation of and within the limitations of subdivisions 3a and 3b. These rules shall also provide standards for the discipline, control, management and protection of children with a disability. ~~The state board shall not adopt rules for pupils served in level 1, 2, or 3, as defined in Minnesota Rules, part 3525.2340, establishing either case loads or the maximum number of pupils that may be assigned to special education teachers.~~ The state board, in consultation with the departments of health and human services, shall adopt permanent rules for instruction and services for children under age five and their families. These rules are binding on state and local education, health, and human services agencies. The state board shall adopt rules to determine eligibility for special education services. The rules shall include procedures and standards by which to grant variances for experimental eligibility criteria. The state board shall, according to section 14.05, subdivision 4, notify a district applying for a variance from the rules within 45 calendar days of receiving the request whether the request for the variance has been granted or denied. If a request is denied, the board shall

specify the program standards used to evaluate the request and the reasons for denying the request.

(b) The state's regulatory scheme should support schools by assuring that all state special education rules adopted by the state board of education result in one or more of the following outcomes:

(1) increased time available to teachers for educating students through direct and indirect instruction;

(2) consistent and uniform access to effective education programs for students with disabilities throughout the state;

(3) reduced inequalities, conflict, and court actions related to the delivery of special education instruction and services for students with disabilities;

(4) clear expectations for service providers and for students with disabilities;

(5) increased accountability for all individuals and agencies that provide instruction and other services to students with disabilities;

(6) greater focus for the state and local resources dedicated to educating students with disabilities; and

(7) clearer standards for evaluating the effectiveness of education and support services for students with disabilities.

Sec. 4. Minnesota Statutes 1993 Supplement, section 120.17, subdivision 11b, is amended to read:

Subd. 11b. [RESPONSIBILITIES OF COUNTY BOARDS AND SCHOOL BOARDS.] *(a) It is the joint responsibility of county boards and school boards to coordinate, provide, and pay for appropriate services, and to facilitate payment for services from public and private sources. Appropriate services for children eligible under section 120.03 must be determined in consultation with parents, physicians, and other educational, medical, health, and human services providers. The services provided must be in conformity with an individual family service plan (IFSP) as defined in Code of Federal Regulations, title 34, sections 303.340, 303.341a, and 303.344 for each eligible infant and toddler from birth through age two and its family, or an individual education plan (IEP) or individual service plan (ISP) for each eligible child ages three through four. County boards and school boards shall not be required to provide any services under an individual family service plan that are not required in an individual education plan or individual service plan.*

(b) Appropriate services include family education and counseling, home visits, occupational and physical therapy, speech pathology, audiology, psychological services, special instruction, nursing, respite, nutrition, assistive technology, transportation and related costs, social work, vision services, case management including service coordination under subdivision 8, medical services for diagnostic and evaluation purposes, early identification, and screening, assessment, and health services necessary to enable children with disabilities to benefit from early intervention services.

(c) School and county boards shall coordinate early intervention services. In the absence of agreements established according to subdivision 13, service responsibilities for children birth through age two are as follows:

(1) school boards are required to provide, pay for, and facilitate payment for special education and related services required under section 120.17, subdivision 2;

(2) county boards are required to provide, pay for, and facilitate payment for noneducational services of social work, psychology, transportation and related costs, nursing, respite, and nutrition services not required under clause (1).

(d) School and county boards may develop an interagency agreement according to subdivision 13 to establish agency responsibility that ensures that early intervention services are coordinated, provided, paid for, and that payment is facilitated from public and private sources.

(e) County and school boards shall jointly determine the primary agency in this cooperative effort and must notify the commissioner of education the state lead agency of their decision.

Sec. 5. Minnesota Statutes 1993 Supplement, section 120.17, subdivision 12, is amended to read:

Subd. 12. [INTERAGENCY EARLY INTERVENTION COMMITTEES.]
 (a) A school district, group of districts, or special education cooperative, in cooperation with the health and human service agencies located in the county or counties in which the district or cooperative is located, shall establish an interagency early intervention committee for children with disabilities under age five and their families. Committees shall include representatives of local and regional health, education, and county human service agencies; county boards; school boards; early childhood family education programs; parents of young children with disabilities under age 12; current service providers; and may also include representatives from other private or public agencies. The committee shall elect a chair from among its members and shall meet at least quarterly.

(b) The committee shall develop and implement interagency policies and procedures concerning the following ongoing duties:

(1) develop public awareness systems designed to inform potential recipient families of available programs and services;

(2) implement interagency child find systems designed to actively seek out, identify, and refer infants and young children with, or at risk of, disabilities and their families;

(3) establish and evaluate the identification, referral, child and family assessment systems, procedural safeguard process, and community learning systems to recommend, where necessary, alterations and improvements;

(4) assure the development of individualized family service plans for all eligible infants and toddlers with disabilities from birth through age two, and their families, and individual education plans and individual service plans when necessary to appropriately serve children with disabilities, age three and older, and their families and recommend assignment of financial responsibilities to the appropriate agencies. Agencies are encouraged to develop individual family service plans for children with disabilities, age three and older;

(5) implement a process for assuring that services involve cooperating agencies at all steps leading to individualized programs;

(6) facilitate the development of a transitional plan if a service provider is not recommended to continue to provide services;

(7) identify the current services and funding being provided within the community for children with disabilities under age five and their families; ~~and~~

(8) develop a plan for the allocation and expenditure of additional state and federal early intervention funds under United States Code, title 20, section 1471 et seq. (Part H, Public Law Number 102-119) and United States Code, title 20, section 631, et seq. (Chapter I, Public Law Number 89-313); *and*

(9) develop a policy that is consistent with section 13.05, subdivision 9, and federal law to enable a member of an interagency early intervention committee to allow another member access to data classified as not public.

(c) The local committee shall also:

(1) participate in needs assessments and program planning activities conducted by local social service, health and education agencies for young children with disabilities and their families;

(2) review and comment on the early intervention section of the total special education system for the district, the county social service plan, the section or sections of the community health services plan that address needs of and service activities targeted to children with special health care needs, and the section of the maternal and child health special project grants that address needs of and service activities targeted to children with chronic illness and disabilities; and

(3) prepare a yearly summary on the progress of the community in serving young children with disabilities, and their families, including the expenditure of funds, the identification of unmet service needs identified on the individual family services plan and other individualized plans, and local, state, and federal policies impeding the implementation of this section.

(d) The summary must be organized following a format prescribed by the commissioner of ~~education~~ *the state lead agency* and must be submitted to each of the local agencies and to the state interagency coordinating council by October 1 of each year.

The departments of education, health, and human services must provide assistance to the local agencies in developing cooperative plans for providing services.

Sec. 6. Minnesota Statutes 1993 Supplement, section 120.17, subdivision 17, is amended to read:

Subd. 17. [STATE INTERAGENCY AGREEMENT.] (a) The commissioners of the departments of education, health, and human services shall enter into an agreement to implement this section and Part H, Public Law Number 102-119, and as required by Code of Federal Regulations, title 34, section 303.523, to promote the development and implementation of interagency, coordinated, multidisciplinary state and local early childhood intervention service systems for serving eligible young children with disabilities, birth through age two, and their families. The agreement must be reviewed annually.

(b) The state interagency agreement shall outline at a minimum the

conditions, procedures, purposes, and responsibilities of the participating state and local agencies for the following:

(1) membership, roles, and responsibilities of a state interagency committee for the oversight of priorities and budget allocations under Part H, Public Law Number 102-119, and other state allocations for this program;

(2) child find;

(3) establishment of local interagency agreements;

(4) review by a state interagency committee of the allocation of additional state and federal early intervention funds by local agencies;

(5) fiscal responsibilities of the state and local agencies;

(6) intra-agency and interagency dispute resolution;

(7) payor of last resort;

(8) maintenance of effort;

(9) procedural safeguards, including mediation;

(10) complaint resolution;

(11) quality assurance;

(12) data collection; and

(13) *an annual summary to the state interagency coordinating council regarding conflict resolution activities including disputes, due process hearings, and complaints; and*

(14) other components of the state and local early intervention system consistent with Public Law Number 102-119.

Written materials must be developed for parents, IEIC's, and local service providers that describe procedures developed under this section as required by Code of Federal Regulations, title 34, section 303.

Sec. 7. [120.1701] [INTERAGENCY EARLY CHILDHOOD INTERVENTION SYSTEM.]

Subdivision 1. [PURPOSE.] It is the policy of the state to develop and implement comprehensive, coordinated, multidisciplinary interagency programs of early intervention services for children with disabilities and their families.

Subd. 2. [DEFINITIONS.] For the purposes of this section the following terms have the meaning given them.

(a) "Coordinate" means to provide ready access to a community's services and resources to meet child and family needs.

(b) "Core early intervention services" means services that are available at no cost to children and families. These services include:

(1) identification and referral;

(2) screening;

(3) evaluation;

(4) *assessment;*

(5) *service coordination;*

(6) *special education and related services provided under section 120.17, subdivision 3a, and United States Code, title 20, section 1401; and*

(7) *protection of parent and child rights by means of procedural safeguards.*

(c) *"County board" means a county board established under chapter 375.*

(d) *"Early intervention record" means any personally identifiable information about a child or the child's family that is generated by the early intervention system, and that pertains to evaluation and assessment, development of an individualized family service plan, and the delivery of early intervention services.*

(e) *"Early intervention services" means services provided in conformity with an individualized family service plan that are designed to meet the special developmental needs of a child eligible under Code of Federal Regulations, title 34, part 303, and the needs of the child's family related to enhancing the child's development and that are selected in collaboration with the parent. These services include core early intervention services and additional early intervention services listed in subdivision 4 and services defined in Code of Federal Regulations, title 34, section 303 et seq.*

(f) *"Early intervention system" means the total effort in the state to meet the needs of eligible children and their families, including, but not limited to:*

(1) *any public agency in the state that receives funds under the Individuals with Disabilities Education Act, United States Code, title 20, sections 1471 to 1485 (Part H, Public Law Number 102-119);*

(2) *other state and local agencies administering programs involved in the provision of early intervention services, including, but not limited to:*

(i) *the Maternal and Child Health program under Title V of the Social Security Act, United State Code, title 42, sections 701 to 709;*

(ii) *the Individuals with Disabilities Education Act, United State Code, title 20, sections 1411 to 1420 (Part B);*

(iii) *medical assistance under the Social Security Act, United State Code, title 42, section 1396 et seq.;*

(iv) *the Developmental Disabilities Assistance and Bill of Rights Act, United States Code, title 42, sections 6021 to 6030 (Part B); and*

(v) *the Head Start Act, United States Code, title 42, sections 9831 to 9852; and*

(3) *services provided by private groups or third-party payers in conformity with an individualized family service plan.*

(g) *"Eligibility for Part H" means eligibility for early childhood special education under section 120.03 and Minnesota Rules, part 3525.2335, subpart 1, items A and B.*

(h) *"Facilitate payment" means helping families access necessary public or private assistance that provides payment for services required to meet needs identified in a service plan, individual education plan (IEP), individual*

service plan (ISP), or individualized family service plan, according to time frames required by the plan. This may also include activities to collect fees for services provided on a sliding fee basis, where permitted by state law.

(i) "Individualized family service plan" or "IFSP" means a written plan for providing services to a child and the child's family.

(j) "Interagency child find systems" means activities developed on an interagency basis with the involvement of interagency early intervention committees and other relevant community groups to actively seek out, identify, and refer infants and young children with, or at risk of, disabilities, and their families.

(k) "Local primary agency" means the agency designated jointly by the school and county board under subdivision 4.

(l) "Parent" means the biological parent with parental rights, adoptive parent, legal guardian, or surrogate parent.

(m) "Part H state plan" means the annual state plan application approved by the federal government under the Individuals with Disabilities Education Act, United States Code, title 20, section 1471 et seq. (Part H; Public Law Number 102-119).

(n) "Pay for" means using federal, state, local, and private dollars available for early intervention services.

(o) "Respite" means short term, temporary care provided to a child with a disability due to the temporary absence or need for relief of the family member or members or primary care giver, normally providing the care.

(p) "State lead agency" means the state agency receiving federal funds under the Individuals with Disabilities Education Act, United States Code, title 20, section 1471 et seq. (Part H; Public Law Number 102-119).

(q) "Surrogate parent" means a person appointed by the local education agency to ensure that the rights of the child to early intervention services are protected.

Subd. 6. [LOCAL PRIMARY AGENCY.] (a) The local primary agency shall:

(1) facilitate the development of annual fund requests that identify arrangements with other local and regional agencies providing services as part of the state's early childhood intervention system, and that result in service availability on a year-round basis, as necessary;

(2) administer funds received through the annual fund request;

(3) provide oversight for data collection efforts;

(4) facilitate completion of interagency early intervention committee duties as indicated in subdivision 5;

(5) request mediation from the state lead agency, if necessary;

(6) request assistance from the state lead agency when disputes between agencies cannot be resolved within 20 calendar days; and

(7) receive written requests from parents for matters that may be resolved through due process hearings.

(b) When the local primary agency is not an education agency, resources distributed under the early intervention fund shall be transferred from a local educational agency to a noneducation agency using a state provided contract. A local primary agency may budget for indirect costs at an amount not to exceed five percent of the amount allocated from the early intervention fund.

Subd. 7. [INDIVIDUALIZED FAMILY SERVICE PLAN.] (a) A team must participate in IFSP meetings to develop the individualized family service plan. The team shall include:

- (1) a parent or parents of the child;
 - (2) other family members, as requested by the parent, if feasible to do so;
 - (3) an advocate or person outside of the family, if the parent requests that the person participate;
 - (4) the service coordinator who has been working with the family since the initial referral, or who has been designated by the public agency to be responsible for implementation of the IFSP; and
 - (5) a person or persons involved in conducting evaluation and assessments.
- (b) The IFSP must include:
- (1) information about the child's developmental status;
 - (2) family information, with the consent of the family;
 - (3) major outcomes expected to be achieved by the child and the family, that include the criteria, procedures, and time lines;
 - (4) specific early intervention services necessary to meet the unique needs of the child and the family to achieve the outcomes;
 - (5) payment arrangements, if any;
 - (6) medical and other services that the child needs, but that are not required under the Individual with Disabilities Education Act, United States Code, title 20, section 1471 et seq. (Part H, Public Law Number 102-119) including funding sources to be used in paying for those services and the steps that will be taken to secure those services through public or private sources;
 - (7) dates and duration of early intervention services;
 - (8) name of the service coordinator;
 - (9) steps to be taken to support a child's transition from early intervention services to other appropriate services; and
 - (10) signature of the parent and authorized signatures of the agencies responsible for providing, paying for, or facilitating payment (or any combination of these) for early intervention services.

Subd. 8. [SERVICE COORDINATION.] (a) The team developing the individualized family service plan under subdivision 7 shall select a service coordinator to carry out service coordination activities on an interagency basis. Service coordination must actively promote a family's capacity and competency to identify, obtain, coordinate, monitor, and evaluate resources and services to meet the family's needs. Service coordination activities include:

- (1) *coordinating the performance of evaluations and assessments;*
- (2) *facilitating and participating in the development, review, and evaluation of individualized family service plans;*
- (3) *assisting families in identifying available service providers;*
- (4) *coordinating and monitoring the delivery of available services;*
- (5) *informing families of the availability of advocacy services;*
- (6) *coordinating with medical, health, and other service providers;*
- (7) *facilitating the development of a transition plan at least six months prior to the time the child is no longer eligible for early intervention services, if appropriate;*
- (8) *managing the early intervention record and submitting additional information to the local primary agency at the time of periodic review and annual evaluations; and*
- (9) *notifying a local primary agency when disputes between agencies impact service delivery required by an individualized family service plan.*

(b) *A service coordinator must be knowledgeable about children and families receiving services under this section, requirements of state and federal law, and services available in the interagency early childhood intervention system.*

Subd. 8a. [EARLY INTERVENTION RESPITE.] The provision of respite services for an eligible child and family shall be determined in the context of the IFSP development based on the individual needs of the child and family, and with consideration given to the following criteria:

- (1) *severity of the child's disability and needs;*
- (2) *potential risk of out-of-home placement for the child if respite services are not provided;*
- (3) *parental lack of access to informal support systems, including but not limited to extended family, supportive friends, and community supports;*
- (4) *presence of factors known to increase family stress, including but not limited to family size, and presence of another child or family member with a disability;*
- (5) *the availability of other public services provided to the family which assist the parent or primary caretaker in obtaining relief from caretaking responsibilities; and*
- (6) *the perceived and expressed level of need for respite services by the parent.*

Counties are encouraged to make a variety of respite service models available, which may include in- or out-of-home respite, family reimbursement programs, and parent-to-parent respite projects.

Subd. 9. [EARLY INTERVENTION FLOW-THROUGH DOLLARS.] (a) The state lead agency shall administer the early intervention account which consists of federal allocations. The Part H state plan shall state the amount of federal resources in the early intervention account available for use by local

agencies. The state lead agency shall distribute the funds to the local primary agency based on a December 1 count of the prior year of Part H eligible children for the following purposes:

(1) as provided in Code of Federal Regulations, part 303.425, to arrange for payment for early intervention services not elsewhere available, or to pay for services during the pendency of a conflict procedure, including mediation, complaints, due process hearings, and interagency disputes; and

(2) to support interagency child find system activities.

(b) The priority purpose for this fund is paragraph (a), clause (1). The local primary agency shall reallocate resources from the early intervention fund as necessary in order to meet this priority.

(c) Nothing in this subdivision shall limit the state lead agency's authority to allocate discretionary federal funds for any purpose consistent with the Individuals with Disabilities Education Act, United States Code, title 20, sections 1471 to 1485 (Part H, Public Law Number 102-119) and regulations adopted under United States Code, title 20, sections 1471 to 1485.

(d) Each county board must continue to spend for early intervention services under subdivision 2, paragraph (e), an amount equal to the total county expenditures during the period from January 1, 1993, to December 31, 1993, for these same services. The commissioner of human services, in consultation with the commissioner of health and the association of Minnesota counties, shall establish a process for determining base year 1993 expenditures.

(e) County boards that have submitted base year 1993 expenditures as required under paragraph (d) are not required to pay any increased cost over the base year 1993 for early intervention services resulting from implementing the early intervention system. Increased costs to county boards may be paid for with early intervention flow-through dollars.

(f) School boards are not required to pay for services defined in section 120.17, subdivision 11b, paragraph (c), clause (2).

Subd. 10. [PAYMENT FOR SERVICES.] Core early intervention services shall be provided at public expense with no cost to parents. Parents shall be requested to assist in the cost of additional early intervention services by using third-party payment sources and applying for available resources. If a parent chooses not to access these resources, additional early intervention services may not be provided. Payment structures permitted under state law shall be used to pay for additional early intervention services. Parental financial responsibility shall be clearly defined in the individualized family service plan. A parent's inability to pay shall not prohibit a child from receiving needed early intervention services.

Subd. 11. [PAYOR OF LAST RESORT.] (a) For fiscal years 1995 and 1996, the state lead agency shall establish a reserve account from federal sources to pay for services in dispute or to pay for early intervention services when local agencies have exhausted all other public and private funds available for Part H eligible children.

(b) The lead agency shall report to the legislature by January 1, 1996, regarding county board expenditures for early intervention services and the continuing need and funding of the reserve account.

Subd. 14. [THIRD-PARTY PAYMENT.] Nothing in this section relieves an insurer or similar third party from an otherwise valid obligation to pay, or changes the validity of an obligation to pay, for services rendered to a child with a disability, and the child's family.

Subd. 15. [BENEFITS COORDINATION.] The department of health shall provide technical assistance in a timely manner to service coordinators, parents of children with disabilities, and agencies in situations requiring the coordination of health insurance benefits, or the identification of third-party payor responsibilities to provide necessary health benefits.

Subd. 16. [PROCEDURAL SAFEGUARDS; PARENT AND CHILD RIGHTS.] (a) This subdivision applies to local school and county boards for children from birth through age two who are eligible for Part H, Public Law Number 102-119, and their families. This subdivision must be consistent with the Individuals with Disabilities Education Act, United States Code, title 20, sections 1471 to 1485 (Part H, Public Law Number 102-119), regulations adopted under United States Code, title 20, sections 1471 to 1485, and this section.

(b) A parent has the right to:

- (1) inspect and review early intervention records;*
- (2) prior written notice of a proposed action in the parents' native language unless it is clearly not feasible to do so;*
- (3) give consent to any proposed action;*
- (4) selectively accept or decline any early intervention service; and*
- (5) resolve issues regarding the identification, evaluation, or placement of the child, or the provision of appropriate early intervention services to the child and the child's family through an impartial due process hearing pursuant to subdivision 20.*

(c) The eligible child has the right to have a surrogate parent appointed by a school district as required by section 120.17, subdivision 3a.

Subd. 17. [MEDIATION PROCEDURE.] The commissioner of the state lead agency shall use federal funds to provide mediation for the activities in paragraphs (a) and (b).

(a) A parent may resolve a dispute regarding issues in subdivision 16, paragraph (b), clause (5), through mediation. If the parent chooses mediation, all public agencies involved in the dispute shall participate in the mediation process. The parent and the public agencies must complete the mediation process within 20 calendar days of the date the commissioner receives a parent's written request for mediation. The mediation process may not be used to delay a parent's right to a due process hearing. The resolution of the mediation is not binding on any party.

(b) The local primary agency may request mediation on behalf of involved agencies when there are disputes between agencies regarding responsibilities to coordinate, provide, pay for, or facilitate payment for early intervention services.

Subd. 18. [COMPLAINT PROCEDURE.] (a) An individual or organization may file a written signed complaint with the commissioner of the state

lead agency alleging that one or more requirements of the Code of Federal Regulations, title 34, part 303, is not being met. The complaint must include:

(1) a statement that the state has violated the Individuals with Disabilities Education Act, United States Code, title 20, section 1471 et seq. (Part H, Public Law Number 102-119) or Code of Federal Regulations, title 34, section 303; and

(2) the facts on which the complaint is based.

(b) The commissioner of the state lead agency shall receive and coordinate with other state agencies the review and resolution of a complaint within 60 calendar days according to the state interagency agreement required under subdivision 22.

Subd. 19. [INTERAGENCY DISPUTE PROCEDURE.] (a) A dispute between a school board and a county board that is responsible for implementing the provisions of subdivision 4 regarding early identification, child and family assessment, service coordination, and IFSP development and implementation shall be resolved according to this subdivision when the dispute involves services provided to children and families eligible under the Individuals with Disabilities Education Act, United States Code, title 20, section 1471 et seq. (Part H, Public Law Number 102-119).

(b) A dispute occurs when the school board and county board are unable to agree as to who is responsible to coordinate, provide, pay for, or facilitate payment for services from public and private sources.

(c) Written and signed disputes shall be filed with the local primary agency.

(d) The local primary agency shall have attempted to resolve the matter with the involved school board and county board and may request mediation from the commissioner of the state lead agency for this purpose.

(e) When interagency disputes have not been resolved within 30 calendar days, the local primary agency shall request the commissioner of the state lead agency to review the matter with the commissioners of health and human services and make a decision. The commissioner shall provide a consistent process for reviewing these procedures. The commissioner's decision is binding subject to the right of the aggrieved party to an appeal.

(f) The local primary agency shall ensure that eligible children and their families receive early intervention services during resolution of a dispute. While a local dispute is pending, the local primary agency shall either assign financial responsibility to an agency or pay for the service from the early intervention account under subdivision 9. If in resolving the dispute, it is determined that the assignment of financial responsibility was inappropriate, the responsibility for payment must be reassigned to the appropriate agency and the responsible agency shall make arrangements for reimbursing any expenditures incurred by the agency originally assigned financial responsibility.

Subd. 20. [DUE PROCESS HEARINGS.] By July 1, 1994, the departments of education, health, and human services shall develop procedures for hearings.

Subd. 21. [DATA COLLECTION.] By July 1, 1994, the departments of education, health, and human services shall develop a plan to collect data about which early intervention services are being provided to children and

families eligible under the Individuals with Disabilities Education Act, United States Code, title 20, section 1471 et seq. (Part H, Public Law Number 102-119) and sources of payment for those services.

Sec. 8. [120.185] [ACCOMMODATING STUDENTS WITH DISABILITIES.]

A school or school district shall provide a student who is an "individual with a disability" under Section 504 of the Rehabilitation Act of 1973, United States Code, title 29, section 794, or under the Americans with Disabilities Act, Public Law Number 101-336, with appropriate accommodations or modifications in programs.

Sec. 9. Minnesota Statutes 1992, section 124.248, subdivision 3, is amended to read:

Subd. 3. [SPECIAL EDUCATION AID.] Special education aid shall be paid to an outcome-based school according to section 124.32 as though it were a school district. The school may charge tuition to the district of residence as provided in section 120.17, subdivision 4. ~~The district of residence shall levy as provided in section 275.125, subdivision 8c, as though it were participating in a cooperative.~~ The outcome-based school shall allocate its special education levy equalization revenue minus the amount of state aid paid to the school under section 124.32, subdivisions 1b and 10, to the resident districts of the pupils attending the outcome-based school as though it were a cooperative, as provided in section 124.321, subdivision 2, paragraph (a), clause (1). The districts of residence shall levy as though they were participating in a cooperative, as provided in section 124.321, subdivision 3.

Sec. 10. [124.325] [GRANTS FOR COMMUNITY LIVING PROGRAMS FOR YOUTHS WITH DISABILITIES.]

A school district may apply to the commissioner of education for a grant to provide, or to assist district staff to provide, individualized education and training to youth with disabilities for transition from school to post-secondary education, work, or community living. The education and training shall be provided in accordance with the transition plan contained in the youth's individual education plan. A district must develop its transition services in consultation with the community transition interagency committee to be eligible for a grant. The grant must be used to contract with a center for independent living certified under section 268A.11, or with another transition program approved by the commissioner, to provide appropriate education and training under this section.

Sec. 11. Minnesota Statutes 1993 Supplement, section 124.573, subdivision 2b, is amended to read:

Subd. 2b. [SECONDARY VOCATIONAL AID.] A district's ~~or cooperative center's~~ "secondary vocational aid" for secondary vocational education programs aid for a fiscal year equals the sum of the following amounts for each program lesser of:

(a) the greater of zero, or 75 percent of the difference between:

(1) salaries paid to essential, licensed personnel providing direct instructional services to students in that fiscal year for services rendered in the district's approved secondary vocational education programs; and

(2) 50 percent of the general education revenue attributable to secondary pupils for the number of hours that the pupils are enrolled in that program; and \$80 times the district's average daily membership in grades 10 to 12; or

(b) 40 25 percent of approved expenditures for the following:

(1) salaries paid to essential, licensed personnel providing direct instructional services to students in that fiscal year for services rendered in the district's approved secondary vocational education programs;

(2) contracted services provided by a public or private agency other than a Minnesota school district or cooperative center under subdivision 3a;

(2) (3) necessary travel between instructional sites by licensed secondary vocational education personnel;

(3) (4) necessary travel by licensed secondary vocational education personnel for vocational student organization activities held within the state for instructional purposes;

(4) (5) curriculum development activities that are part of a five-year plan for improvement based on program assessment;

(5) (6) necessary travel by licensed secondary vocational education personnel for noncollegiate credit bearing professional development; and

(6) (7) specialized vocational instructional supplies.

Sec. 12. Minnesota Statutes 1993 Supplement, section 124.573, subdivision 2e, is amended to read:

Subd. 2e. [ALLOCATION FROM COOPERATIVE CENTERS AND INTERMEDIATE DISTRICTS.] For purposes of subdivision 2b, paragraph (b), and subdivision 2f, paragraph (b), a cooperative center or an intermediate district shall allocate its approved expenditures for secondary vocational education programs among participating school districts. For purposes of subdivision 2f, paragraph (a), a cooperative center or an intermediate district shall allocate its secondary vocational aid for fiscal year 1994 among participating school districts. For 1995 and later fiscal years, secondary vocational aid for services provided by a cooperative center or an intermediate district shall be paid to the participating school district.

Sec. 13. Minnesota Statutes 1992, section 124.573, is amended by adding a subdivision to read:

Subd. 2f. [AID GUARANTEE.] Notwithstanding subdivision 2b, the secondary vocational education aid for a school district is not less than the lesser of:

(a) 95 percent of the secondary vocational education aid the district received for the previous fiscal year; or

(b) 40 percent of the approved expenditures for secondary vocational programs included in subdivision 2b, paragraph (b).

Sec. 14. Minnesota Statutes 1993 Supplement, section 124.573, subdivision 3, is amended to read:

Subd. 3. [COMPLIANCE WITH RULES.] Aid shall be paid under this section only for services rendered or for costs incurred in secondary vocational education programs approved by the commissioner and operated in

accordance with rules promulgated by the state board. These rules shall provide minimum student-staff ratios required for a secondary vocational education program in a ~~cooperative center~~ area to qualify for this aid. *The rules must not require the collection of data at the program or course level to calculate secondary vocational aid.* The rules shall not require any minimum number of administrative staff, any minimum period of coordination time or extended employment for secondary vocational education personnel, or the availability of vocational student activities or organizations for a secondary vocational education program to qualify for this aid. The requirement in these rules that program components be available for a minimum number of hours shall not be construed to prevent pupils from enrolling in secondary vocational education courses on an exploratory basis for less than a full school year. The state board shall not require a school district to offer more than four credits or 560 hours of vocational education course offerings in any school year. Rules relating to secondary vocational education programs shall not incorporate the provisions of the state plan for vocational education by reference. This aid shall be paid only for services rendered and for costs incurred by essential, licensed personnel who meet the work experience requirements for licensure pursuant to the rules of the state board. Licensed personnel means persons holding a valid secondary vocational license issued by the commissioner, except that when an average of five or fewer secondary full-time equivalent students are enrolled per teacher in an approved post-secondary program at intermediate district No. 287, 916, or 917, licensed personnel means persons holding a valid vocational license issued by the commissioner or the state board for vocational technical education. Notwithstanding section 124.15, the commissioner may modify or withdraw the program or aid approval and withhold aid under this section without proceeding under section 124.15 at any time. To do so, the commissioner must determine that the program does not comply with rules of the state board or that any facts concerning the program or its budget differ from the facts in the district's approved application.

Sec. 15. Minnesota Statutes 1992, section 124.90, is amended by adding a subdivision to read:

Subd. 5. [NO REDUCTION IN REVENUE.] A school district's revenue for special education programs shall not be reduced by any payments for medical assistance or insurance received according to this section.

Sec. 16. Minnesota Statutes 1992, section 126.02, subdivision 1, is amended to read:

Subdivision 1. [INSTRUCTION REQUIRED IN PUBLIC SCHOOLS.] There shall be established and provided in all the public schools of this state, physical and health education, training, and instruction of pupils of both sexes. Every pupil attending any such school, to the extent physically fit and able to do so, shall participate in the physical training program. Suitable modified courses shall be provided for pupils physically or mentally unable or unfit to take the *regular* courses ~~prescribed for normal pupils~~. No pupil shall be required to undergo a physical or medical examination or treatment if the parent or legal guardian of the person of such pupil shall in writing notify the teacher or principal or other person in charge of such pupil of an objection to such physical or medical examination or treatment; provided that secondary school pupils in junior and senior years need not take the course unless required by the local school board.

Sec. 17. Minnesota Statutes 1992, section 126.51, subdivision 1, is amended to read:

Subdivision 1. [PARENT COMMITTEE.] School boards and American Indian schools shall provide for the maximum involvement of parents of children enrolled in education programs, including language and culture education programs, programs for elementary and secondary grades, special education programs, and support services. Accordingly, the school board of a school district in which there are ten or more American Indian children enrolled and each American Indian school shall establish a parent committee. If a committee whose membership consists of a majority of parents of American Indian children has been or is established according to federal, tribal, or other state law, that committee shall may serve as the committee required by this section and shall be subject to, at least, the requirements of this section subdivision and subdivision 1a.

The parent committee shall develop its recommendations in consultation with the curriculum advisory committee required by section 126.666, subdivision 2. This committee shall afford parents the necessary information and the opportunity effectively to express their views concerning all aspects of American Indian education and the educational needs of the American Indian children enrolled in the school or program. The committee shall also address the need for adult education programs for American Indian people in the community. The school board or American Indian school shall ensure that programs are planned, operated, and evaluated with the involvement of and in consultation with parents of children served by the programs.

Sec. 18. [COALITION FOR EDUCATION REFORM AND ACCOUNTABILITY.]

Subdivision 1. [RECOMMENDATIONS.] *The coalition for education reform and accountability shall include in the financial plan required under Laws 1993, chapter 224, article 1, section 35, subdivision 5, recommendations for improving the integration of the special education and regular education systems to effectively meet the individual needs of all students. The coalition shall make recommendations for redesigning funding programs, program requirements, and service delivery systems for students with special needs to improve the effectiveness and efficiency of school administration, instruction, assessment, and other educational services.*

Subd. 2. [SPECIAL EDUCATION REPRESENTATION.] *Notwithstanding Laws 1993, chapter 224, article 1, section 35, subdivision 2, the panel established under Laws 1993, chapter 224, article 1, section 35, subdivision 3, shall appoint a representative of special education who is familiar with both special education services and finance. The additional member under this subdivision shall be appointed by July 1, 1994. The coalition shall also consult with the state special education advisory council in developing its recommendations.*

Sec. 19. [CONSENT FORM.]

The commissioner of administration shall prepare a form to be used in obtaining informed consent to the sharing of private data by state agencies, statewide systems, and political subdivisions for purposes of providing services to a child under Minnesota Statutes, section 120.17, and issue guidelines for using the form. The form and guidelines are not subject to the rulemaking provisions of Minnesota Statutes, chapter 14.

Sec. 20. [STATE BOARD OF EDUCATION SHALL ADOPT RULES.]

The state board of education shall use the recommended rules in the final report of the task force on education for children with disabilities and Minnesota Rules, part 3525.2925, subpart 1, as its proposed rules. It shall adopt, amend, or repeal the special education rules under Minnesota Statutes, sections 14.131 to 14.20. In addition to the task force report, the board shall consider public comment about the educational needs of individual students and students' access to necessary services. The statement of need and reasonableness under Minnesota Statutes, section 14.131, shall address the effects of proposed changes regarding individual student needs and student access to necessary services. The office of administrative hearings shall hold a public hearing under Minnesota Statutes, section 14.14, no later than August 15, 1994. Any future amendments to the rules adopted or amended under this section are governed by Minnesota Statutes, chapter 14.

Sec. 21. [TASK FORCE.]

Subdivision 1. [REAUTHORIZATION:] Notwithstanding Laws 1993, chapter 224, article 3, section 41, the task force on education for children with disabilities shall expire February 15, 1995. The commissioner may appoint new members to fill vacancies on the task force.

Subd. 2. [STUDY OF STATE BOARD OF EDUCATION RULES.] (a) The task force shall review and may recommend changes to the education committees of the legislature in the following Minnesota Rules, parts 3525.1325, 3525.1327, 3525.1329, 3525.1331, 3525.1333, 3525.1335, 3525.1337, 3525.1339, 3525.1341, 3525.1343, 3525.1345, 3525.2325, and 3525.2340. In making its recommendations, the task force shall consider the educational needs of individual students, students' access to necessary services, maximization of teacher contact time with students, paperwork requirements, student achievement of educational outcomes, the integration of special education and general education instructional practices, and the costs of instruction and support services.

(b) In making its recommendations, the task force shall consult appropriate experts.

Subd. 3. [PLAN FOR MEETING TECHNOLOGY NEEDS:] The task force shall develop a plan for meeting the information, instructional, and assistive technology needs of special education within the context of the state educational system. The task force shall make recommendations to the education committees of the legislature by January 15, 1995. The plan shall, at a minimum, address the following:

- (1) identification of the various technology needs of special education;*
- (2) appropriate integration of special education technology needs with general education information technology;*
- (3) effective uses of technology for enabling special education and regular education staff to meet the needs of children with disabilities;*
- (4) effective uses of technology for improving the efficiency and effectiveness of special education administration, instruction, assessment, and reporting;*
- (5) methods for developing the appropriate technologies and making them available statewide; and*

(6) costs of developing and implementing the appropriate technologies statewide.

Sec. 22. [REPORTS OF INCIDENTS OF MISBEHAVIOR IN SCHOOLS.]

(a) For the 1994-1995 and 1995-1996 school years, each school district shall use a standardized form developed by the commissioner of education to report to the commissioner all incidents of misbehavior that result in the suspension or expulsion of students under Minnesota Statutes, sections 127.26 to 127.39. The standardized reporting form, which the commissioner may coordinate with the reporting form required under Minnesota Statutes, section 121.207, shall include the following information:

(1) a description of each incident of misbehavior that leads to the suspension or expulsion of the student including, where appropriate, a description of the dangerous weapon as defined in Minnesota Statutes, section 609.02, subdivision 6, involved in the incident;

(2) information about the suspended or expelled student, other than the student's name, including the student's age, whether the student is a student of color, and the number of times the student has been suspended or expelled previously and for what misbehavior;

(3) whether the student has or had an individualized learning plan (IEP) under Minnesota Statutes, section 120.17, and, if the student has or had an IEP, whether the misbehavior resulting in suspension or expulsion was a manifestation of the student's disabling condition;

(4) the actions taken by school officials to respond to the incident of misbehavior; and

(5) the duration of the suspension or expulsion.

(b) School districts shall use the standardized form to transmit the information described in paragraph (a) to the commissioner biannually by February 1 and July 1, beginning February 1, 1995, and ending July 1, 1996. The commissioner shall compile and analyze the data and present to the education committees of the legislature an interim report by January 1, 1996, and a final report by February 1, 1997.

(c) Based on the data collected, the department shall make recommendations to the legislature by March 15, 1995, for changes in the pupil fair dismissal act.

Sec. 23. [GRADUATION RULE.]

Subdivision 1. [SPECIAL EDUCATION.] The state board of education shall consult with the state special education advisory council in developing the high school graduation rule to ensure that students with disabilities may fully participate under the rule. The state board shall ensure that state and local assessments provide for accommodations, modifications, and adaptations to meet the needs of students with disabilities; clear policies are developed for modifying graduation requirements when necessary to meet a student's needs under an individual education plan; and that state monitoring of learning sites assesses the achievement of a representative sample of all students, including students with individual learning plans.

Subd. 2. [TRANSITION OUTCOMES.] The state board of education shall include in the high school graduation rule outcomes for all students in skills

for transition from school to the community, work, vocational training, and higher education. The outcome shall emphasize knowledge of life skills, skills for planning and evaluating vocational and educational choices, and state and community resources available to assist in identifying and evaluating choices. The state board shall consult with the state education and employment transitions council and the state special education advisory council in developing the outcomes.

Sec. 24. [SPECIAL EDUCATION MANUAL.]

(a) The commissioner of education shall develop a manual pertaining to the delivery of special education instruction and services for use by parents, school district administrators, teachers, and related service staff, and other direct service providers. The commissioner shall update the manual as necessary to ensure that the information contained in the manual is current. The manual shall contain at least the following:

(1) a concise listing of all federal and state laws, rules, and regulations that apply to special education;

(2) the rights and procedural safeguards available to students with disabilities and their parents or guardian; and

(3) best practice recommendations for school districts for policies and procedures to meet the needs of students with disabilities.

(b) The manual must be available within three months following the state board of education's adoption of state special education rules under section 20. The commissioner shall develop a plan to ensure that the manual is widely available to parents, school staff, and other interested individuals and organizations.

Sec. 25. [SCHOOL BOARD MEMBER TRAINING.]

The commissioner of education, in consultation with the Minnesota school boards association and the task force on education of children with disabilities, shall develop a model training curriculum for school board members in state and federal special education statutes, rules, and regulations, and in modifications and accommodations for students with disabilities consistent with the Individuals with Disabilities Education Act, United States Code, title 20, sections 1411 to 1420 (Part B), section 504 of the Rehabilitation Act of 1973, United States Code, title 29, section 794, and the Americans with Disabilities Act, Public Law Number 101-336. The model training curriculum shall be available to school board members by January 1, 1995.

Sec. 26. [CERTIFICATION OF SCHOOL INTERPRETERS.]

The state board of education, in consultation with the state board of teaching, interpreter/transliterator training programs, the Minnesota resource center, deaf and hard-of-hearing, the Minnesota registry of interpreters for the deaf, the Minnesota association of deaf citizens, the Minnesota commission serving deaf and hard-of-hearing people, and the deaf and hard-of-hearing services division of the department of human services, shall develop and implement a competency-based certification system for school interpreters and transliterators using the national Registry of Interpreters for the Deaf (RID), National Association of the Deaf (NAD), and National Cued Speech Certification Systems, or a comparable Minnesota state certifying system. The state board shall adopt the state certification system by September 1, 1995.

The system shall include timelines by which newly hired and currently employed school interpreters and transliterators must attain certification.

The state board of education, in consultation with the same groups, shall also develop an implementation plan to address the need for appropriate training for school interpreters and transliterators throughout the state and the cost to the state, school districts, and their employees for training and certification. The state board shall submit a report on the proposed certification system and the implementation plan to the education committees of the legislature by February 1, 1995.

Sec. 27. [SPECIAL LEVY FOR INDEPENDENT SCHOOL DISTRICT NO. 100, WRENSHALL.]

Notwithstanding Minnesota Statutes, section 124.321, or any other law to the contrary, independent school district No. 100, Wrenshall, may levy up to \$40,000 for taxes payable in 1995 for excess special education expenditures or for nonregular transportation expenditures according to Minnesota Statutes, section 124.223, subdivision 4, incurred in the 1993-1994 school year. Notwithstanding Minnesota Statutes, section 121.904, the entire amount of this levy shall be recognized as revenue for the fiscal year in which the levy is certified. This levy shall not be considered in computing the aid reduction under Minnesota Statutes, section 124.155. Levy revenue under this section used to pay for nonregular transportation expenditures shall not be included in determining base year nonregular transportation costs according to Minnesota Statutes, section 124.225, subdivision 7d, paragraph (b).

Sec. 28. [APPROPRIATIONS.]

Subdivision 1. [DEPARTMENT OF EDUCATION.] The sums indicated in this section are appropriated from the general fund to the department of education for the fiscal year designated.

Subd. 2. [TASK FORCE.] For the task force on education for children with disabilities:

\$25,000 1995

A portion of this appropriation may be used to pay for the costs of adopting, amending, or repealing state board of education rules according to section 20. This appropriation may not be used to compensate department staff assisting the task force in carrying out its responsibilities. This appropriation expires February 15, 1995.

Subd. 3. [STUDENT SUSPENSIONS AND EXPULSIONS STUDY.] For a study of student suspensions and expulsions:

\$50,000 1995

This appropriation does not cancel.

Subd. 4. [GRANTS FOR COMMUNITY LIVING PROGRAMS.] For grants to school districts for transition services for youths with disabilities:

\$250,000 1995

Sec. 29. [REVISOR INSTRUCTION.]

In the next edition of Minnesota Statutes, the revisor shall renumber sections 120.17, subdivision 11a, as 120.1701, subdivision 3; 120.17, subdi-

vision 11b, as 120.1701, subdivision 4; 120.17, subdivision 12, as 120.1701, subdivision 5; 120.17, subdivision 14, as 120.1701, subdivision 12; 120.17, subdivision 14a, as 120.1701, subdivision 13; 120.17, subdivision 17, as 120.1701, subdivision 22. The revisor, with the assistance of the department of education, shall, where appropriate, change cross-references to conform with the renumbering.

Sec. 30. [EFFECTIVE DATE.]

Sections 18 [coalition], 20 [rules], and 21 [task force] are effective the day following final enactment.

ARTICLE 4

COMMUNITY PROGRAMS

Section 1. Minnesota Statutes 1992, section 120.101, is amended by adding a subdivision to read:

Subd. 5c. [EDUCATION RECORDS.] A school district from which a student is transferring must transmit the student's educational records; within ten business days of the date the student withdraws, to the school district in which the student is enrolling. School districts must make reasonable efforts to determine the school district in which a transferring student is next enrolling in order to comply with this subdivision.

Sec. 2. Minnesota Statutes 1993 Supplement, section 121.702, subdivision 2, is amended to read:

Subd. 2. [ELIGIBLE ORGANIZATION.] "Eligible organization" means:

- (1) a local unit of government including a statutory or home rule charter city, township, county, or group of two or more contiguous counties;
- (2) an existing nonprofit organization organized under chapter 317A;
- (3) an educational institution;
- (4) a private industry council; or
- (5) a state agency; or
- (6) a federal agency.

Sec. 3. Minnesota Statutes 1993 Supplement, section 121.702, subdivision 9, is amended to read:

Subd. 9. [~~YOUTH WORKS TASK FORCE COMMISSION.~~] "~~Youth works task force~~" "Commission" means the ~~task force~~ Minnesota commission on national and community service established in section 121.703.

Sec. 4. Minnesota Statutes 1993 Supplement, section 121.703, is amended to read:

121.703 [~~YOUTH WORKS TASK FORCE MINNESOTA COMMISSION ON NATIONAL AND COMMUNITY SERVICE.~~]

Subdivision 1. [CREATION.] The ~~youth works task force~~ Minnesota commission on national and community service is established to assist the governor and the legislature in implementing sections 121.701 to 121.710 and federal law. *Retroactive to the first Monday in January 1994, the terms of the*

members of the first commission shall be, as nearly as possible, one year for one-third of the members, two years for one-third of the members, and three years for one-third of the members. The members of the first commission shall determine the length of their terms by lot. Thereafter, the terms of commission members shall be for three years. Commission members may be reappointed upon the completion of their current term. The terms, compensation, filling of vacancies, and removal of members are governed by section 15.059 15.0575. The youth works task force commission may accept gifts and contributions from public and private organizations.

Subd. 2. [MEMBERSHIP.] The youth works task force consists of 16 voting members. The membership includes the commissioner or designee of the departments of education, jobs and training, and natural resources and the executive director of the higher education coordinating board, and four persons appointed by the governor from among the following agencies: departments of human services, health, corrections, agriculture, public safety, finance, labor and industry, office of strategic and long-range planning, Minnesota office of volunteer services, Minnesota high technology council, Minnesota housing finance agency, association of service delivery areas, and Minnesota Technology, Inc. The governor shall appoint four members, one each representing a public or private sector labor union, business, students, and parents, and the remaining four members from among representatives of the following groups: educators, senior citizen organizations, local agencies working with youth service corps programs, school-based community service programs, higher education institutions, local educational agencies, volunteer public safety organizations, education partnership programs, public or non-profit organizations experienced in youth employment and training, and volunteer administrators, or other organizations working with volunteers. (a) The commission consists of 18 voting members. Voting members shall include the commissioner of education, a representative of the children's cabinet elected by the members of the children's cabinet, and the executive director of the higher education coordinating board.

(b) The governor shall appoint 15 additional voting members. Eight of the voting members appointed by the governor shall include a representative of public or nonprofit organizations experienced in youth employment and training, organizations promoting adult service and volunteerism, community-based service agencies or organizations, local public or private sector labor unions, local governments, business, a national service program, and Indian tribes. The remaining seven voting members appointed by the governor shall include an individual with expertise in the educational, training, and development needs of youth, particularly disadvantaged youth; a youth or young adult who is a participant in a higher education-based service-learning program; a disabled individual representing persons with disabilities; a youth who is out-of-school or disadvantaged; an educator of primary or secondary students; an educator from a higher education institution; and an individual between the ages of 16 and 25 who is a participant or supervisor in a youth service program.

(c) The governor shall appoint up to five ex officio nonvoting members from among the following agencies or organizations: the departments of jobs and training, natural resources, human services, health, corrections, agriculture, public safety, finance, and labor and industry, the Minnesota office of volunteer services, the housing finance agency, and Minnesota Technology,

Inc. A representative of the corporation for national and community service shall also serve as an ex officio nonvoting member.

(d) Voting and ex officio nonvoting members may appoint designees to act on their behalf. The number of voting members who are state employees shall not exceed 25 percent.

(e) The governor shall ensure that, to the extent possible, the membership of the ~~task force~~ commission is balanced according to geography, race, ethnicity, age, and gender. The speaker of the house and the majority leader of the senate shall each appoint two legislators to be nonvoting members of the ~~task force~~ commission.

Subd. 3. [DUTIES.] (a) The ~~youth works task force~~ commission shall:

(1) develop, with the assistance of the governor, *the commissioner of education*, and affected state agencies, a comprehensive state plan to provide services under sections 121.701 to 121.710 and federal law;

(2) actively pursue public and private funding sources for services, including funding available under federal law;

(3) coordinate volunteer service learning programs within the state;

(4) develop, in cooperation with the education and employment transitions council *and the commissioner of education*, volunteer service learning programs, including curriculum, materials, and methods of instruction;

(5) work collaboratively with the education and employment transitions council, *the commissioner of education*, schools, public and private agencies, for-profit and nonprofit employers, and labor unions to identify mentoring and service learning opportunities, solicit and recruit participants for these programs, and disseminate information on the programs;

(6) administer the youth works grant program under sections 121.704 to 121.709, *with assistance from the commissioner of education and the executive director of the higher education coordinating board*, including soliciting and approving grant applications from eligible organizations, and administering individual postservice benefits;

(7) establish an evaluation plan for programs developed and services provided under sections 121.701 to 121.710;

(8) report to the governor, *commissioner of education*, and legislature; ~~and~~

(9) provide oversight and support for school, campus, and community-based service programs; *and*

(10) administer the federal AmeriCorps program.

(b) Nothing in sections 121.701 to 121.710 precludes an organization from independently seeking public or private funding to accomplish purposes similar to those described in paragraph (a).

Sec. 5. Minnesota Statutes 1993 Supplement, section 121.705, is amended to read:

121.705 [YOUTH WORKS GRANTS.]

Subdivision 1. [APPLICATION.] An eligible organization interested in receiving a grant under sections 121.704 to 121.709 may prepare and submit

to the ~~youth works task force~~ *commission* an application that complies with section 121.706.

Subd. 2. [GRANT AUTHORITY.] The ~~youth works task force~~ *commission* shall use any state appropriation and any available federal funds, including any grant received under federal law, to award grants to establish programs for youth works meeting the requirements of section 121.706. At least one grant each must be available for a metropolitan proposal, a rural proposal, and a statewide proposal. If a portion of the suburban metropolitan area is not included in the metropolitan grant proposal, the statewide grant proposal must incorporate at least one suburban metropolitan area. In awarding grants, the ~~youth works task force~~ *commission* may select at least one residential proposal and one nonresidential proposal, provided the proposals meet or exceed the criteria in section 121.706.

Sec. 6. Minnesota Statutes 1993 Supplement, section 121.706, is amended to read:

121.706 [GRANT APPLICATIONS.]

Subdivision 1. [APPLICATIONS REQUIRED.] An organization seeking federal or state grant money under sections 121.704 to 121.709 shall prepare and submit to the ~~youth works task force~~ *commission* an application that meets the requirements of this section. The ~~youth works task force~~ *commission* shall develop, and the applying organizations shall comply with, the form and manner of the application.

Subd. 2. [APPLICATION CONTENT.] An applicant on its application shall:

(1) propose a program to provide participants the opportunity to perform community service to meet specific unmet community needs, and participate in classroom, work-based, and service learning;

(2) assess the community's unmet educational, human, environmental, and public safety needs, the resources and programs available for meeting those needs, and how young people participated in assessing community needs;

(3) describe the ~~classroom~~ *educational* component of the program, including classroom hours per week, classroom time for participants to reflect on the program experience, and anticipated academic outcomes related to the service experience;

(4) describe the work to be performed, the ratio of youth participants to crew leaders and mentors, and the expectations and qualifications for crew leaders and mentors;

(5) describe local funds or resources available to meet the match requirements of section 121.709;

(6) describe any funds available for the program from sources other than the requested grant;

(7) describe any agreements with local businesses to provide participants with work-learning opportunities and mentors;

(8) describe any agreement with local post-secondary educational institutions to offer participants course credits for their community service learning experience;

(9) describe any agreement with a local high school or an alternative learning center to provide remedial education, credit for community service work and work-based learning, or graduate equivalency degrees;

(10) describe any pay for service or other program delivery mechanism that will provide reimbursement for benefits conferred or recover costs of services participants perform;

(11) describe how local resources will be used to provide support and assistance for participants to encourage them to continue with the program, fulfill the terms of the contract, and remain eligible for any postservice benefit;

(12) describe the arbitration mechanism for dispute resolution required under section 121.707, subdivision 2;

(13) describe involvement of community leaders in developing broad-based support for the program;

(14) describe the consultation and sign-off process to be used with any local labor organization representing employees in the area engaged in work similar to that proposed for the program to ensure that no current employees or available employment positions will be displaced by program participants;

(15) certify to the ~~youth works task force~~ *commission* and to any certified bargaining representatives representing employees of the applying organization that the project will not decrease employment opportunities that would be available without the project; will not displace current employees including any partial displacement in the form of reduced hours of work other than overtime, wages, employment benefits, or regular seasonal work; will not impair existing labor agreements; and will not result in the substitution of project funding for preexisting funds or sources of funds for ongoing work;

(16) describe the length of the required service period, which may not be less than six months or more than two years, a method to incorporate a participant's readiness to advance or need for postservice financial assistance into individual service requirements, and any opportunity for participating part time or in another program;

(17) describe a program evaluation plan that contains cost effectiveness measures, measures of participant success including educational accomplishments, job placements, community contributions, and ongoing volunteer activities, outcome measures based on a preprogram and postprogram survey of community rates of arrest, incarceration, teenage pregnancy, and other indicators of youth in trouble, and a list of local resources dedicated to reducing these rates;

(18) describe a three-year financial plan for maintaining the program;

(19) describe the role of local youth in developing all aspects of the grant proposal; and

(20) describe the process by which the local private industry council participated in, and reviewed the grant application.

Sec. 7. Minnesota Statutes 1993 Supplement, section 121.707, is amended to read:

121.707 [PROGRAM PROVISIONS.]

Subdivision 1. [PARTICIPANT ELIGIBILITY.] (a) An individual is eligible to participate in full-time youth community service if the individual:

(1) is *at least 17 to 24* years old;

(2) is a citizen of the United States or lawfully admitted for permanent residency;

(3) is a ~~permanent Minnesota resident as that term is used in section 256.936, subdivision 4e, paragraph (d), clause (2);~~

(4) (3) is applying for service and has received a high school diploma or its equivalent, or agrees to attain a high school diploma or its equivalent while participating in the program; and

(5) (4) agrees to act as an alumni volunteer or an alumni mentor upon successfully completing the program and postprogram education.

(b) An individual is eligible to participate in part-time youth community service if the individual is 15 to 24 years old and meets the requirements under paragraph (a), clauses (2) to (5) (4).

Subd. 2. [TERMS OF SERVICE.] (a) A participant shall agree to perform community service for the period required unless the participant is unable to complete the terms of service for the reason provided in paragraph (b).

An agreement to perform community service must be in the form of a written contract between the participant and the grantee organization. Terms of the contract must include a length of service between six months and two years, the participant's education goals and commitment, the anticipated date of completion, dismissal for cause, including failure to fully participate in the education component, and the exclusive right to challenge a dismissal for cause through binding arbitration. The arbitrator must be chosen jointly by the grantee organization and the participant from the community or, if agreement cannot be reached, an arbitrator must be determined from a list of arbitrators provided by the American Arbitration Association. The sole remedy available to the participant through arbitration is reinstatement to the program and eligibility for postservice benefits. The parent or guardian of a minor shall consent in writing to the contract between the participant and the grantee organization.

(b) If the grantee organization releases a participant from completing a term of service in a program receiving assistance under sections 121.704 to 121.709 for compelling personal circumstances as demonstrated by the participant, or if the program in which the participant serves does not receive continued funding for any reason, the grantee organization may provide the participant with that portion of the financial assistance described in subdivision 3 that corresponds to the quantity of the service obligation completed by the individual.

If the grantee organization terminates a participant for cause or a participant resigns without demonstrating compelling personal circumstances under this section, no postservice benefit under subdivision 3 may be paid.

(c) A participant performing part-time service under sections 121.701 to 121.710 shall serve at least two weekends each month and two weeks during the year, ~~or at least an average of nine hours per week each year. A part-time participant shall serve at least 900 hours during a period of not more than two years, or three years if enrolled in an institution of higher education. A~~

participant performing full-time service under sections 121.701 to 121.710 shall serve ~~for not less than 40 hours per week at least 1,700 hours during a period of not less than nine months, or more than one year.~~

(d) Notwithstanding any other law to the contrary, for purposes of tort liability under sections 3.732 and 3.736, while participating in a program a participant is an employee of the state.

(e) Participants performing community service in a program are not public employees for purposes of chapter 43A, 179A, 197, 353, or any other law governing hiring or discharging of public employees.

Subd. 3. [POSTSERVICE BENEFIT.] (a) Each participant shall receive a nontransferable postservice benefit upon successfully completing the program. The benefit must be ~~\$2,000 per year of part-time service or \$5,000 per year of full-time service~~ *not less than \$4,725 per year of full-time service or prorated for part-time service or for partial service of at least 900 hours.*

~~(b) In the event that a program does not receive a federal grant that provides a postservice benefit, the participants in the program shall receive a postservice benefit equal in value to one-half the amount provided under paragraph (a).~~

~~(c) Nothing in this subdivision prevents a grantee organization from using funds from nonfederal or nonstate sources to increase the value of postservice benefits above the value described in paragraph (a).~~

(c) The higher education coordinating board shall establish an account for depositing funds for postservice benefits. If a participant does not use a postservice benefit according to subdivision 4 within seven years after completing the program, the amount of the postservice benefit shall be used to provide a postservice benefit to another eligible participant.

(d) The state shall provide an additional postservice benefit to any participant who successfully completes the program. The benefit must be a credit of five points to be added to the competitive open rating of a participant who obtains a passing grade on a civil service examination under chapter 43A. The benefit is available for five years after completing the community service.

Subd. 4. [USES OF POSTSERVICE BENEFITS.] (a) A postservice benefit for a participant provided under subdivision 3, paragraph (a), (b), or (c), must be available for ~~five~~ *seven* years after completing the program and may only be used for:

- (1) paying a student loan;
- (2) costs of attending an institution of higher education; or
- (3) *expenses incurred by a student in an approved youth apprenticeship program under chapter 126B, or in an approved apprenticeship program approved by the department of labor and industry.*

Financial assistance provided under this subdivision must be in the form of vendor payments whenever possible. Any postservice benefits provided by federal funds or vouchers may be used as a downpayment on, or closing costs for, purchasing a first home.

(b) Postservice benefits are to be used to develop skills required in occupations where numbers of jobs are likely to increase. The ~~youth works~~

~~task force~~ *commission*, in consultation with the education and employment transitions council, shall determine how the benefits may be used in order to best prepare participants with skills that build on their service learning and equip them for meaningful employment.

(c) *The postservice benefit shall not be included in determining financial need when establishing eligibility or award amounts for financial assistance programs under chapter 136A.*

Subd. 5. [LIVING ALLOWANCE.] (a) A participant in a full-time community service program shall receive a monthly stipend of *not less than* \$500. An eligible organization may provide participants with additional amounts from ~~nonfederal or~~ nonstate sources. *The amount of the living allowance may be prorated for part-time participants.*

(b) Nothing in this subdivision requires an existing program to decrease any stipend, salary, or living allowance provided to a participant under the program.

(c) In addition to the living allowance provided under paragraph (a), a grantee organization shall provide health ~~and dental~~ *and child care* coverage to each participant in a full-time youth works program who does not otherwise have access to health ~~or dental or child care~~ coverage. The state shall include the cost of group health and ~~dental child care~~ coverage in the grant to the eligible organization.

Subd. 6. [PROGRAM TRAINING.] (a) The ~~youth works task force~~ *commission* shall, within available resources, ensure an opportunity for each participant to have three weeks of training in a residential setting. If offered, each training session must:

(1) orient each participant in the nature, philosophy, and purpose of the program;

(2) build an ethic of community service through general community service training; and

(3) provide additional training as it determines necessary.

(b) Each grantee organization shall also train participants in skills relevant to the community service opportunity.

Subd. 7. [TRAINING AND EDUCATION REQUIREMENTS.] Each grantee organization shall assess the educational level of each entering participant. Each grantee shall work to enhance the educational skills of each participant. The ~~youth works task force~~ *commission* may coordinate or contract with educational institutions or other providers for educational services and evaluation. All grantees shall give priority to educating and training participants who do not have a high school diploma or its equivalent, or who cannot afford post-secondary training and education.

Sec. 8. Minnesota Statutes 1993 Supplement, section 121.708, is amended to read:

121.708 [PRIORITY.]

The ~~youth works task force~~ *commission* shall give priority to an eligible organization proposing a program that meets the goals of sections 121.704 to 121.707, and that:

(1) involves youth in a meaningful way in all stages of the program, including assessing community needs, preparing the application, and assuming postservice leadership and mentoring responsibilities;

(2) serves a community with significant unmet needs;

(3) provides an approach that is most likely to reduce arrest rates, incarceration rates, teenage pregnancy, and other indicators of troubled youth;

(4) builds linkages with existing, successful programs; and

(5) can be operational quickly.

Sec. 9. Minnesota Statutes 1993 Supplement, section 121.709, is amended to read:

121.709 [MATCH REQUIREMENTS.]

A grant awarded through the youth works program must be matched at \$2 of grant funds for at least \$1 of applicant funds. Youth works grant funds must be used for the living allowance, cost of employer taxes under sections 3111 and 3301 of the Internal Revenue Code of 1986, workers' compensation coverage, and health and dental benefits for each program participant. Applicant funds resources, from sources and in a form determined by the youth works task force commission, must be used to pay provide for crew leaders, administration, all other program operating costs, including such costs as supplies, materials, and transportation, and salaries and benefits of those staff directly involved in the operation, internal monitoring, and evaluation of the program. Administrative expenses must not exceed seven five percent of total program costs. To the extent that administrative costs are less than seven percent, an amount equal to the difference between the percent expended and seven percent shall be applied to the local match requirement in this section.

Sec. 10. Minnesota Statutes 1993 Supplement, section 121.710, is amended to read:

121.710 [EVALUATION AND REPORTING REQUIREMENTS.]

Subdivision 1. [GRANTEE ORGANIZATIONS.] Each grantee organization shall report to the youth works task force commission at the time and on the matters requested by the youth works task force commission.

Subd. 2. [INTERIM REPORT.] The youth works task force commission shall report semiannually to the legislature with interim recommendations to change the program.

Subd. 3. [FINAL REPORT.] The youth works task force commission shall present a final report to the legislature by January 1, 1998, summarizing grantee evaluations, reporting on individual participants and participating grantee organizations, and recommending any changes to improve or expand the program.

Sec. 11. Minnesota Statutes 1993 Supplement, section 121.8355, subdivision 1, is amended to read:

Subdivision 1. [ESTABLISHMENT.] (a) In order to qualify as a family services collaborative, a minimum of one school district, one county, and one public health entity must agree in writing to provide coordinated family services and commit resources to an integrated fund. Collaboratives are

expected to have broad community representation, which may include other local providers, including additional school districts, counties, and public health entities, other municipalities, *public libraries*, existing culturally specific community organizations, local health organizations, private and nonprofit service providers, child care providers, local foundations, community-based service groups, businesses, local transit authorities or other transportation providers, community action agencies under section 268.53, senior citizen volunteer organizations, and sectarian organizations that provide nonsectarian services.

(b) Community-based collaboratives composed of representatives of schools, local businesses, local units of government, parents, students, clergy, health and social services providers, youth service organizations, and existing culturally specific community organizations may plan and develop services for children and youth. A community-based collaborative must agree to collaborate with county, school district, and public health entities. Their services may include opportunities for children or youth to improve child health and development, reduce barriers to adequate school performance, improve family functioning, provide community service, enhance self esteem, and develop general employment skills.

Sec. 12. Minnesota Statutes 1993 Supplement, section 121.885, subdivision 1, is amended to read:

Subdivision 1. [SERVICE LEARNING AND WORK-BASED LEARNING PROGRAMS STUDY.] The ~~youth works task force~~ *Minnesota commission on national and community service*, established in section 121.703, shall assist the commissioner of education in studying how to combine community service activities and service learning with work-based learning programs.

Sec. 13. Minnesota Statutes 1993 Supplement, section 121.885, subdivision 2, is amended to read:

Subd. 2. [SERVICE LEARNING PROGRAMS DEVELOPED.] The commissioner, in consultation with the ~~task force~~ *commission*, shall develop a service learning program curriculum that includes a policy framework and strategies for youth community service and an infrastructure for mentoring youth. The commissioner shall include in the curriculum at least the following:

(1) youth community service strategies that enable young people to make significant contributions to the welfare of their community through such organizations as schools, colleges, government agencies, and community-based organizations or through individual efforts;

(2) mentoring strategies that enable young people to be matched with caring, responsible individuals who can encourage and guide the young people in their personal growth and development;

(3) guidelines, criteria, and procedures for community service programs that incorporate the results of the study in subdivision 1; and

(4) criteria for community service activities and service learning.

Sec. 14. Minnesota Statutes 1993 Supplement, section 121.885, subdivision 4, is amended to read:

Subd. 4. [PROGRAMS FOLLOWING YOUTH COMMUNITY SERVICE.] (a) The ~~youth works task force~~ *Minnesota commission on national and*

community service established in section 121.703, in cooperation with the commissioner and the higher education coordinating board, shall provide for those participants who successfully complete youth community service under sections 121.703 to 121.709, the following:

(1) for those who have a high school diploma or its equivalent, an opportunity to participate in a youth apprenticeship program at a community or technical college; and

(2) for those who are post-secondary students, an opportunity to participate in an educational program that supplements post-secondary courses leading to a degree or a statewide credential of academic and occupational proficiency.

(b) Participants who successfully complete a youth community service program under sections 121.704 to 121.710 are eligible to receive an education voucher as provided under section 121.707, subdivision 4. The voucher recipient may apply the voucher toward the cost of the recipient's tuition and other education-related expenses at a ~~public~~ post-secondary school under paragraph (a).

(c) ~~The youth works task force~~ *Minnesota commission on national and community service*, in cooperation with the state board of technical colleges, shall establish a mechanism to transfer credit earned in a youth apprenticeship program between the technical colleges and other post-secondary institutions offering applied associate degrees.

Sec. 15. Minnesota Statutes 1992, section 124.26, subdivision 1b, is amended to read:

Subd. 1b. [PROGRAM REQUIREMENTS.] An adult basic ~~and continuing~~ education program is a day or evening program offered by a district that is for people over 16 years of age through the 1999-2000 school year and over 18 years of age beginning with the 2000-2001 school year who do not attend an elementary or secondary school. The program offers academic instruction necessary to earn a high school diploma or equivalency certificate. Tuition and fees may not be charged *to a learner* for instruction ~~subsidized~~ *paid* under this section, except for a security deposit to assure return of materials, supplies, and equipment.

Sec. 16. Minnesota Statutes 1993 Supplement, section 124.26, subdivision 1c, is amended to read:

Subd. 1c. [PROGRAM APPROVAL.] (a) To receive aid under this section, a district, *a consortium of districts, or a nonprofit organization* must submit an application by June 1 describing the program, on a form provided by the department. The program must be approved by the commissioner according to the following criteria:

- (1) how the needs of different levels of learning will be met;
- (2) for continuing programs, an evaluation of results;
- (3) anticipated number and education level of participants;
- (4) coordination with other resources and services;
- (5) participation in a consortium, if any, and money available from other participants;
- (6) management and program design;

- (7) volunteer training and use of volunteers;
- (8) staff development services;
- (9) program sites and schedules; and
- (10) program expenditures that qualify for aid.

(b) The commissioner may ~~contract with~~ *grant adult basic education funds* to a ~~private~~, nonprofit organization to provide services that are not offered by a district or that are supplemental to a district's program. The program provided under a ~~contract~~ *this provision* must be approved *and funded* according to the same criteria used for district programs.

(c) Adult basic education programs may be approved under this subdivision for up to five years. Five-year program approval shall be granted to an applicant who has demonstrated the capacity to:

- (1) offer comprehensive learning opportunities and support service choices appropriate for and accessible to adults at all basic skill need levels;

- (2) provide a participatory and ~~experimental~~ *experiential* learning approach based on the strengths, interests, and needs of each adult, that enables adults with basic skill needs to:

- (i) identify, plan for, and evaluate their own progress toward achieving their defined educational and occupational goals;

- (ii) master the basic academic reading, writing, and computational skills, as well as the problem-solving, decision making, interpersonal effectiveness, and other life and learning skills they need to function effectively in a changing society;

- (iii) locate and be able to use the health, governmental, and social services and resources they need to improve their own and their families' lives; and

- (iv) continue their education, if they desire, to at least the level of secondary school completion, with the ability to secure and benefit from continuing education that will enable them to become more employable, productive, and responsible citizens;

- (3) plan, coordinate, and develop cooperative agreements with community resources to address the needs that the adults have for support services, such as transportation, flexible course scheduling, convenient class locations, and child care;

- (4) collaborate with business, industry, labor unions, and employment-training agencies, as well as with family and occupational education providers, to arrange for resources and services through which adults can attain economic self-sufficiency;

- (5) provide sensitive and well trained adult education personnel who participate in local, regional, and statewide adult basic education staff development events to master effective adult learning and teaching techniques;

- (6) participate in regional adult basic education peer program reviews and evaluations; and

- (7) submit accurate and timely performance and fiscal reports.

Sec. 17. Minnesota Statutes 1993 Supplement, section 124.26, subdivision 2, is amended to read:

Subd. 2. [ACCOUNTS; REVENUE; AID.] Each district or, group of districts, or nonprofit organization providing adult basic education programs shall establish and maintain accounts separate from all other district accounts for the receipt and disbursement of all funds related to these programs. All aid revenue received pursuant to this section shall be utilized solely for the purposes of adult basic education programs. In no case shall federal and state aid equal more than 100 percent of the actual cost of providing these programs.

Sec. 18. Minnesota Statutes 1992, section 124.2601, subdivision 3, is amended to read:

Subd. 3. [AID.] Adult basic education aid for each district with an eligible approved program equals 65 percent of the general education formula allowance times the number of full-time equivalent students in its adult basic education program.

Sec. 19. Minnesota Statutes 1992, section 124.2601, subdivision 5, is amended to read:

Subd. 5. [REVENUE.] Adult basic education revenue is equal to the sum of a district's an approved program's adult basic education aid and its adult basic education levy.

Sec. 20. Minnesota Statutes 1992, section 124.2601, subdivision 7, is amended to read:

Subd. 7. [PRORATION.] If the total appropriation for adult basic education aid is insufficient to pay all districts approved programs the full amount of aid earned, the department of education shall proportionately reduce each district's approved program's aid.

Sec. 21. Minnesota Statutes 1993 Supplement, section 124.2711, subdivision 1, is amended to read:

Subdivision 1. [REVENUE.] The revenue for early childhood family education programs for a school district equals \$101.25 for 1993 and later fiscal years times the greater of:

(1) 150; or

(2) the number of people under five years of age residing in the school district on ~~September~~ October 1 of the previous school year.

Sec. 22. Minnesota Statutes 1992, section 124.2711, is amended by adding a subdivision to read:

Subd. 6. [RESERVE ACCOUNT.] Early childhood family education revenue must be maintained in a reserve account within the community service fund.

Sec. 23. Minnesota Statutes 1992, section 124.2713, is amended by adding a subdivision to read:

Subd. 10. [RESERVE ACCOUNT.] Community education revenue must be maintained in a reserve account within the community service fund.

Sec. 24. Minnesota Statutes 1993 Supplement, section 124.2714, is amended to read:

124.2714 [ADDITIONAL COMMUNITY EDUCATION REVENUE.]

(a) A district that is eligible under section 124.2713, subdivision 2, may levy an amount up to the amount authorized by Minnesota Statutes 1986, section 275.125, subdivision 8, clause (2).

(b) Beginning with levies for fiscal year 1995, this levy must be reduced each year by the amount of any increase in the levying district's general community education revenue under section 124.2713, subdivision 3, for that fiscal year over the amount received by the district under section 124.2713, subdivision 3, for fiscal year 1994.

(c) The proceeds of the levy may be used for the purposes set forth in section 124.2713, subdivision 8.

Sec. 25. Minnesota Statutes 1992, section 126.23, is amended to read:

126.23 [AID FOR PRIVATE ALTERNATIVE PROGRAMS.]

If a pupil enrolls in an alternative program, eligible under section 126.22, subdivision 3, paragraph (d), or subdivision 3a, operated by a private organization that has contracted with a school district to provide educational services for eligible pupils under section 126.22, subdivision 2, the ~~resident~~ district *contracting with the private organization* must reimburse the provider an amount equal to at least 88 percent of the basic revenue of the district for each pupil attending the program full time. For a pupil attending the program part time, basic revenue paid to the program shall be reduced proportionately, according to the amount of time the pupil attends the program, and basic revenue paid to the district shall be reduced accordingly. Pupils for whom a district provides reimbursement may not be counted by the district for any purpose other than computation of basic revenue, according to section 124A.22, subdivision 2. If payment is made to a district or program for a pupil under this section, the department of education shall not make a payment for the same pupil under section 126.22, subdivision 8.

Sec. 26. Minnesota Statutes 1992, section 126.69, subdivision 1, is amended to read:

Subdivision 1. [PROGRAM GOALS.] The department of education, in consultation with the state curriculum advisory committee, must develop guidelines and model plans for parental involvement programs that will:

(1) engage the interests and talents of parents or guardians in recognizing and meeting the emotional, intellectual, and physical needs of their school-age children;

(2) promote healthy self-concepts among parents or guardians and other family members;

(3) offer parents or guardians a chance to share and learn about educational skills, techniques, and ideas;

(4) provide creative learning experiences for parents or guardians and their school-age children, including involvement from parents or guardians of color; and

(5) encourage parents to actively participate in their district's curriculum advisory committee under section 126.666 in order to assist the school board in improving children's education programs; and

(6) *encourage parents to help in promoting school desegregation/integration.*

Sec. 27. Minnesota Statutes 1992, section 126.69, subdivision 3, is amended to read:

Subd. 3. [PLAN ACTIVITIES.] Activities contained in the model plans must include:

(1) educational opportunities for families that enhance children's learning development;

(2) educational programs for parents or guardians on families' educational responsibilities and resources;

(3) the hiring, training, and use of parental involvement liaison workers to coordinate family involvement activities and to foster communication among families, educators, and students;

(4) curriculum materials and assistance in implementing home and community-based learning activities that reinforce and extend classroom instruction and student motivation;

(5) technical assistance, including training to design and carry out family involvement programs;

(6) parent resource centers;

(7) parent training programs and reasonable and necessary expenditures associated with parents' attendance at training sessions;

(8) reports to parents on children's progress;

(9) use of parents as classroom volunteers, *or as volunteers in before and after school programs for school-age children*, tutors, and aides;

(10) soliciting parents' suggestions in planning, developing, and implementing school programs;

(11) educational programs and opportunities for parents or guardians that are multicultural, gender fair, and disability sensitive; and

(12) involvement in a district's curriculum advisory committee or a school building team under section 126.666; and

(13) *opportunities for parent involvement in developing, implementing, or evaluating school and district desegregation/integration plans.*

Sec. 28. Minnesota Statutes 1992, section 127.27, subdivision 5, is amended to read:

Subd. 5. "Expulsion" means an action taken by a school board to prohibit an enrolled pupil from further attendance for a period that shall not extend beyond ~~the~~ *an amount of time equal to one school year from the date a pupil is expelled.*

Sec. 29. Minnesota Statutes 1992, section 272.02, subdivision 8, is amended to read:

Subd. 8. [PROPERTY LEASED TO SCHOOL DISTRICTS.] Property that is leased or rented to a school district is exempt from taxation if it meets the following requirements:

- (1) the lease must be for a period of at least 12 consecutive months;
- (2) the terms of the lease must require the school district to pay a nominal consideration for use of the building;
- (3) the school district must use the property to provide direct instruction in any grade from kindergarten through grade 12; special education for handicapped children; adult basic and continuing education as described in section 124.26; preschool and early childhood family education; or community education programs, including provision of administrative services directly related to the educational program at that site; and
- (4) the lease must provide that the school district has the exclusive use of the property during the lease period.

Sec. 30. Laws 1993, chapter 224, article 4, section 44, subdivision 6, is amended to read:

Subd. 6. [ADULT GRADUATION AID.] For adult graduation aid:

\$1,827,000 1994

~~\$1,986,000~~ \$2,195,000 1995

The 1994 appropriation includes \$204,000 for 1993 and \$1,623,000 for 1994.

The 1995 appropriation includes \$286,000 for 1994 and ~~\$1,700,000~~ \$1,909,000 for 1995.

In the event that the appropriation in either year is insufficient, the adult graduation aid paid to a school district and to a higher education institution shall be prorated equally.

ARTICLE 5

FACILITIES

Section 1. Minnesota Statutes 1993 Supplement, section 124.243, subdivision 8, is amended to read:

Subd. 8. [FUND TRANSFERS.] (a) Money in the account for capital expenditure facilities revenue must not be transferred into any other account or fund, except as specified in this subdivision.

(b) The school board may, by resolution, transfer money into the debt redemption fund to pay the amounts needed to meet, when due, principal and interest payments on certain obligations issued according to chapter 475.

(c) *Each fiscal year, if a district does not have any obligations outstanding under chapter 475, has not levied under section 124.239, subdivision 3 or 5, or has not received revenue under section 124.83, a school board may use up to one-third of its capital expenditure facilities revenue for equipment uses under section 124.244.*

(d) *Notwithstanding paragraph (c), a school board may transfer all or a part*

of its capital expenditure facilities revenue to its capital expenditure equipment account if:

(1) the district has only one facility and that facility is less than ten years old; or

(2) the district receives approval from the commissioner to make the transfer.

~~(d)~~ (e) In considering approval of a transfer under paragraph ~~(e)~~ (d), clause (2), the commissioner must consider the district's facility needs.

Sec. 2. Minnesota Statutes 1993 Supplement, section 124.244, subdivision 1, is amended to read:

Subdivision 1. [REVENUE AMOUNT.] (a) For fiscal years 1994 and year 1995, the capital expenditure equipment revenue for each district equals \$63 \$66 times its actual pupil units for the school year.

(b) For fiscal years 1996 and later, the capital expenditure equipment revenue for each district equals \$68 \$71 times its actual pupil units for the school year.

(c) Of a district's capital expenditure equipment revenue, \$3 times its actual pupil units for the school year shall be reserved and used according to subdivision 4, paragraph (b).

Sec. 3. Minnesota Statutes 1992, section 124.244, subdivision 4, is amended to read:

Subd. 4. [USES OF REVENUE.] (a) Capital expenditure equipment revenue may be used only for the following purposes:

(1) to pay capital expenditure equipment related assessments of any entity formed under a cooperative agreement between two or more districts;

(2) to purchase or lease computers and related materials, copying machines, telecommunications equipment, and other noninstructional equipment;

(3) to purchase or lease *assistive technology or* equipment for instructional programs;

(4) to purchase textbooks;

(5) to purchase library books; and

(6) to purchase vehicles except those for which a levy is authorized under section 124.226, subdivision 6.

(b) The reserved capital expenditure equipment revenue shall only be used to purchase or lease telecommunications equipment, computers, and related equipment for integrated information management systems for:

(1) managing and reporting learner outcome information for all students under a results-oriented graduation rule;

(2) managing student assessment, services, and achievement information required for students with individual education plans; and

(3) other classroom information management needs.

(c) *The equipment obtained with reserved revenue shall be utilized, to the greatest extent possible given available funding, on a per instructor or per classroom basis. A school district may supplement its reserved revenue with other capital expenditure equipment revenue, and cash and in-kind grants from public and private sources.*

Sec. 4. Minnesota Statutes 1992, section 124.46, subdivision 3, is amended to read:

Subd. 3. The commissioner of finance shall maintain a separate school loan bond account in the state bond fund, showing all money transferred to that fund for the payment of school loan bonds and all income received from the investment of such money. On the first day of December in each year there shall be transferred to the bond account all or so much of the money then on hand in the loan repayment account in the maximum effort school loan fund as will be sufficient, with the balance then on hand in said bond account, to pay all principal and interest then and theretofore due and to become due within the next ensuing year and to and including July 1 in the second ensuing year on school loan bonds issued and sold pursuant to this section. In the event that moneys are not available for such transfer in the full amount required, the state auditor shall levy on all taxable property within the state a tax sufficient to meet the deficiency. Such tax shall be and remain subject to no limitation of rate or amount until all school loan bonds and all interest thereon are fully paid. The proceeds of this tax are hereby irrevocably appropriated and shall be credited to the state bond fund, but the school loan bond account is appropriated as the primary source of payment of such bonds and interest, and only so much of said tax as may be necessary is appropriated for this purpose. If any principal or interest on school loan bonds should become due at any time when there is not on hand a sufficient amount from any of the sources herein appropriated for the payment thereof, it the moneys shall nevertheless be paid out of the general fund in the state treasury according to section 16A.641; and the amount necessary therefor is hereby appropriated; but any such payments shall be reimbursed from the proceeds of taxes levied as required herein, and any such payments made from taxes shall be reimbursed from the loan repayment account in the maximum effort school loan fund, when the balance therein is sufficient.

Sec. 5. Minnesota Statutes 1993 Supplement, section 124.91, subdivision 3, is amended to read:

Subd. 3. [POST-JUNE 1992 LEASE PURCHASE, INSTALLMENT BUYS.] (a) Upon application to, and approval by, the commissioner in accordance with the procedures and limits in subdivision 1, a district, as defined in this subdivision, may:

(1) purchase real or personal property under an installment contract or may lease real or personal property with an option to purchase under a lease purchase agreement, by which installment contract or lease purchase agreement title is kept by the seller or vendor or assigned to a third party as security for the purchase price, including interest, if any; and

(2) annually levy the amounts necessary to pay the district's obligations under the installment contract or lease purchase agreement.

(b)(1) The obligation created by the installment contract or the lease purchase agreement must not be included in the calculation of net debt for purposes of section 475.53, and does not constitute debt under other law.

(2) An election is not required in connection with the execution of the installment contract or the lease purchase agreement.

(c) The proceeds of the levy authorized by this subdivision must not be used to acquire a facility to be primarily used for athletic or school administration purposes.

(d) In this subdivision, "district" means:

(1) a school district required to have a comprehensive plan for the elimination of segregation whose plan has been determined by the commissioner to be in compliance with the state board of education rules relating to equality of educational opportunity and school desegregation; or

(2) a school district that participates in a joint program for interdistrict desegregation with a district defined in clause (1) if the facility acquired under this subdivision is to be primarily used for the joint program.

(e) Notwithstanding subdivision 1, the prohibition against a levy by a district to lease or rent a district-owned building to itself does not apply to levies otherwise authorized by this subdivision.

(f) Projects may be approved under this section by the commissioner in fiscal years 1993, 1994, and 1995 only.

(g) *For the purposes of this subdivision, any references in subdivision 1 to building or land shall be deemed to include personal property.*

Sec. 6. Minnesota Statutes 1993 Supplement, section 124.95, subdivision 1, is amended to read:

Subdivision 1. [DEFINITIONS.] (a) For purposes of this section, the eligible debt service revenue of a district is defined as follows:

(1) the amount needed to produce between five and six percent in excess of the amount needed to meet when due the principal and interest payments on the obligations of the district for eligible projects according to subdivision 2, including the amounts necessary for repayment of energy loans according to section 216C.37 or sections 298.292 to 298.298, debt service loans and capital loans, lease purchase payments under section 124.91, subdivisions 2 and 3, minus

(2) the amount of debt service excess levy reduction for that school year calculated according to the procedure established by the commissioner.

(b) The obligations in this paragraph are excluded from eligible debt service revenue:

(1) obligations under section 124.2445;

(2) the part of debt service principal and interest paid from the taconite environmental protection fund or northeast Minnesota economic protection trust; ~~and~~

(3) obligations issued under Laws 1991, chapter 265, article 5, section 18, as amended by Laws 1992, chapter 499, article 5, section 24; *and*

(4) *obligations under section 124.2455.*

(c) For purposes of this section, if a preexisting school district reorganized under section 122.22, 122.23, or 122.241 to 122.248 is solely responsible for

retirement of the preexisting district's bonded indebtedness, capital loans or debt service loans, debt service equalization aid must be computed separately for each of the preexisting school districts.

Sec. 7. Minnesota Statutes 1992, section 124.95, subdivision 4, is amended to read:

Subd. 4. [EQUALIZED DEBT SERVICE LEVY.] To obtain debt service equalization revenue, a district must levy an amount not to exceed the district's debt service equalization revenue times the lesser of one or the ratio of:

(1) the quotient derived by dividing the adjusted net tax capacity of the district for the year before the year the levy is certified by the actual pupil units in the district for the *school year ending in the year prior to the year the levy is certified*; to

(2) 50 percent of the equalizing factor as defined in section 124A.02, subdivision 8, for the year to which the levy is attributable.

Sec. 8. Minnesota Statutes 1992, section 475.61, subdivision 4, is amended to read:

Subd. 4. [SURPLUS FUNDS.] (a) All such taxes shall be collected and remitted to the municipality by the county treasurer as other taxes are collected and remitted, and shall be used only for payment of the obligations on account of which levied or to repay advances from other funds used for such payments, except that any surplus remaining in the debt service fund when the obligations and interest thereon are paid may be appropriated to any other general purpose by the municipality. However, the amount of any surplus remaining in the debt service fund of a school district when the obligations and interest thereon are paid shall be used to reduce the general education levy authorized pursuant to section 124A.23 and the state aids authorized pursuant to chapters 124, 124A, and 273.

(b) *The reduction to state aids equals the lesser of (1) the amount of the surplus times the ratio of the district's debt service equalization aid to the district's debt service equalization revenue for the last year that the district qualified for debt service equalization aid; or (2) the district's cumulative amount of debt service equalization aid.*

(c) *The reduction to the general education levy equals the total amount of the surplus minus the reduction to state aids.*

Sec. 9. Laws 1993, chapter 224, article 5, section 43, is amended to read as follows:

Sec. 43. [EXCEPTION TO LEASE LIMIT LEASE SPACE; EDUCATIONAL PURPOSES.]

Subdivision 1. [LEASE SPACE; BONDS.] The city of Rollingstone may issue revenue bonds in accordance with Minnesota Statutes, chapter 475, except as otherwise provided in this section, to finance the acquisition, construction, and equipping of a facility to be leased for educational purposes.

Subd. 2. [EXCEPTION TO LEASE LIMIT.] Notwithstanding any law to the contrary, independent school district No. 861, Winona, may enter into an

agreement, for the number of years stated in the agreement, with the city of Rollingstone to lease space for educational purposes.

Subd. 3. [PAYMENTS; LEVY.] (a) The payments required to be made by the district under the agreement described in subdivision 2 are fixed for the term of the agreement, except as otherwise provided therein. Upon approval of the agreement described in subdivision 2 by the commissioner of education and the district, the district may shall levy for as many years as required under the agreement a tax in the amount and at the times necessary to make payments required by the agreement in accordance with Minnesota Statutes, section 475.61. The payments shall be a general obligation of the district and are not subject to Minnesota Statutes, section 475.58.

(b) To obtain approval for the agreement described in subdivision 2 from the commissioner, the district must demonstrate substantial collaboration with the city in the use of the facility. The city must also agree to contribute \$100,000 toward the cost of the education portion of the facility. The amount of the levy shall be annually included in the district's debt service levy under Minnesota Statutes, section 124.95, subdivision 1, for purposes of determining the district's debt service equalization aid.

Sec. 10. Laws 1993, chapter 224, article 5, section 46, subdivision 2, is amended to read:

Subd. 2. [CAPITAL EXPENDITURE FACILITIES AID.] For capital expenditure facilities aid according to Minnesota Statutes, section 124.243, subdivision 5:

~~\$73,290,000~~ \$73,390,000 1994

~~\$75,980,000~~ \$76,198,000 1995

The 1994 appropriation includes \$10,730,000 for 1993 and ~~\$62,560,000~~ \$62,660,000 for 1994.

The 1995 appropriation includes ~~\$11,040,000~~ \$11,058,000 for 1994 and ~~\$64,940,000~~ \$65,140,000 for 1995.

Sec. 11. Laws 1993, chapter 224, article 5, section 46, subdivision 3, is amended to read:

Subd. 3. [CAPITAL EXPENDITURE EQUIPMENT AID.] For capital expenditure equipment aid according to Minnesota Statutes, section 124.244, subdivision 3:

~~\$36,049,000~~ \$36,098,000 1994

~~\$37,390,000~~ \$38,998,000 1995

The 1994 appropriation includes \$5,279,000 for 1993 and ~~\$30,720,000~~ \$30,819,000 for 1994.

The 1995 appropriation includes ~~\$5,430,000~~ \$5,439,000 for 1994 and ~~\$31,960,000~~ \$33,559,000 for 1995.

Sec. 12. Laws 1993, chapter 224, article 5, section 46, subdivision 4, is amended to read:

Subd. 4. [HEALTH AND SAFETY AID.] (a) For health and safety aid according to Minnesota Statutes, section 124.83, subdivision 5:

\$11,260,000 1994

\$18,924,000 1995

The 1994 appropriation includes \$1,256,000 for 1993 and \$10,004,000 for 1994.

The 1995 appropriation includes \$1,694,000 for 1994 and \$17,230,000 for 1995.

(b) \$400,000 in fiscal year 1994 and \$400,000 in fiscal year 1995 is for health and safety management assistance contracts under section 24.

(c) \$60,000 of each year's appropriation shall be used to contract with the state fire marshal to provide services under Minnesota Statutes, section 121.502. This amount is in addition to the amount for this purpose in article 11.

(d) For fiscal year 1995, the sum of total health and safety revenue and levies under section 3 may not exceed \$64,000,000. The state board of education shall establish criteria for prioritizing district health and safety project applications not to exceed this amount.

(e) Notwithstanding section 124.14, subdivision 7, the commissioner of education, with the approval of the commissioner of finance, may transfer a projected excess in the appropriation for health and safety aid for fiscal year 1995 to the appropriation for debt service aid for the same fiscal year. The projected excess amount ~~and~~, the projected deficit in the appropriation for debt service aid, ~~and the amount of the transfer must be determined and the transfer made~~ as of November 1, ~~1994~~ 1993. *The projections and the amount of the transfer may be revised to reflect corrected data as of June 1, 1994. The transfer must be made as of July 1, 1994.* The amount of the transfer is limited to the lesser of the projected excess in the health and safety appropriation or the projected deficit in the appropriation for debt service aid. Any transfer must be reported immediately to the education committees of the house of representatives and senate.

Sec. 13. [FLOODWOOD.]

Subdivision 1. [HEALTH AND SAFETY REVENUE EXPENDITURE.] Notwithstanding Minnesota Statutes, section 124.83, subdivision 6, independent school district No. 698, Floodwood, may expend health and safety revenue for the construction of new facilities.

Subd. 2. [FUND TRANSFER.] Notwithstanding Minnesota Statutes, sections 121.912, 121.9121, and 124.243, subdivision 8, or any other law, independent school district No. 698, Floodwood, may permanently transfer any amount from its health and safety and facilities accounts in its capital expenditure fund to its building construction fund.

Subd. 3. [DATE OF TRANSFER.] Independent school district No. 698, Floodwood, may make the fund transfer according to subdivision 2 only after the school district has held a successful referendum for the sale of bonds according to the provisions of Minnesota Statutes, chapter 475.

Sec. 14. [INDEPENDENT SCHOOL DISTRICT NO. 2170; MOTLEY-STAPLES, REFERENDUM REVENUE RECOGNITION.]

Notwithstanding Minnesota Statutes, section 121.912 or 121.9121, before July 1, 1996, independent school district No. 2170, Motley-Staples, may recognize as revenue in the capital expenditure fund up to \$800,000 of referendum revenue received pursuant to Minnesota Statutes, section 124A.03.

Sec. 15. [INCREASE IN AUTHORIZATION.]

Notwithstanding any other law to the contrary, the approved amount of indebtedness authorized by the electors of independent school district No. 38, Red Lake, on December 10, 1991, may be increased by resolution of the board of directors of independent school district No. 38, Red Lake, from \$9,926,070 to an amount not to exceed \$10,075,000.

Sec. 16. [NASHWAUK-KEEWATIN; HEALTH AND SAFETY REVENUE.]

Notwithstanding the revenue limitation in Laws 1991, chapter 265, article 5, section 24, subdivision 4, for independent school district No. 319, Nashwauk-Keewatin, the full amount of authority for health and safety projects approved by the commissioner of education may be expended in fiscal year 1993, 1994, or 1995.

Sec. 17. [NASHWAUK-KEEWATIN; HEALTH AND SAFETY REVENUE USE VARIANCE.]

Notwithstanding Minnesota Statutes, section 124.83, subdivision 6, upon approval of the commissioner of education, independent school district No. 319, Nashwauk-Keewatin, may use its health and safety revenue in fiscal years 1994 and 1995 to relocate its vocational center to a Nashwauk-Keewatin high school garage.

Sec. 18. [CASS LAKE; CAPITAL LOAN CONTRACT DEADLINE EXTENSION.]

Notwithstanding Minnesota Statutes 1993 Supplement, section 124.431, subdivision 1, for a capital loan granted to independent school district No. 115, Cass Lake, contracts must be entered into within 42 months after the date on which the loan is granted.

Sec. 19. [ADDITIONAL CAPITAL EXPENDITURE EQUIPMENT REVENUE.]

Notwithstanding Minnesota Statutes, section 121.904, the entire portion of the revenue attributable to the increase in capital expenditure equipment revenue for fiscal year 1995 according to section 2 [124.244, subdivision 1], shall be recognized as revenue for the fiscal year in which the levy is certified. This levy shall not be considered in computing the aid reduction under Minnesota Statutes, section 124.155.

Sec. 20. [APPROPRIATION.]

\$100,000 is appropriated from the general fund in fiscal year 1995 to the department of education for a grant and administrative expenses to facilitate a joint elementary facility for independent school district Nos. 622, North St. Paul-Maplewood; 833, South Washington County; and 834, Stillwater, that is continuous progress, performance-based, collaboratively developed, and operated year-round. The districts must report to the education committees of the legislature on the progress of the project by March 1, 1995.

Sec. 21. [EFFECTIVE DATE.]

Section 18 [Cass Lake] is effective retroactive to July 1, 1993.

ARTICLE 6

EDUCATION ORGANIZATION AND COOPERATION

Section 1. Minnesota Statutes 1993 Supplement, section 121.904, subdivision 4a, is amended to read:

Subd. 4a. [LEVY RECOGNITION.] (a) "School district tax settlement revenue" means the current, delinquent, and manufactured home property tax receipts collected by the county and distributed to the school district, including distributions made pursuant to section 279.37, subdivision 7, and excluding the amount levied pursuant to ~~sections 124.2721, subdivision 3; 124.575, subdivision 3; and section 124.914, subdivision 1; and Laws 1976, chapter 20, section 4.~~

(b) In June of each year, the school district shall recognize as revenue, in the fund for which the levy was made, the lesser of:

(1) the May, June, and July school district tax settlement revenue received in that calendar year; or

(2) the sum of the state aids and credits enumerated in section 124.155, subdivision 2, which are for the fiscal year payable in that fiscal year plus an amount equal to the levy recognized as revenue in June of the prior year plus 50.0 percent of the amount of the levy certified in the prior calendar year according to section 124A.03, subdivision 2, plus or minus auditor's adjustments, not including levy portions that are assumed by the state; or

(3) 50.0 percent of the amount of the levy certified in the prior calendar year, plus or minus auditor's adjustments, not including levy portions that are assumed by the state, which remains after subtracting, by fund, the amounts levied for the following purposes:

(i) reducing or eliminating projected deficits in the reserved fund balance accounts for unemployment insurance and bus purchases;

(ii) statutory operating debt pursuant to section 124.914, subdivision 1, and ~~Laws 1976, chapter 20, section 4;~~

(iii) retirement and severance pay pursuant to sections 122.531, subdivision 9, 124.2725, subdivision 15, 124.4945, 124.912, subdivision 1, and 124.916, subdivision 3, and Laws 1975, chapter 261, section 4;

(iv) amounts levied for bonds issued and interest thereon, amounts levied for debt service loans and capital loans, amounts levied for down payments under section 124.82, subdivision 3, and amounts levied pursuant to section 136C.411; and

(v) amounts levied under section 124.755.

(c) In July of each year, the school district shall recognize as revenue that portion of the school district tax settlement revenue received in that calendar year and not recognized as revenue for the previous fiscal year pursuant to clause (b).

(d) All other school district tax settlement revenue shall be recognized as revenue in the fiscal year of the settlement. Portions of the school district levy assumed by the state, including prior year adjustments and the amount to fund the school portion of the reimbursement made pursuant to section 273.425, shall be recognized as revenue in the fiscal year beginning in the calendar year for which the levy is payable.

Sec. 2. Minnesota Statutes 1992, section 121.935, subdivision 6, is amended to read:

Subd. 6. [FEES.] Regional management information centers may charge fees to affiliated districts for the cost of services provided to the district and the district's proportionate share of outstanding regional obligations, as defined in section 475.51, for computer hardware. If a district uses a state approved alternative finance system for processing its detailed transactions or transfers to another region, the district is liable for its contracted proportionate share of the outstanding regional obligation. The district is not liable for any additional outstanding regional obligations that occur after written notice is given to transfer or use an alternative finance system. A regional management information center must not charge a district for transferring the district's summary financial data and essential data elements to the state. The regional management information center may charge the district for any service it provides to, or performs on behalf of, a district to render the data in the proper format for reporting to the state.

Sec. 3. Minnesota Statutes 1992, section 122.23, subdivision 6, is amended to read:

Subd. 6. The state board commissioner shall, upon receipt of a plat, forthwith examine it and approve, modify or reject it. The state board commissioner shall also approve or reject any proposal contained in the resolution or petition regarding the disposition of the bonded debt of the component districts. If the plat shows the boundaries of proposed separate election districts and if the state board commissioner modifies the plat, the state board commissioner shall also modify the boundaries of the proposed separate election districts. Prior thereto the state board or a member thereof or The commissioner or assistant commissioner as designated by the state board shall conduct a hearing at the nearest county seat in the area upon reasonable notice to the affected districts and county boards if requested within 20 days after submission of the plat. Such a hearing may be requested by the board of any affected district, a county board of commissioners, or the petition of 20 resident voters living within the area proposed for consolidation. The state board commissioner shall endorse on the plat its action regarding any proposal for the disposition of the bonded debt of component districts and its the reasons for its these actions and within 60 days of the date of the receipt of the plat, it the commissioner shall return it to the county auditor who submitted it. The state board commissioner shall furnish a copy of that plat, and the supporting statement and its endorsement to the auditor of each county containing any land area of the proposed new district. If land area of a particular county was included in the plat, as submitted by the county auditor, and all of such land area is excluded in the plat as modified and approved, the state board commissioner shall also furnish a copy of the modified plat, supporting statement, and its any endorsement to the auditor of such county.

Sec. 4. Minnesota Statutes 1992, section 122.23, subdivision 8, is amended to read:

Subd. 8. The board of any independent district maintaining a secondary

school, the board of any common district maintaining a secondary school, all or part of whose land is included in the proposed new district, shall, within 45 days of the approval of the plat by the ~~state board~~ *commissioner*, either adopt or reject the plan as proposed in the approved plat. If the board of any such district entitled to act on the petition rejects the proposal, the proceedings are terminated and dismissed. If any board fails to act on the plat within the time allowed, the proceedings are terminated.

Sec. 5. Minnesota Statutes 1992, section 122.23, subdivision 10, is amended to read:

Subd. 10. If an approved plat contains land area in any district not entitled to act on approval or rejection of the plat by action of its board, the plat may be approved by the residents of the land area within 60 days of approval of plat by the ~~state board~~ *commissioner* in the following manner:

A petition calling upon the county auditor to call and conduct an election on the question of adoption or rejection of the plat may be circulated in the land area by any person residing in the area. Upon the filing of the petition with the county auditor, executed by at least 25 percent of the eligible voters in each district or part of a district contained in the land area, the county auditor shall forthwith call and conduct a special election of the electors resident in the whole land area on the question of adoption of the plat. For the purposes of this section, the term "electors resident in the whole land area" means any person residing on any remaining portion of land, a part of which is included in the consolidation plat. Any eligible voter owning land included in the plat who lives upon land adjacent or contiguous to that part of the voter's land included in the plat shall be included and counted in computing the 25 percent of the eligible voters necessary to sign the petition and shall also be qualified to sign the petition. Failure to file the petition within 60 days of approval of the plat by the ~~state board~~ *commissioner* terminates the proceedings.

Sec. 6. Minnesota Statutes 1992, section 122.23, subdivision 13, is amended to read:

Subd. 13. If a majority of the votes cast on the question at the election approve the consolidation, and if the necessary approving resolutions of boards entitled to act on the plat have been adopted, the school board shall, within ten days of the election, notify the county auditor who shall, within ten days of the notice or of the expiration of the period during which an election can be called, issue an order setting a date for the effective date of the change. The effective date shall be July 1 of an ~~odd-numbered year, unless an even-numbered year is agreed upon according to subdivision 13a~~ *the year determined by the school board in the original resolution adopted under subdivision 2*. The auditor shall mail or deliver a copy of such order to each auditor holding a copy of the plat and to the clerk of each district affected by the order and to the commissioner. The school board shall similarly notify the county auditor if the election fails. The proceedings are then terminated and the county auditor shall so notify the commissioner and the auditors and the clerk of each school district affected.

Sec. 7. Minnesota Statutes 1992, section 122.23, is amended by adding a subdivision to read:

Subd. 20. [RETIREMENT INCENTIVES.] (a) A school board of a consolidated district may offer early retirement incentives to licensed and nonlicensed staff. The early retirement incentives that the board may offer are:

(1) the payment of employer pension plan contributions for a specified

period of allowable service credit for district employees who have at least ten years of allowable service credit in the applicable pension plan under paragraph (b);

(2) an extended leave of absence for an eligible employee under section 125.60;

(3) severance payment incentives under paragraph (c); and

(4) the employer payment of the premiums for continued health insurance coverage under paragraph (d).

These incentives may only be offered to employees who terminate active employment with the school district or who enter into an extended leave of absence as a result of the consolidation, whichever applies. The board may determine the staff to whom the incentives are offered. Unilateral implementation of this section by a school board is not an unfair labor practice under chapter 179A.

(b) An employee with at least ten years of allowable service credit in the applicable pension plan who is offered an early retirement incentive under paragraph (a), clause (1), may purchase up to five additional years of allowable service credit from the applicable pension plan. To do so, the former employee must pay the member contributions to the pension plan annually in a manner and in accord with a schedule specified by the executive director of the applicable fund. If the former employee makes the member contribution, the board shall make the applicable employer contribution. The salary used to determine these contributions is the salary of the person in the last year that the former employee was employed by the district. During the period of continuing member and employer contributions, the person is not considered to be an active member of the applicable pension plan, is not eligible for any active member disability or survivorship benefit coverage, and is not included in any postemployment termination benefit plan changes unless the applicable benefit legislation provides otherwise. Continued eligibility to purchase service credit under this paragraph expires if the person is subsequently employed during the service purchase period by a public employer with retirement coverage under a pension plan specified in section 356.30, subdivision 3.

(c) Severance payment incentives must conform with sections 465.72, 465.721, and 465.722.

(d) The board may offer a former employee continued employer-paid health insurance coverage. Coverage may not extend beyond age 65 or the end of the first month in which the employee is eligible for employer-paid health insurance coverage from a new employer. For purposes of this subdivision, "employer-paid health insurance coverage" means medical, hospitalization, or health insurance coverage provided through an insurance company that is licensed to do business in the state and for which the employing unit pays more than one-half of the cost of the insurance premiums.

Sec. 8. Minnesota Statutes 1992, section 122.531, subdivision 9, is amended to read:

Subd. 9. [LEVY FOR SEVERANCE PAY OR EARLY RETIREMENT INCENTIVES.] The school board of a newly created or enlarged district, to which part or all of a dissolved district was attached according to section 122.22 ~~or 122.23~~, may levy for severance pay or early retirement incentives

for licensed and nonlicensed employees who resign or retire early as a result of the dissolution or consolidation, if the commissioner of education approves the incentives and the amount to be levied. The amount may be levied over a period of up to five years and shall be spread in whole or in part on the property of a preexisting district or the newly created or enlarged district, as determined by the school board of the newly created or enlarged district.

Sec. 9. Minnesota Statutes 1992, section 122.533, is amended to read:

122.533 [EXPENSES OF TRANSITION.]

The newly elected board of a newly created district pursuant to section 122.23 or the board of a district to which a dissolved district is attached pursuant to section 122.22, may, for the purpose of paying the expenses of negotiations and other administrative expenses relating to the transition, enter into agreements with banks or any person to take its orders at any rate of interest not to exceed seven percent per annum. These orders shall be paid by the treasurer of the district from district funds after the effective date of the consolidation or dissolution and attachment. Notwithstanding the provisions of sections 124.226, 124.2716, 124.91, 124.912, 124.914, 124.916, 124.918, and 136C.411, the district may, in the year the consolidation or dissolution and attachment becomes effective, levy an amount equal to the amount of the orders issued pursuant to this subdivision and the interest on these orders. No district shall issue orders for funds or make a levy pursuant to this subdivision without the commissioner's approval of the expenses to be paid with the funds from the orders and levy.

Sec. 10. [122.98] [COOPERATIVE UNIT INSURANCE POOLS.]

Any cooperative unit defined in section 123.35, subdivision 19b, that directly manages a health insurance pool or provides health insurance coverage through an insurance pool as a service to members must create a labor-management committee representative of the groups covered by the pool to advise the governmental unit on management matters of the coverage.

Sec. 11. Minnesota Statutes 1992, section 123.35, subdivision 19a, is amended to read:

Subd. 19a. [LIMITATION ON PARTICIPATION AND FINANCIAL SUPPORT.] (a) No school district shall be required by any type of formal or informal agreement, including a joint powers agreement, or otherwise membership in any cooperative unit defined in subdivision 19b, paragraph (c), to participate in or provide financial support for the purposes of the agreement for a time period in excess of one fiscal year, or the time period set forth in this subdivision. Any agreement, part of an agreement, or other type of requirement to the contrary is void.

(b) This subdivision shall not affect the continued liability of a school district for its share of bonded indebtedness or other debt incurred as a result of any agreement before July 1, 1993. The school district is liable only until the obligation or debt is discharged and only according to the payment schedule in effect on July 1, 1993, except that the payment schedule may be altered for the purpose of restructuring debt or refunding bonds outstanding on July 1, 1993, if the annual payments of the school district are not increased and if the total obligation of the school district for its share of outstanding bonds or other debt is not increased.

(c) To cease participating in or providing financial support for any of the services or activities relating to the agreement or to terminate participation in the agreement, the school board shall adopt a resolution and notify other parties to the agreement of its decision on or before February 1 of any year. The cessation or withdrawal shall be effective June 30 of the same year ~~or~~, *except that for a member of an education district organized under sections 122.91 to 122.95 or an intermediate district organized under chapter 136D, cessation or withdrawal shall be effective June 30 of the following fiscal year.* At the option of the school board, *cessation or withdrawal may be effective June 30 of the following fiscal year for a district participating in any type of agreement.*

(d) Before issuing bonds or incurring other debt, the governing body responsible for implementing the agreement shall adopt a resolution proposing to issue bonds or incur other debt and the proposed financial effect of the bonds or other debt upon each participating district. The resolution shall be adopted within a time sufficient to allow the school board to adopt a resolution within the time permitted by this paragraph and to comply with the statutory deadlines set forth in sections 122.895, 125.12, and 125.17. The governing body responsible for implementing the agreement shall notify each participating school board of the contents of the resolution. Within 120 days of receiving the resolution of the governing body, the school board of the participating district shall adopt a resolution stating:

- (1) its concurrence with issuing bonds or incurring other debt;
- (2) its intention to cease participating in or providing financial support for the service or activity related to the bonds or other debt; or
- (3) its intention to terminate participation in the agreement.

A school board adopting a resolution according to clause (1) is liable for its share of bonded indebtedness or other debt as proposed by the governing body implementing the agreement. A school board adopting a resolution according to clause (2) is not liable for the bonded indebtedness or other debt, as proposed by the governing body, related to the services or activities in which the district ceases participating or providing financial support. A school board adopting a resolution according to clause (3) is not liable for the bonded indebtedness or other debt proposed by the governing body implementing the agreement.

(e) After July 1, 1993, a district is liable according to paragraph (d) for its share of bonded indebtedness or other debt incurred by the governing body implementing the agreement to the extent that the bonds or other debt are directly related to the services or activities in which the district participates or for which the district provides financial support. The district has continued liability only until the obligation or debt is discharged and only according to the payment schedule in effect at the time the governing body implementing the agreement provides notice to the school board, except that the payment schedule may be altered for the purpose of refunding the outstanding bonds or restructuring other debt if the annual payments of the district are not increased and if the total obligation of the district for the outstanding bonds or other debt is not increased.

Sec. 12. Minnesota Statutes 1992, section 123.35, is amended by adding a subdivision to read:

Subd. 19b. [WITHDRAWING FROM COOPERATIVE.] If a school district withdraws from a cooperative unit defined in paragraph (c), the distribution of assets and assignment of liabilities to the withdrawing district shall be determined according to this subdivision.

(a) The withdrawing district remains responsible for its share of bonded debt incurred by the cooperative unit according to subdivision 19a. The school district and cooperative unit may mutually agree, through a board resolution by each, to terms and conditions of the distribution of assets purchased with the proceeds of bonds, assignment of liabilities for outstanding bond obligations, and the distribution of detached equipment. If the cooperative unit and the school district cannot agree on the terms and conditions, the commissioner of education shall resolve the dispute.

(b) The school district and cooperative unit may mutually agree, through a board resolution by each, to the terms and conditions of the distribution of assets and assignment of liabilities not acquired with the proceeds of bonds. The assets shall not include detached equipment. If the cooperative unit and the school district cannot agree on the terms and conditions, the withdrawing district shall receive a proportionate share of assets and liabilities. The commissioner shall develop the method used to determine the share. The assets shall be disbursed to the withdrawing district in a manner that minimizes financial disruption to the cooperative unit.

(c) For the purposes of this section, a cooperative unit is:

- (1) an education district organized under sections 122.91 to 122.95;*
- (2) a cooperative vocational center organized under section 123.351;*
- (3) an intermediate district organized under chapter 136D;*
- (4) an educational cooperative service unit organized under section 123.58;*
- (5) a regional management information center organized under section 121.935; or*
- (6) a joint powers district organized according to section 471.59.*

Sec. 13. Minnesota Statutes 1992, section 123.35, is amended by adding a subdivision to read:

Subd. 21. [APPEAL TO COMMISSIONER.] If a cooperative unit as defined in subdivision 19b, paragraph (c), denies membership in the unit to a school district, the school district may appeal to the commissioner of education. The commissioner may require the cooperative unit to grant the district membership.

Sec. 14. Minnesota Statutes 1993 Supplement, section 123.351, subdivision 8, is amended to read:

Subd. 8. [ADDITION AND WITHDRAWAL OF DISTRICTS.] Upon approval by majority vote of a school board, and of the center board, and of the commissioner, an adjoining school district may become a member in the center and be governed by the provisions of this section and the agreement in effect.

Any participating district may withdraw from the center and from the agreement in effect by a majority vote of the full board membership of the participating school district desiring withdrawal and upon compliance with

provisions in the agreement establishing the center. Upon receipt of the withdrawal resolution reciting the necessary facts, the center board shall file a certified copy with the county auditors of the counties affected. The withdrawal shall become effective at the end of the next following school year but the withdrawal shall not affect the continued liability of the withdrawing district for bonded indebtedness it incurred prior to the effective withdrawal date.

Sec. 15. Minnesota Statutes 1992, section 123.58, subdivision 2, is amended to read:

Subd. 2. [ESTABLISHMENT OF EDUCATIONAL COOPERATIVE SERVICE UNITS.] (a) In furtherance of this policy, ten educational cooperative service units are ~~designated~~ established. Each unit, ~~should it become operational,~~ shall be termed an educational cooperative service unit, hereafter designated as an ECSU. Geographical boundaries for each ECSU shall coincide with those identified in governor's executive orders 8, dated September 1, 1971, and 59, dated May 29, 1973, issued pursuant to the regional development act of 1969, Minnesota Statutes, sections 462.381 to 462.397, with the following exceptions:

(i) (1) development regions one and two shall be combined to form a single ECSU;

(ii) (2) development regions six east and six west shall be combined to form a single ECSU;

(iii) (3) development regions seven east and seven west shall be combined to form a single ECSU.

(b) The ECSU shall cooperate with the regional development commission for the region with which its boundaries coincide but shall not be responsible to nor governed by that regional development commission.

(c) The geographic location of the central administrative office of a school district shall determine the membership of the total school district in a particular ECSU. Existing school district boundaries shall not be altered as a result of this section.

(d) Notwithstanding paragraphs (a), (b), and (c), a school district may become a full member of an ECSU other than the one in which its central administrative office is located if the district is a member of an education district or a participant in another cooperative agreement, and more than half of the member districts of the education district or participants in the cooperative agreement are members of another ECSU.

(e) Two or more identified ECSU units may, upon approval by a majority of school boards of participating school districts in each affected ECSU, be combined and administered as a single ECSU unit but state assistance shall be allocated on the basis of two or more ECSU units.

(f) The initial organization of each ECSU may occur only upon petition to the state board of education by a majority of all school districts in an ECSU. The state board of education shall, upon receipt of this petition, invite representation from all public school districts and shall encourage the participation of nonpublic school administrative units to the extent allowed by law in an ECSU at a regional meeting. The state board of education shall then

assist in the necessary organizational activities for establishment of an ECSU pursuant to the requirements of this section.

Sec. 16. Minnesota Statutes 1992, section 123.58, subdivision 4, is amended to read:

Subd. 4. [MEMBERSHIP AND PARTICIPATION.] Full membership in an ECSU shall be limited to public school districts of the state but nonvoting associate memberships shall be available to nonpublic school administrative units within the ECSU. *A school district may belong to one or more ECSUs.* Participation in programs and services provided by the ECSU shall be discretionary. No school district shall be compelled to participate in these services under authority of this section. ~~However, all school districts whose central administrative offices are within that ECSU whose boundaries coincide with those of development region 11 shall participate in the planning and planning research functions of that ECSU. All of the members of an education district shall belong to the same ECSU, if any members belong to an ECSU. No planning or planning research decision of that ECSU shall be binding on these region 11 districts.~~ Nonpublic school students and personnel are encouraged to participate in programs and services to the extent allowed by law.

Sec. 17. Minnesota Statutes 1993 Supplement, section 123.58, subdivision 6, is amended to read:

Subd. 6. [DUTIES AND POWERS OF ECSU BOARD OF DIRECTORS.] The board of directors shall have authority to maintain and operate an ECSU. Subject to the availability of necessary resources, the powers and duties of this board shall include the following:

(a) The board of directors shall submit ~~within 90 days after the filing of the initial petition with the state board of education and~~ by June 1 of each year thereafter to the commissioner and to each participating school district an annual plan which describes the objectives and procedures to be implemented in assisting in resolution of the educational needs of the ECSU. In formulating the plan the board is encouraged to consider: (1) the number of dropouts of school age in the ECSU area and the reasons for the dropouts; (2) existing programs within participating districts for dropouts and potential dropouts; (3) existing programs of the ECSU for dropouts and potential dropouts and (4) program needs of dropouts and potential dropouts in the area served by the ECSU.

(b) The ECSU board of directors may provide adequate office, service center, and administrative facilities by lease, purchase, gift, or otherwise, subject to the review of the commissioner as to the adequacy of the facilities proposed.

(c) The ECSU board of directors may employ a central administrative staff and other personnel as necessary to provide and support the agreed upon programs and services. The board may discharge staff and personnel pursuant to provisions of law applicable to independent school districts. ECSU staff and personnel may participate in retirement programs and any other programs available to public school staff and personnel.

(d) The ECSU board of directors may appoint special advisory committees composed of superintendents, central office personnel, building principals, teachers, parents and lay persons.

(e) The ECSU board of directors may employ service area personnel pursuant to licensure standards developed by the state board and the board of teaching.

(f) The ECSU board of directors may enter into contracts with school boards of local districts including school districts outside the ECSU area.

(g) The ECSU board of directors may enter into contracts with other public and private agencies and institutions which may include, but are not limited to, contracts with Minnesota institutions of higher education to provide administrative staff and other personnel as necessary to furnish and support the agreed upon programs and services.

(h) The ECSU board of directors shall exercise all powers and carry out all duties delegated to it by participating local school districts under provisions of the ECSU bylaws. The ECSU board of directors shall be governed, when not otherwise provided, by the provisions of law applicable to independent school districts of the state.

(i) The ECSU board of directors shall submit an annual evaluation report of the effectiveness of programs and services to the school districts and nonpublic school administrative units within the ECSU ~~and the commissioner~~ by September 1 of each year following the school year in which the program and services were provided.

(j) The ECSU board is encouraged to establish cooperative, working relationships with post-secondary educational institutions in the state.

Sec. 18. Minnesota Statutes 1993 Supplement, section 123.58, subdivision 7, is amended to read:

Subd. 7. [APPOINTMENT OF AN ADVISORY COUNCIL.] There shall be an advisory council selected to give advice and counsel to the ECSU board of directors. This council shall be composed of superintendents, central office personnel, principals, teachers, parents, and lay persons. Nonpublic school administrative units are encouraged to participate on the council to the extent allowed by law. ~~A plan detailing procedures for selection of membership in this council shall be submitted by the ECSU board of directors to the commissioner.~~

Sec. 19. Minnesota Statutes 1993 Supplement, section 123.58, subdivision 8, is amended to read:

Subd. 8. [EDUCATIONAL PROGRAMS AND SERVICES.] ~~Pursuant to subdivision 6, and rules of the state board of education,~~ The board of directors of each operational ECSU shall submit annually a plan to the public school districts ~~and nonpublic school administrative units~~ within the ECSU, ~~the nonpublic school administrative units, and the commissioner.~~ The plan shall identify the programs and services which are suggested for implementation by the ECSU during the following school year and shall contain components of long range planning determined by the ECSU ~~in cooperation with the commissioner and other appropriate agencies.~~ ~~The commissioner may review and recommend modification of the proposed plan and conduct ongoing program reviews.~~ These programs and services may include, but are not limited to, the following areas:

- (a) Administrative services and purchasing
- (b) Curriculum development

- (c) Data processing
- (d) Educational television
- (e) Evaluation and research
- (f) In-service training
- (g) Media centers
- (h) Publication and dissemination of materials
- (i) Pupil personnel services
- (j) Regional planning, joint use of facilities, and flexible and year-round school scheduling
- (k) Secondary, post-secondary, community, adult, and adult vocational education
- (l) Individualized instruction and services, including services for students with special talents and special needs
- (m) Teacher personnel services
- (n) Vocational rehabilitation
- (o) Health, diagnostic, and child development services and centers
- (p) Leadership or direction in early childhood and family education
- (q) Community services
- (r) Shared time programs.

Sec. 20. Minnesota Statutes 1993 Supplement, section 123.58, subdivision 9, is amended to read:

Subd. 9. [FINANCIAL SUPPORT FOR THE EDUCATIONAL COOPERATIVE SERVICE UNITS.] (a) Financial support for ECSU programs and services shall be provided by participating local school districts and nonpublic school administrative units with private, state and federal financial support supplementing as available. The ECSU board of directors may, in each year, for the purpose of paying any administrative, planning, operating, or capital expenses incurred or to be incurred, assess and certify to each participating school district and nonpublic school administrative unit its proportionate share of any and all expenses. This share shall be based upon the extent of participation by each district or nonpublic school administrative unit and shall be in the form of a service fee. Each participating district and nonpublic school administrative unit shall remit its assessment to the ECSU board as provided in the ECSU bylaws. The assessments shall be paid within the maximum levy limitations of each participating district. No participating school district or nonpublic school administrative unit shall have any additional liability for the debts or obligations of the ECSU except that assessment which has been certified as its proportionate share or any other liability the school district or nonpublic school administrative unit ~~agrees to assume~~ *assumes under section 123.35, subdivision 19b.*

(b) Any property acquired by the ECSU board is public property to be used for essential public and governmental purposes which shall be exempt from all taxes and special assessments levied by a city, county, state or political

subdivision thereof. If the ECSU is dissolved, its property must be distributed to the member public school districts at the time of the dissolution.

(c) A school district or nonpublic school administrative unit may elect to withdraw from participation in the ECSU by a majority vote of its full board membership and upon compliance with the applicable withdrawal provisions of the ECSU organizational agreement. ~~Upon receipt of the withdrawal resolution reciting the necessary facts, the ECSU board shall file a certified copy with the commissioner.~~ The withdrawal shall be effective on the June 30 following receipt by the board of directors of written notification of the withdrawal ~~at least six months prior to June 30 by February 1 of the same year.~~ Notwithstanding the withdrawal, the proportionate share of any expenses already certified to the withdrawing school district or nonpublic school administrative unit for the ECSU shall be paid to the ECSU board.

(d) ~~Notwithstanding paragraph (c), if a member school district of an education district withdraws from an ECSU to comply with subdivision 4, the school district's withdrawal is effective on June 30, following receipt by the board of directors of the district's written notification.~~

(e) The ECSU is a public corporation and agency and its board of directors may make application for, accept and expend private, state and federal funds that are available for programs of educational benefit approved by the commissioner in accordance with rules adopted by the state board of education pursuant to chapter 14. The commissioner shall not distribute special state aid or federal aid directly to an ECSU in lieu of distribution to a school district within the ECSU which would otherwise qualify for and be entitled to this aid without the consent of the school board of that district.

(f) (e) The ECSU is a public corporation and agency and as such, no earnings or interests of the ECSU may inure to the benefit of an individual or private entity.

Sec. 21. Minnesota Statutes 1993 Supplement, section 124.155, subdivision 1, is amended to read:

Subdivision 1. [AMOUNT OF ADJUSTMENT.] Each year state aids and credits enumerated in subdivision 2 payable to any school district, ~~education district, or secondary vocational cooperative~~ for that fiscal year shall be adjusted, in the order listed, by an amount equal to (1) the amount the district, ~~education district, or secondary vocational cooperative~~ recognized as revenue for the prior fiscal year pursuant to section 121.904, subdivision 4a, clause (b), ~~plus revenue recognized according to section 121.904, subdivision 4e,~~ minus (2) the amount the district recognizes as revenue for the current fiscal year pursuant to section 121.904, subdivision 4a, clause (b), ~~plus revenue recognized according to section 121.904, subdivision 4e.~~ For the purposes of making the aid adjustment under this subdivision, the amount the district recognizes as revenue for either the prior fiscal year or the current fiscal year pursuant to section 121.904, subdivision 4a, clause (b), ~~plus revenue recognized according to section 121.904, subdivision 4e,~~ shall not include any amount levied pursuant to sections 124.226, subdivision 9, 124.912, subdivisions 2, 3, and 5, or a successor provision only for those districts affected, 124.916, subdivisions 1 and 2, 124.918, subdivision 6, and 124A.03, subdivision 2; and Laws 1992, chapter 499, articles 1, section 20, and 6, section 36. Payment from the permanent school fund shall not be adjusted pursuant to this section. The school district shall be notified of the amount of the adjustment made to each payment pursuant to this section.

Sec. 22. Minnesota Statutes 1993 Supplement, section 124.155, subdivision 2, is amended to read:

Subd. 2. [ADJUSTMENT TO AIDS.] (a) The amount specified in subdivision 1 shall be used to adjust the following state aids and credits in the order listed:

- (1) general education aid authorized in sections 124A.23 and 124B.20;
 - (2) secondary vocational aid authorized in section 124.573;
 - (3) special education aid authorized in section 124.32;
 - (4) secondary vocational aid for children with a disability authorized in section 124.574;
 - (5) aid for pupils of limited English proficiency authorized in section 124.273;
 - (6) transportation aid authorized in section 124.225;
 - (7) community education programs aid authorized in section 124.2713;
 - (8) adult education aid authorized in section 124.26;
 - (9) early childhood family education aid authorized in section 124.2711;
 - (10) capital expenditure aid authorized in sections 124.243, 124.244, and 124.83;
 - (11) ~~secondary vocational cooperative aid according to section 124.575~~ school district cooperation aid authorized in section 124.2727;
 - (12) assurance of mastery aid according to section 124.311;
 - (13) individual learning and development aid according to section 124.331;
 - (14) homestead credit under section 273.13 for taxes payable in 1989 and additional transition credit under section 273.1398, subdivision 5, for taxes payable in 1990 and thereafter;
 - (15) agricultural credit under section 273.132 for taxes payable in 1989 and additional transition credit under section 273.1398, subdivision 5, for taxes payable in 1990 and thereafter;
 - (16) homestead and agricultural credit aid and disparity reduction aid authorized in section 273.1398, subdivision 2;
 - (17) attached machinery aid authorized in section 273.138, subdivision 3; and
 - (18) alternative delivery aid authorized in section 124.322.
- (b) The commissioner of education shall schedule the timing of the adjustments to state aids and credits specified in subdivision 1, as close to the end of the fiscal year as possible.

Sec. 23. [124.193] [PROHIBITED AID AND LEVIES.]

Unless specifically permitted in the provision authorizing an aid or a levy, cooperative units of government defined in section 123.35, subdivision 19b, paragraph (c), are prohibited from making a property tax levy or qualifying for or receiving any form of state aid.

Sec. 24. [124.2726] [CONSOLIDATION TRANSITION REVENUE.]

Subdivision 1. [ELIGIBILITY AND USE.] A school district that has been reorganized under section 122.23 and has not received revenue under section 124.2725 is eligible for consolidation transition revenue. Revenue is equal to the sum of aid under subdivision 2 and levy under subdivision 3. Consolidation transition revenue may only be used according to this section. Revenue must initially be used for the payment of district costs for the early retirement incentives granted by the district under section 122.23, subdivision 20. Any revenue under subdivision 2 remaining after the payment of district costs for the early retirement incentives must be used to reduce operating debt as defined in section 121.915. Any additional aid remaining after the reduction of operating debt must be deposited in the district's general fund.

Subd. 2. [AID.] Consolidation transition aid is equal to \$200 times the number of actual pupil units in the newly created district in the year of consolidation and \$100 times the number of actual pupil units in the first year following the year of consolidation. The number of pupil units used to calculate aid in either year shall not exceed 1,000.

Subd. 3. [LEVY.] If the aid available in subdivision 2 is insufficient to cover the costs of the district under section 122.23, subdivision 20, the district may levy the difference over a period of time not to exceed three years.

Subd. 4. [NEW DISTRICTS.] If a district consolidates with another district that has received consolidation transition aid within six years of the effective date of the new consolidation, only the pupil units in the district not previously reorganized shall be counted for aid purposes under subdivision 2. If two districts consolidate and both districts received aid under subdivision 2 within six years of the effective date of the new consolidation, only one quarter of the pupil units in the newly created district shall be used to determine aid under subdivision 2.

Sec. 25. Minnesota Statutes 1993 Supplement, section 124.2727, subdivision 6a, is amended to read:

Subd. 6a. [DISTRICT COOPERATION REVENUE.] A district's cooperation revenue is equal to the greater of \$50 times the actual pupil units or \$25,000 plus the additional revenue determined under subdivision 8.

Sec. 26. Minnesota Statutes 1993 Supplement, section 124.2727, subdivision 6d, is amended to read:

Subd. 6d. [REVENUE USES.] (a) A district must place its district cooperation revenue in a reserved account and may only use the revenue to purchase goods and services from entities formed for cooperative purposes or to otherwise provide educational services in a cooperative manner.

(b) A district that is a member of an intermediate school district organized pursuant to chapter 136D ~~may not access revenue under this section on July 1, 1994, must place its district cooperation revenue in a reserved account and must allocate a portion of the reserved revenue for instructional services from entities formed for cooperative services for special education programs and secondary vocational programs. The allocated amount is equal to the levy made according to section 124.2727, subdivision 6, for taxes payable in 1994 divided by the actual pupil units in the intermediate school district for fiscal year 1995 times the number of actual pupil units in the school district in 1995. The district must use 5/11 of the revenue for special education and 6/11 of the~~

revenue for secondary vocational education. The district must demonstrate that the revenue is being used to provide the full range of special education and secondary vocational programs and services available to each child served by the intermediate. The secondary vocational programs and service must meet the requirements established in an articulation agreement developed between the state board of education and the higher education board.

Sec. 27. Minnesota Statutes 1993 Supplement, section 124.2727, subdivision 8, is amended to read:

Subd. 8. [ADDITIONAL LEVY AUTHORITY REVENUE.] A district other than a member of an intermediate school district under chapter 136D, may levy for taxes payable in 1995, \$5 times the number of actual pupil units, for taxes payable in 1996, \$9 times the number of actual pupil units, for taxes payable in 1997, \$13 times the number of actual pupil units and for taxes payable in 1998 and thereafter, is eligible for additional cooperative revenue equal to \$17 times the number of actual pupil units in the district for the year for which the levy is attributable.

The levy revenue under this subdivision must be used according to subdivision 6d except that for districts that were not members of an intermediate school district organized under chapter 136D on July 1, 1995, at least 55 percent must be spent on secondary vocational programs.

Sec. 28. [124.2728] [SPECIAL CONSOLIDATION AID.]

Subdivision 1. [ELIGIBILITY.] A school district that reorganizes under section 122.23 or sections 122.241 to 122.248 effective on or after July 1, 1994, is eligible for special consolidation aid under this section. A district may receive aid under this section for only three years.

Subd. 2. [AID CALCULATION.] Special consolidation aid for a reorganized school district is calculated by computing the sum of:

(1) the difference between the total amount of early childhood family education revenue under section 124.2711 available to the districts involved in the reorganization in the fiscal year prior to the effective date of reorganization and the maximum amount of early childhood family education revenue available to the reorganized district in the current year; and

(2) the difference between the total amount of community education revenue under section 124.2713 available to the districts involved in the reorganization in the fiscal year prior to the reorganization and the maximum amount of community education revenue available to the reorganized district in the current year.

Subd. 3. [AID AMOUNT.] In the fiscal year that the reorganization is effective, special combination aid is equal to the aid calculated under subdivision 2 times 100 percent. In the fiscal year following the effective date of reorganization, special combination aid is equal to the aid calculated under subdivision 2 times 67 percent. In the second fiscal year following the effective date of reorganization, special combination aid is equal to the aid calculated under subdivision 2 times 33 percent.

Sec. 29. Minnesota Statutes 1993 Supplement, section 124.83, subdivision 1, is amended to read:

Subdivision 1. [HEALTH AND SAFETY PROGRAM.] To receive health and safety revenue for any fiscal year a district, including an intermediate

district, must submit to the commissioner of education an application for aid and levy by the date determined by the commissioner. The application may be for hazardous substance removal, fire and life safety code repairs, labor and industry regulated facility and equipment violations, and health, safety, and environmental management. The application must include a health and safety program adopted by the school district board. The program must include the estimated cost, per building, of the program by fiscal year.

Sec. 30. Minnesota Statutes 1993 Supplement, section 124.91, subdivision 5, is amended to read:

Subd. 5. [INTERACTIVE TELEVISION.] (a) A school district with its central administrative office located within economic development region one, two, three, four, five, six, seven, eight, nine, and ten may apply to the commissioner of education for ITV revenue up to the greater of .5 percent of the adjusted net tax capacity of the district or \$25,000 for the construction, maintenance, and lease costs of an interactive television system for instructional purposes. *The revenue in the first year for a district that has reorganized under sections 122.22, 122.23, or 122.241 to 122.247, shall be computed as if the member districts were separate.* The approval by the commissioner of education and the application procedures set forth in subdivision 1 shall apply to the revenue in this subdivision. In granting the approval, the commissioner must consider whether the district is maximizing efficiency through peak use and off-peak use pricing structures.

(b) To obtain ITV revenue, a district may levy an amount not to exceed the district's ITV revenue times the lesser of one or the ratio of:

(1) the quotient derived by dividing the adjusted net tax capacity of the district for the year before the year the levy is certified by the actual pupil units in the district for the year ~~prior to the year to which the levy is certified~~ attributable; to

(2) 100 percent of the equalizing factor as defined in section 124A.02, subdivision 8, for the year to which the levy is attributable.

(c) A district's ITV aid is the difference between its ITV revenue and the ITV levy.

Sec. 31. Minnesota Statutes 1993 Supplement, section 124C.60, is amended to read:

124C.60 [CAPITAL FACILITIES AND ~~EQUIPMENT~~ GRANTS FOR COOPERATION AND COMBINATION.]

Subdivision 1. [ELIGIBILITY.] Two or more districts that have a ~~cooperation and combination plan~~ approved by the state board of education consolidated under section 122.23 or combined under section 122.242 sections 122.241 to 122.248, ~~may apply~~ are eligible for a capital facilities grant of up to \$100,000 under this section. ~~The grant must be awarded after the districts combine according to sections 122.241 to 122.248.~~ *To qualify the following criteria must be met:*

(1) *the proposed facility changes are part of the plan according to section 122.242, subdivision 10, or the plan adopted by the reorganized district according to section 124.243, subdivision 1;*

(2) *the changes proposed to a facility must be needed to accommodate changes in the educational program due to the reorganization;*

(3) the utilization of the facility for educational programs is at least 85 percent of capacity; and

(4) the grant will be used only to remodel or improve existing facilities.

Subd. 2. [PROCEDURES.] The state board shall establish procedures and deadlines for the grant application. The state board shall review each application and may require modifications consistent with sections 122.241 to 122.248.

Subd. 3. [USE OF GRANT MONEY.] The grant money may be used for any capital expenditures specified in section 124.243 ~~or 122.124~~, subdivision 6, clauses (4), (6), (7), (8), (9), and (10).

Sec. 32. Minnesota Statutes 1992, section 136D.281, is amended by adding a subdivision to read:

Subd. 8. [EXPIRATION.] *The intermediate school board may not issue bonds under this section after July 1, 1994.*

Sec. 33. Minnesota Statutes 1992, section 136D.741, is amended by adding a subdivision to read:

Subd. 8. [EXPIRATION.] *The intermediate school board may not issue bonds under this section after July 1, 1994.*

Sec. 34. Minnesota Statutes 1992, section 136D.88, is amended by adding a subdivision to read:

Subd. 8. [EXPIRATION.] *The intermediate school board may not issue bonds under this section after July 1, 1994.*

Sec. 35. [DISTRICT COOPERATION HOLD HARMLESS AID.]

For fiscal year 1995, the cooperation hold harmless aid for a district that was a member of intermediate school district No. 287 is equal to the cooperation formula allowance times the fiscal year 1994 pupil units less the district cooperation revenue for fiscal year 1995.

The cooperation formula allowance is equal to the sum of the amounts in clauses (1) to (3):

(1) *the average per pupil allocation of the regional reporting subsidy grant under Minnesota Statutes 1992, section 121.935, subdivision 5, received in fiscal year 1994 by the regional management information center to which the district belonged in fiscal year 1994;*

(2) *the average per pupil allocation of state aid according to Laws 1993, chapter 224, article 6, section 30, subdivision 3, received by the ECSU in which the district was a full member in fiscal year 1994; and*

(3) *the average per pupil allocation of the intermediate district levy certified in 1992 for taxes payable in 1993 under Minnesota Statutes, section 124.2727, subdivision 6, by the intermediate district to which the district belonged in fiscal year 1994.*

Sec. 36. [FIRST YEAR OF COOPERATION SPECIFIED.]

For the purpose of receiving additional cooperation and combination aid under Minnesota Statutes, section 124.2725, subdivision 6, the first year of

cooperation for independent school district No. 427, Winsted, and independent school district No. 880, Howard Lake Waverly, is fiscal year 1995.

Sec. 37. [UNDERLEVY AND RECOGNITION.]

Notwithstanding Minnesota Statutes, section 124.2727, subdivision 6c, for district cooperation revenue for fiscal year 1995; a district's aid shall not be reduced if it does not levy the full amount permitted. Notwithstanding section 124.918, subdivision 6, the full amount of school district cooperation levy attributable to fiscal year 1995 shall be recognized in fiscal year 1995.

Sec. 38. [APPROPRIATIONS.]

Subdivision 1. [DEPARTMENT OF EDUCATION.] The sums in this section are appropriated from the general fund to the department of education for the fiscal year designated.

Subd. 2. [CAPITAL FACILITIES GRANTS.] For grants under Minnesota Statutes, section 124C.60:

\$500,000 1995

Subd. 3. [ITV GRANT.] For a grant to independent school district No. 95, Cromwell:

\$125,000 1995

The grant must be used to construct an interactive television transmission line. This appropriation is only available to the extent it is matched by the district with local and nonlocal sources. The district may levy up to \$50,000 to provide its share of local sources.

Subd. 4. [CONSOLIDATION TRANSITION AID.] For consolidation transition aid:

\$430,000 1995

Subd. 5. [COOPERATION AND COMBINATION AID.] For cooperation and combination aid:

\$100,000 1995

Subd. 6. [SPECIAL CONSOLIDATION AID.] For special consolidation aid under section 124.2728:

\$70,000 1995

Subd. 7. [DISTRICT COOPERATION REVENUE.] For district cooperation revenue:

\$4,330,000 1995

\$60,000 of this appropriation is for district cooperation hold harmless aid under section 35.

Sec. 39. [REPEALER.]

Minnesota Statutes 1992, sections 121.904, subdivision 4e; 121.935, subdivision 7; 122.23, subdivision 13a; 122.91, subdivisions 5 and 7; 122.93, subdivision 7; 122.937; 122.94, subdivisions 2, 3, and 6; 122.945; 136D.22, subdivision 3; 136D.27; 136D.71, subdivision 2; 136D.73, subdivision 3; 136D.74, subdivisions 2a, 2b, and 4; 136D.82, subdivision 3; and 136D.87;

Minnesota Statutes 1993 Supplement, sections 121.935, subdivision 5; and 124.2727, subdivisions 6, 7, and 8; Laws 1992, chapter 499, article 6, section 39, subdivision 3, are repealed.

Sec. 40. [EFFECTIVE DATE.]

Sections 25, 26, and 27 are effective for fiscal year 1995.

ARTICLE 7

COMMITMENT TO EXCELLENCE

Section 1. Minnesota Statutes 1993 Supplement, section 124A.29, subdivision 1, is amended to read:

Subdivision 1. [STAFF DEVELOPMENT, AND PARENTAL INVOLVEMENT REVENUE.] (a) Of a district's basic revenue under section 124A.22, subdivision 2, an amount equal to one percent in fiscal year 1994, ~~two three~~ percent in fiscal year 1995, and thereafter times the formula allowance times the number of actual pupil units shall be reserved and may be used only ~~to provide staff time~~ for in-service education for programs under section 126.77, subdivision 2, ~~challenging instructional activities and experiences or for staff development programs, for the purpose of improving student achievement of education outcomes plans, including plans for challenging instructional activities and experiences,~~ under section 126.70, ~~subdivisions 1 and 2a.~~ *Districts may expend an additional amount of basic revenue for staff development based on their needs.* The school board shall initially allocate 50 percent of the revenue to each school site in the district on a per teacher basis. The board may retain 25 percent to be used for district wide staff development efforts. The remaining 25 percent of the revenue shall be used to make grants to school sites that demonstrate exemplary use of allocated staff development revenue. A grant may be used for any purpose *authorized under section 126.70 or 126.77, subdivision 2,* determined by the site decision-making team. The site decision-making team must demonstrate to the school board the extent to which staff at the site have met the outcomes of the program. The board may withhold a portion of initial allocation of revenue if the staff development outcomes are not being met.

(b) Of a district's basic revenue under section 124A.22, subdivision 2, an amount equal to \$5 times the number of actual pupil units must be reserved and may be used only to provide parental involvement programs that implement section 126.69. Parental involvement programs may include career teacher programs, programs promoting parental involvement in the PER process, coordination of volunteer services, *participation in developing, implementing, or evaluating school desegregation/integration plans,* and programs designed to encourage community involvement.

Sec. 2. Minnesota Statutes 1993 Supplement, section 124A.292, subdivision 3, is amended to read:

Subd. 3. [STAFF DEVELOPMENT LEVY.] A district's levy equals its revenue times the lesser of one or the ratio of:

(1) *the quotient derived by dividing the district's adjusted net tax capacity per actual pupil unit for the year before the year the levy is certified by the district's actual pupil units for the school year to which the levy is attributable,* to

(2) the equalizing factor for the school year to which the levy is attributable.

Sec. 3. Minnesota Statutes 1993 Supplement, section 126.239, subdivision 3, is amended to read:

Subd. 3. [SUBSIDY FOR EXAMINATION FEES.] The state may pay all or part of the fee for advanced placement or international baccalaureate examinations for pupils in public and nonpublic schools ~~whose circumstances make state payment advisable~~. The commissioner shall adopt a schedule for fee subsidies that may allow payment of the entire fee for low-income families, as defined by the commissioner. The commissioner may also determine the circumstances under which the fee is subsidized, in whole or in part. The commissioner shall determine procedures for state payments of fees.

Sec. 4. Minnesota Statutes 1993 Supplement, section 126.70, subdivision 1, is amended to read:

Subdivision 1. [STAFF DEVELOPMENT COMMITTEE.] A school board shall use the revenue authorized in section 124A.29 for in-service education for programs under section 126.77, subdivision 2, or for staff development ~~plan plans~~ under this ~~subdivision~~ section. The board must establish a staff development committee to develop the plan, advise a site decision-making team about the plan, and evaluate staff development efforts at the site level. A majority of the advisory committee must be teachers representing various grade levels ~~and~~, subject areas, ~~and special education~~. The advisory committee must also include *noncertified staff*, parents, and administrators. Districts shall report staff development results to the commissioner in the form and manner determined by the commissioner.

Sec. 5. Minnesota Statutes 1993 Supplement, section 126.70, subdivision 2a, is amended to read:

Subd. 2a. [STAFF DEVELOPMENT OUTCOMES.] ~~(a)~~ The staff development committee shall adopt a staff development plan for ~~the improvement of improving~~ student achievement of education outcomes. The plan must be consistent with education outcomes ~~determined by the school board that the school board determines~~. The plan shall ~~include the following~~ reflect activities that enhance staff skills for achieving outcomes such as:

(1) foster readiness for learning *by creating a school environment that supports the intellectual, emotional, physical, cultural, and nutritional needs of all pupils;*

(2) facilitate organizational changes by enabling a site-based team composed of pupils, parents, school personnel, *representatives of children with disabilities, and community members who reflect the racial composition of the school* to address pupils' needs;

(3) ~~develop programs to increase pupils' educational progress by develop-~~ing using appropriate outcomes and personal learning goals and by encouraging pupils and their parents to assume responsibility for their education;

(4) ~~design and develop programs containing various~~ address pupils' individual needs through utilizing alternative instructional opportunities that recognize pupils' individual needs and utilize, accommodations, modifications, and family and community resources;

(5) evaluate the effectiveness of education policies, processes, and products through appropriate evaluation procedures that include multiple criteria and indicators;

(6) provide ~~staff time or effective~~ mentorship oversight ~~for and~~ peer review of probationary, continuing contract, and nonprobationary teachers;

(7) ~~train~~ assist elementary and secondary ~~staff to help~~ students ~~learn in~~ learning to resolve conflicts in effective, nonviolent ways;

(8) ~~encourage~~ staff to effectively teach and model violence prevention policy and curricula that address issues of sexual and racial harassment; ~~and~~

(9) ~~teach~~ elementary and secondary staff to effectively meet the needs of children with disabilities within the regular classroom ~~setting and other~~ settings;

(10) design and implement effective educational programs through improved staff collaboration, teaming, consulting, and conflict resolution;

(11) increase knowledge and awareness of school-age child care programs;

(12) provide challenging instructional activities and experiences, including advanced placement and international baccalaureate programs, that recognize and cultivate students' advanced abilities and talents;

(13) improve the knowledge and awareness of school leadership personnel of state and federal statutes, rules, and regulations governing special education, including laws governing information sharing, and the special instructional needs of students with disabilities; and

(14) provide equal educational opportunities for all students that are consistent with the school desegregation/integration policies adopted by school districts and approved by the state.

(b) If a school board approves a plan to accomplish any of the purposes listed in paragraph (a), it must also provide challenging instructional activities and experiences that recognize and cultivate students' advanced abilities and talents.

Sec. 6. Laws 1993, chapter 224, article 7, section 28, subdivision 3, is amended to read:

Subd. 3. [ADVANCED PLACEMENT AND INTERNATIONAL BACCALAUREATE PROGRAMS.] For the state advanced placement (AP) and international baccalaureate (IB) programs, including training programs, support programs, and examination fee subsidies:

\$300,000 1994

~~\$300,000~~ \$600,000 1995

Of the fiscal year 1995 sum, \$450,000 is for examination fee subsidies. Notwithstanding Minnesota Statutes, section 126.239, subdivision 3, in fiscal year 1995, the commissioner of education shall pay the fee for one AP or IB examination for each student taking at least one examination.

Sec. 7. Laws 1993, chapter 224, article 7, section 28, subdivision 4, is amended to read:

Subd. 4. [NSF MATH-SCIENCE SYSTEMIC INITIATIVE.] To meet requirements for a proposal to the National Science Foundation for a systemic initiative in mathematics and science:

\$1,500,000 1994

\$1,500,000 1995

This appropriation is not contingent upon receiving funding from the National Science Foundation. *Any balance remaining in the first year does not cancel but is available in the second year.*

Sec. 8. Laws 1993, chapter 224, article 7, section 28, subdivision 11, is amended to read:

Subd. 11. [SCHOOL RESTRUCTURING GRANTS.] For school restructuring grants under section 22:

\$500,000 \$750,000 1995

~~This appropriation does not cancel.~~

Up to \$100,000 of this amount may be used for a grant to a nonstate organization to develop systemic site decision making models *for expenses incurred in fiscal year 1994 and an additional \$250,000 of this amount may be used for a grant for this purpose in fiscal year 1995.*

Sec. 9. [TIME AND TECHNOLOGY ENHANCED CURRICULUM SCHOOL PILOT PROJECT.]

Subdivision 1. [ESTABLISHMENT.] A three-year pilot project is established to allow independent school district No. 94, Cloquet, to develop a Time and Technology Enhanced Curriculum school. The purpose of the project is to improve student achievement through individualized instruction and year-round education. For purposes of Minnesota Statutes, section 126.12, subdivision 1, the pilot program established in this subdivision is a flexible learning year program under Minnesota Statutes, sections 120.59 to 120.67.

Subd. 2. [REPORT.] Independent school district No. 94, Cloquet, shall report on the pilot project to the education committees of the legislature annually by February 1, beginning February 1, 1995, and ending February 1, 1997.

Sec. 10. [INSTRUCTIONAL TRANSFORMATION THROUGH TECHNOLOGY GRANTS.]

Subdivision 1. [ESTABLISHMENT; PURPOSE.] A grant program is established to help school districts work together and with higher education institutions, businesses, local government units, and community organizations in order to facilitate individualized learning and manage information by employing technological advances, especially computers and related products. Recipients shall use grant proceeds to:

(1) develop personalized learning plans designed to give learners more responsibility for their learning success and change the role of teacher to learning facilitator;

(2) match and allocate resources;

(3) create a curriculum environment that is multiplatform;

(4) provide user and contributor access to electronic libraries;

(5) schedule activities;

(6) automate progress reports;

(7) increase collaboration between school districts and sites, and with businesses, higher education institutions, and local government units;

- (8) correlate state-defined outcomes to curriculum units for each student;
- (9) increase accountability through a reporting system; and

(10) provide technical support, project evaluation, dissemination services, and replication.

Subd. 2. [ELIGIBILITY; APPLICATION.] A grant applicant must be a school district or a group of school districts that demonstrates collaboration with businesses and higher education institutions. Community organizations and local government units may also be involved. The commissioner of education shall prescribe the form and manner of applications. The commissioner shall form an advisory panel consisting of representatives of teachers, school administrators, school boards, parents, students, higher education, and business to assist in the grant selection process. The commissioner, in consultation with the advisory panel, may award up to ... grants to applicants likely to meet the outcomes in subdivision 1.

Subd. 3. [REPORTING.] A grant recipient shall report to the commissioner annually at a time specified by the commissioner on the extent to which it is meeting the outcomes specified in subdivision 1.

Sec. 11. [EDUCATIONAL PERFORMANCE IMPROVEMENT GRANT PILOT PROGRAM.]

Subdivision 1. [ESTABLISHMENT.] An educational performance improvement grant pilot program is established to provide incentives to school districts to improve student achievement and increase accountability for results. The state board of education may enter into contracts with school districts to award the grants.

Subd. 2. [ELIGIBILITY; APPLICATION.] A school district is eligible to apply for an educational performance improvement grant. The application shall be on a form approved by the commissioner of education. The commissioner shall make recommendations to the state board of education on which districts should be considered for a grant contract. The commissioner shall give priority to school districts:

(1) in which at least one school has received a school improvement incentive grant under Minnesota Statutes 1993 Supplement, section 121.602, subdivision 5; and

(2) that demonstrate a commitment to increasing accountability by using a results-oriented system for measuring student achievement.

Subd. 3. [CONTRACT.] The state board of education may enter into a one-year contract with a school district for the purpose of awarding an educational performance improvement grant. The state board shall award a grant only for measurable gains in student achievement. The terms of the contract shall at minimum address:

(1) the criteria and assessments to be used in measuring student achievement;

(2) the district's baseline level of student achievement;

(3) the level of student achievement to be reached under the contract;

(4) a timeline for determining whether the contract goals have been met;
and

(5) at the discretion of the state board, provisions governing the award of a partial grant to the district if the contract goals are not fully met.

Subd. 4. [REPORT.] The state board of education shall make a preliminary report on the pilot project to the education committees of the legislature by February 15, 1995, and a final report by January 15, 1996.

Sec. 12. [APPROPRIATION.]

Subdivision 1. [DEPARTMENT OF EDUCATION.] The sums indicated in this section are appropriated from the general fund to the department of education in the fiscal year designated.

Subd. 2. [TIME AND TECHNOLOGY ENHANCED CURRICULUM.] For a grant to independent school district No. 94, Cloquet, for the time and technology enhanced curriculum pilot project:

\$83,000 1995

Subd. 3. [TECHNOLOGY GRANTS.] For instructional transformation through technology grants:

\$2,000,000 1995

The amount appropriated under this section does not cancel but is available until June 30, 1996.

Subd. 4. [EDUCATIONAL PERFORMANCE IMPROVEMENT GRANTS.] For an educational performance improvement grant pilot project under section 11:

\$1,000,000 1995

The state board of education shall enter into contracts to award at least three grants, one each to an urban, suburban, and rural school district. This appropriation is available until June 30, 1996, unless the commissioner has entered into a contract and has certified to the commissioner of finance the amount needed to make payments on the contract. Any remaining appropriation shall cancel June 30, 1996.

Subd. 5. [COALITION FOR EDUCATION REFORM AND ACCOUNTABILITY.] For support for the activities of the coalition for education reform and accountability as established in Laws 1993, chapter 224, article 1, section 35:

\$50,000 1995

ARTICLE 8

OTHER EDUCATION PROGRAMS

Section 1. Minnesota Statutes 1992, section 120.062, is amended by adding a subdivision to read:

Subd. 4a. [PART-TIME ENROLLMENT.] A pupil may enroll part time in a nonresident district for a program offered according to section 126.43. Notwithstanding subdivisions 4 and 6, a pupil may apply at any time for enrollment and is not required to explore the reasons with a school guidance counselor or other appropriate staff. The limitations of subdivision 5 do not apply except that the applications timelines in subdivision 5, paragraphs (d),

(e), (g), and (h), shall be used. Subdivision 9 shall not apply to pupils who enroll under this subdivision.

Sec. 2. Minnesota Statutes 1992, section 120.062, subdivision 12, is amended to read:

Subd. 12. [GENERAL EDUCATION AID.] Adjustments to general education aid, capital expenditure facilities aid, and equipment aid for the resident and nonresident districts shall be made according to sections 124A.036, subdivision 5, and 124.245, subdivision 6, respectively. *Adjustments shall not be made for pupils enrolling according to subdivision 4a.*

Sec. 3. Minnesota Statutes 1993 Supplement, section 121.11, subdivision 7d, is amended to read:

Subd. 7d. [~~DESEGREGATION~~ DESEGREGATION/INTEGRATION, INCLUSIVE EDUCATION, AND LICENSURE RULES.] (a) The state board may make rules relating to ~~desegregation~~ *desegregation/integration*, inclusive education, and licensure of school personnel not licensed by the board of teaching.

(b) *In making a rule related to school desegregation/integration, the state board shall direct school districts to provide equal educational opportunities for all students. Any interdistrict transfers under the rule must advance the requirements of this paragraph.*

Sec. 4. [121.1601] [OFFICE OF DESEGREGATION/INTEGRATION.]

There shall be established in the department of education an office of desegregation/integration to coordinate activities related to the issues of student enrollment, recruitment, transportation, and interdistrict cooperation among metropolitan school districts. In addition, the office shall periodically consult with the metropolitan council to examine desegregation/integration efforts and the educational, housing, infrastructure, social, and economic needs of the metropolitan area.

Sec. 5. Minnesota Statutes 1992, section 123.3514, subdivision 3, is amended to read:

Subd. 3. [DEFINITIONS.] For purposes of this section, an "eligible institution" means a Minnesota public post-secondary institution, a private, nonprofit two-year trade and technical school granting associate degrees, *an opportunities industrialization center accredited by the north central association of colleges and schools*, or a private, residential, two-year or four-year, liberal arts, degree-granting college or university located in Minnesota. "Course" means a course or program. *For the purposes of this section, a liberal arts college or university is one that offers courses in the liberal arts.*

Sec. 6. Minnesota Statutes 1992, section 123.3514, subdivision 4, is amended to read:

Subd. 4. [AUTHORIZATION; NOTIFICATION.] Notwithstanding any other law to the contrary, an 11th or 12th grade pupil, ~~except a foreign exchange pupil enrolled in a district under a cultural exchange program~~, *including an 11th or 12th grade pupil enrolled in an American Indian-controlled tribal contract or grant school eligible for aid under section 124.86*, may apply to an eligible institution, as defined in subdivision 3, to enroll in nonsectarian courses offered by that post-secondary institution. If an institution accepts a secondary pupil for enrollment under this section, the

institution shall send written notice to the pupil, the pupil's school district, and the commissioner of education within ten days of acceptance. The notice shall indicate the course and hours of enrollment of that pupil. If the pupil enrolls in a course for post-secondary credit, the institution shall notify the pupil about payment in the customary manner used by the institution. *A foreign exchange student enrolled in a district under a cultural exchange program may not apply to an eligible institution, as defined in subdivision 3, to enroll in nonsectarian courses offered by that post-secondary institution.*

Sec. 7. Minnesota Statutes 1992, section 124.17, subdivision 1d, is amended to read:

Subd. 1d. [AFDC PUPIL UNITS.] AFDC pupil units for fiscal year 1993 and thereafter must be computed according to this subdivision.

(a) The AFDC concentration percentage for a district equals the product of 100 times the ratio of:

(1) the number of pupils enrolled in the district from families receiving aid to families with dependent children according to subdivision 1e; to

(2) the number of pupils in average daily membership according to subdivision 1e enrolled in the district.

(b) The AFDC pupil weighting factor for a district equals the lesser of one or the quotient obtained by dividing the district's AFDC concentration percentage by:

(1) 11.5 for fiscal years 1994 and 1995;

(2) 13 for fiscal year 1996;

(3) 14 for fiscal year 1997; and

(4) 15 for fiscal year 1998 and each year thereafter.

(c) The AFDC pupil units for a district for fiscal year 1993 and thereafter equals the product of:

(1) the number of pupils enrolled in the district from families receiving aid to families with dependent children according to subdivision 1e; times

(2) the AFDC pupil weighting factor for the district; times

(3) .65 for fiscal years 1994 and 1995, .8 for fiscal year 1996, .9 for fiscal year 1997, and 1.0 for fiscal year 1998 and each year thereafter.

Sec. 8. Minnesota Statutes 1992, section 124.214, subdivision 2, is amended to read:

Subd. 2. [ABATEMENTS.] Whenever by virtue of chapter 278, sections 270.07, 375.192, or otherwise, the net tax capacity of any school district for any taxable year is changed after the taxes for that year have been spread by the county auditor and the local tax rate as determined by the county auditor based upon the original net tax capacity is applied upon the changed net tax capacities, the county auditor shall, prior to February 1 of each year, certify to the commissioner of education the amount of any resulting net revenue loss that accrued to the school district during the preceding year. Each year, the commissioner shall pay an abatement adjustment to the district in an amount calculated according to the provisions of this subdivision. This amount shall be deducted from the amount of the levy authorized by section ~~275.48~~

124.912, subdivision 9. The amount of the abatement adjustment shall be the product of:

- (1) the net revenue loss as certified by the county auditor, times
- (2) the ratio of:
 - (a) the sum of the amounts of the district's certified levy in the preceding year according to the following:
 - (i) section 124A.23 if the district receives general education aid according to that section, or section 124B.20, if the education district of which the district is a member receives general education aid according to that section;
 - (ii) section 124.226, subdivisions 1 and 4, if the district receives transportation aid according to section 124.225;
 - (iii) section 124.243, if the district receives capital expenditure facilities aid according to that section;
 - (iv) section 124.244, if the district receives capital expenditure equipment aid according to that section;
 - (v) section 124.83, if the district receives health and safety aid according to that section;
 - (vi) sections 124.2713, 124.2714, and 124.2715, if the district receives aid for community education programs according to any of those sections;
 - (vii) section 275.125, subdivision 8b, if the district receives early childhood family education aid according to section 124.2711;
 - (viii) section 124.321, subdivision 3, if the district receives special education levy equalization aid according to that section;
 - (ix) section 124A.03, subdivision 1g, if the district receives referendum equalization aid according to that section; and
 - (x) section 124A.22, subdivision 4a, if the district receives training and experience aid according to that section;
 - (b) to the total amount of the district's certified levy in the preceding October, plus or minus auditor's adjustments.

Sec. 9. Minnesota Statutes 1992, section 124.223, subdivision 1, is amended to read:

Subdivision 1. [TO AND FROM SCHOOL; BETWEEN SCHOOLS.] (a) State transportation aid is authorized for transportation or board of resident elementary pupils who reside one mile or more from the public schools which they could attend; transportation or board of resident secondary pupils who reside two miles or more from the public schools which they could attend; transportation to and from schools the resident pupils attend according to a program approved by the commissioner of education, or between the schools the resident pupils attend for instructional classes; transportation of resident elementary pupils who reside one mile or more from a nonpublic school actually attended; transportation of resident secondary pupils who reside two miles or more from a nonpublic school actually attended; but with respect to transportation of pupils to nonpublic schools actually attended, only to the extent permitted by sections 123.76 to 123.79; transportation of resident pupils to and from programs under section 126.43; transportation of a pupil

who is a custodial parent and that pupil's child between the pupil's home and the child care provider and between the provider and the school, if the home and provider are within the attendance area of the school. State transportation aid is not authorized for late transportation home from school for pupils involved in after school activities. State transportation aid is not authorized for summer program transportation except as provided in subdivision 8.

(b) For the purposes of this subdivision, a district may designate a licensed day care facility, respite care facility, the residence of a relative, or the residence of a person chosen by the pupil's parent or guardian as the home of a pupil for part or all of the day, if requested by the pupil's parent or guardian and if that facility or residence is within the attendance area of the school the pupil attends.

(c) State transportation aid is authorized for transportation to and from school of an elementary pupil who moves during the school year within an area designated by the district as a mobility zone, but only for the remainder of the school year. The attendance areas of schools in a mobility zone must be contiguous. To be in a mobility zone, a school must meet both of the following requirements:

(1) more than 50 percent of the pupils enrolled in the school are eligible for free or reduced school lunch; and

(2) the pupil withdrawal rate for the last year is more than 12 percent.

(d) A pupil withdrawal rate is determined by dividing:

(1) the sum of the number of pupils who withdraw from the school, during the school year, and the number of pupils enrolled in the school as a result of transportation provided under this paragraph, by

(2) the number of pupils enrolled in the school.

(e) The district may establish eligibility requirements for individual pupils to receive transportation in the mobility zone.

Sec. 10. Minnesota Statutes 1992, section 124.223, is amended by adding a subdivision to read:

Subd. 2a. [PART-TIME OPEN ENROLLMENT.] State transportation aid is authorized for transportation to and from another district, or within a district, for a pupil in programs under section 126.43. The pupils may attend a school in another district and shall receive transportation to and from school at the expense of the district of the pupil's residence.

Sec. 11. Minnesota Statutes 1992, section 124.912, subdivision 6, is amended to read:

Subd. 6. [CRIME RELATED COSTS.] For taxes levied in 1991 and subsequent years, payable in 1992 and subsequent years, each school district may make a levy on all taxable property located within the school district for the purposes specified in this subdivision. The maximum amount which may be levied for all costs under this subdivision shall be equal to \$1 \$3 multiplied by the population of the school district. For purposes of this subdivision, "population" of the school district means the same as contained in section 275.14. The proceeds of the levy must be used for reimbursing the cities and counties who contract with the school district for the following purposes: (1) to pay the costs incurred for the salaries, benefits, and transportation costs of

peace officers and sheriffs for liaison services in the district's middle and secondary schools and (2) to pay the costs for a drug abuse prevention program as defined in Minnesota Statutes 1991 Supplement, section 609.101, subdivision 3, paragraph (f) in the elementary schools. The school district must initially attempt to contract for these services with the police department of each city or the sheriff's department of the county within the school district containing the school receiving the services. If a local police department or a county sheriff's department does not wish to provide the necessary services, the district may contract for these services with any other police or sheriff's department located entirely or partially within the school district's boundaries. The levy authorized under this subdivision is not included in determining the school district's levy limitations.

Sec. 12. Minnesota Statutes 1992, section 124.912, is amended by adding a subdivision to read:

Subd. 9. [ABATEMENT LEVY.] Each year, a school district may levy an amount to replace the net revenue lost to abatements that have occurred under chapter 278, section 270.07, 375.192, or otherwise. The maximum abatement levy is the sum of:

(1) the amount of the net revenue loss determined under section 124.214, subdivision 2, that is not paid in state aid including any prorated aid amounts;

(2) the difference of (i) the amount of any abatements that have been reported by the county auditor for the first six months of the calendar year during which the abatement levy is certified that the district chooses to levy, (ii) less any amount actually levied under this clause that was certified in the previous calendar year for the first six months of the previous calendar year; and

(3) an amount equal to any interest paid on abatement refunds. A district may spread this levy over a period not to exceed three years.

By July 15, the county auditor shall separately report the abatements that have occurred during the first six calendar months of that year to the commissioner of education and each school district located within the county.

Sec. 13. Minnesota Statutes 1992, section 124.914, subdivision 1, is amended to read:

Subdivision 1. [1977 STATUTORY OPERATING DEBT.] (1) In each year in which so required by this subdivision, a district shall make an additional levy to eliminate its statutory operating debt, determined as of June 30, 1977, and certified and adjusted by the commissioner. This levy shall not be made in more than ~~20~~ 30 successive years and each year before it is made, it must be approved by the commissioner and the approval shall specify its amount. This levy shall be an amount which is equal to the amount raised by a levy of a net tax rate of 1.66 percent times the adjusted net tax capacity of the district for the preceding year for taxes payable in 1991 and thereafter; provided that in the last year in which the district is required to make this levy, it shall levy an amount not to exceed the amount raised by a levy of a net tax rate of 1.66 percent times the adjusted net tax capacity of the district for the preceding year for taxes payable in 1991 and thereafter. When the sum of the cumulative levies made pursuant to this subdivision and transfers made according to section 121.912, subdivision 4, equals an amount equal to the statutory operating debt of the district, the levy shall be discontinued.

(2) The district shall establish a special account in the general fund which shall be designated "appropriated fund balance reserve account for purposes of reducing statutory operating debt" on its books and records. This account shall reflect the levy authorized pursuant to this subdivision. The proceeds of this levy shall be used only for cash flow requirements and shall not be used to supplement district revenues or income for the purposes of increasing the district's expenditures or budgets.

(3) Any district which is required to levy pursuant to this subdivision shall certify the maximum levy allowable under section 124A.23, subdivision 2, in that same year.

(4) Each district shall make permanent fund balance transfers so that the total statutory operating debt of the district is reflected in the general fund as of June 30, 1977.

Sec. 14. Minnesota Statutes 1993 Supplement, section 124.914, subdivision 4, is amended to read:

Subd. 4. [1992 OPERATING DEBT.] (a) ~~Each year~~ For taxes payable for calendar year 2003 and earlier, a district that has filed a plan pursuant to section 121.917, subdivision 4, may levy, with the approval of the commissioner, to eliminate a deficit in the net unappropriated balance in the operating funds of the district, determined as of June 30, 1992, and certified and adjusted by the commissioner. Each year this levy may be an amount not to exceed the lesser of:

(1) an amount raised by a levy of a net tax rate of one percent times the adjusted net tax capacity; or

(2) \$100,000.

This amount shall be reduced by referendum revenue authorized under section 124A.03 pursuant to the plan filed under section 121.917. However, the total amount of this levy for all years it is made shall not exceed the amount of the deficit in the net unappropriated balance in the operating funds of the district as of June 30, 1992. When the cumulative levies made pursuant to this subdivision equal the total amount permitted by this subdivision, the levy shall be discontinued.

(b) A district, if eligible, may levy under this subdivision or subdivision 2 or 3, or under section 122.531, subdivision 4a, or Laws 1992, chapter 499, article 7, sections 16 or 17, but not under more than one.

(c) The proceeds of this levy shall be used only for cash flow requirements and shall not be used to supplement district revenues or income for the purposes of increasing the district's expenditures or budgets.

(d) Any district that levies pursuant to this subdivision shall certify the maximum levy allowable under section 124A.23; subdivision 2, in that same year.

Sec. 15. Minnesota Statutes 1993 Supplement, section 124A.225, subdivision 4, is amended to read:

Subd. 4. [REVENUE USE.] (a) Revenue must be used according to either paragraph (b) or (c).

(b) Revenue shall be used to reduce and maintain the district's instructor to learner ratios in kindergarten through grade 6 to a level of 1 to 17 on average. The district must prioritize the use of the revenue to attain this level initially in kindergarten and grade 1 and then through the subsequent grades as revenue is available.

(c) *Notwithstanding paragraph (b), a district with exceptional need as defined in subdivision 6, may use the revenue to reduce and maintain the district's instructor-to-learner ratios in kindergarten through grade 6 to a level that is at least 2.0 less than the district's adopted staffing ratio, if the remaining learning and development revenue is used to continue or initiate staffing patterns that meet the needs of a diverse student population. Programs to meet the needs of a diverse student population may include programs for at-risk pupils and learning enrichment programs.*

(d) The revenue may be used to prepare and use an individualized learning plan for each learner. A district must not increase the district wide instructor-learner ratios in other grades as a result of reducing instructor-learner ratios in kindergarten through grade 6. Revenue may not be used to provide instructor preparation time or to provide the district's share of revenue required under section 124.311. Revenue may be used to continue employment for nonlicensed staff employed in the district on the effective date of Laws 1993, chapter 224, under Minnesota Statutes 1992, section 124.331, subdivision 2.

Sec. 16. Minnesota Statutes 1993 Supplement, section 124A.225, is amended by adding a subdivision to read:

Subd. 6. [EXCEPTIONAL NEED DEFINED.] A school district is considered to have exceptional need if the district has the following characteristics:

(1) ten percent or more of the district's pupils are eligible for free and reduced lunch as of October 1 of the previous fiscal year;

(2) ten percent or more of the district's pupils are students of color;

(3) the district's adjusted net tax capacity divided by its pupil units for the current year is less than \$3,500; and

(4) the district's general education revenue per pupil unit is less than the average general education revenue per pupil unit for the economic development region in which the district is located.

Sec. 17. Minnesota Statutes 1993 Supplement, section 125.05, subdivision 1a, is amended to read:

Subd. 1a. [TEACHER AND SUPPORT PERSONNEL QUALIFICATIONS.] (a) The board of teaching shall issue licenses under its jurisdiction to persons the board finds to be qualified and competent for their respective positions.

(b) The board shall require a person to successfully complete an examination of skills in reading, writing, and mathematics before being admitted to a post secondary teacher preparation program approved by the board if that person seeks to qualify for granted an initial teaching license to provide direct instruction to pupils in prekindergarten, elementary, secondary, or special education programs. The board shall require colleges and universities offering a board approved teacher preparation program to provide remedial assistance that includes a formal diagnostic component to persons enrolled in their institution who did not achieve a qualifying score on the skills examination,

including those for whom English is a second language. The colleges and universities must provide assistance in the specific academic areas of deficiency in which the person did not achieve a qualifying score. School districts must provide similar, appropriate, and timely remedial assistance *that includes a formal diagnostic component and mentoring* to those persons employed by the district who completed their teacher education program outside the state of Minnesota, received a one-year license to teach in Minnesota and did not achieve a qualifying score on the skills examination, including those persons for whom English is a second language.

(c) A person who has completed an approved teacher preparation program and obtained a one-year license to teach, but has not successfully completed the skills examination, may renew the one-year license for two additional one-year periods. Each renewal of the one-year license is contingent upon the licensee:

(1) providing evidence of participating in an approved remedial assistance program provided by a school district or post-secondary institution that includes a formal diagnostic component in the specific areas in which the licensee did not obtain qualifying scores; and

(2) attempting to successfully complete the skills examination during the period of each one-year license.

(d) The board of teaching shall grant continuing licenses only to those persons who have met board criteria for granting a continuing license, which includes successfully completing the skills examination in reading, writing, and mathematics.

Sec. 18. Minnesota Statutes 1992, section 125.135, subdivision 2, is amended to read:

Subd. 2. [PROGRAM REQUIREMENTS.] All staff exchanges made under this section are subject to the requirements in this subdivision.

(a) A school district employing a participating staff member must not adversely affect the staff member's salary, seniority, or other employment benefits, or otherwise penalize the staff member for participating in the program.

(b) Upon completion or termination of an exchange, a school district employing a participating staff member must permit the staff member to return to the same assignment the staff member performed in the district before the exchange, if available, or, if not, a similar assignment.

(c) A school district employing a participating staff member must continue to provide the staff member's salary and other employment benefits during the period of the exchange.

(d) A participant must be licensed and tenured.

(e) Participation in the program must be voluntary.

(f) The length of participation in the program must be no less than one-half of a school year and no more than one school year, and any premature termination of participation must be upon the mutual agreement of the participant and the participating school district. *Participation under section 126.43 may be for less than one-half of a school year.*

(g) A participant is responsible for transportation to and from the host school district. *Districts may use available funds to reimburse participants for costs.*

(h) This subdivision does not abrogate or change rights of staff members participating in the staff exchange program or the terms of an agreement between the exclusive representative of the school district employees and the school district.

(i) Participating school districts may enter into supplementary agreements with the exclusive representative of the school district employees to accomplish the purpose of this section.

Sec. 19. Minnesota Statutes 1993 Supplement, section 125.138, subdivision 9, is amended to read:

Subd. 9. [CRITERIA.] The department of education shall evaluate proposals using the following criteria:

(1) evidence of collaborative arrangements between post-secondary educators and early childhood through grade 12 educators;

(2) evidence that outstanding early childhood through grade 12 educators will be involved in post-secondary classes and programs, including presentations, discussions, teaming, and responsibility for teaching some post-secondary courses;

(3) evidence that post-secondary educators will have direct experience working in a classroom or school district, including presentations, discussions, teaming, and responsibility for teaching some early childhood through grade 12 classes; and

(4) evidence of adequate financial support from employing and receiving institutions; and

(5) evidence that collaboration between post-secondary educators and early childhood through grade 12 educators will enable school districts to better provide equal educational opportunities for all students.

Sec. 20. Minnesota Statutes 1993 Supplement, section 125.185, subdivision 4, is amended to read:

Subd. 4. [LICENSE AND RULES.] (a) The board shall adopt rules to license public school teachers and interns subject to chapter 14.

(b) The board shall adopt rules requiring ~~successful completion of an examination of a person to successfully complete a skills examination in reading, writing, and mathematics before being admitted to a teacher preparation program~~ as a requirement for initial teacher licensure. Such rules shall require college and universities offering a board approved teacher preparation program to provide remedial assistance to persons who did not achieve a qualifying score on the skills examination, including those for whom English is a second language.

(c) The board shall adopt rules to approve teacher preparation programs.

(d) The board shall provide the leadership and shall adopt rules for the redesign of teacher education programs to implement a research based, results-oriented curriculum that focuses on the skills teachers need in order to be effective. The board shall implement new systems of teacher preparation

program evaluation to assure program effectiveness based on proficiency of graduates in demonstrating attainment of program outcomes.

(e) The board shall adopt rules requiring successful completion of an examination of general pedagogical knowledge and examinations of licensure-specific teaching skills. The rules shall be effective on the dates determined by the board, but not later than July 1, 1999.

(f) The board shall adopt rules requiring teacher educators to work directly with elementary or secondary school teachers in elementary or secondary schools to obtain periodic exposure to the elementary or secondary teaching environment.

(g) The board shall grant licenses to interns and to candidates for initial licenses.

(h) The board shall design and implement an assessment system which requires a candidate for an initial license and first continuing license to demonstrate the abilities necessary to perform selected, representative teaching tasks at appropriate levels.

(i) The board shall receive recommendations from local committees as established by the board for the renewal of teaching licenses.

(j) The board shall grant life licenses to those who qualify according to requirements established by the board, and suspend or revoke licenses pursuant to sections 125.09 and 214.10. The board shall not establish any expiration date for application for life licenses.

(k) With regard to post-secondary vocational education teachers the board of teaching shall adopt and maintain as its rules the rules of the state board of technical colleges.

Sec. 21. Minnesota Statutes 1992, section 125.188, subdivision 1, is amended to read:

Subdivision 1. [REQUIREMENTS.] (a) A preparation program that is an alternative to the post-secondary teacher preparation program as a means to acquire an entrance license is established. The program may be offered in any instructional field.

(b) To participate in the alternative preparation program, the candidate must:

(1) have a bachelor's degree;

(2) pass an examination of skills in reading, writing, and mathematics as required by section 125.05;

(3) have been offered a job to teach in a school district, group of districts, or an education district approved by the board of teaching to offer an alternative preparation licensure program;

(4)(i) have a college major in the subject area to be taught; or

(ii) have five years of experience in a field related to the subject to be taught; and

(5) document successful experiences working with children.

(c) An alternative preparation license is of one year duration and is issued by the board of teaching to participants on admission to the alternative preparation program.

(d) *The board of teaching shall ensure that the purposes of this program enhance the school-desegregation/integration policies adopted by the state.*

Sec. 22. Minnesota Statutes 1993 Supplement, section 125.230, subdivision 3, is amended to read:

Subd. 3. [PROGRAM COMPONENTS.] In order to be approved by the board of teaching, a school district's residency program must at minimum include:

- (1) training to prepare teachers to serve as mentors to teaching residents;
- (2) a team mentorship approach to expose teaching residents to a variety of teaching methods, philosophies, and classroom environments;
- (3) ongoing peer coaching and assessment;
- (4) assistance to the teaching resident in preparing an individual professional development plan that includes goals, activities, and assessment methodologies; and
- (5) ~~involvement of resource persons from higher~~ *collaboration with one or more teacher education institutions, career teachers, and other community experts to provide local or regional professional development seminars or other structured learning experiences for teaching residents.*

A teaching resident shall not be given direct classroom supervision responsibilities that exceed 80 percent of the instructional time required of a full-time equivalent teacher in the district. During the ~~remaining~~ time, a ~~teaching~~ resident *does not supervise a class, the resident shall participate in professional development activities according to the individual plan developed by the resident in conjunction with the school's mentoring team. Examples of development activities include observing other teachers, sharing experiences with other teaching residents, and professional meetings and workshops.*

Sec. 23. Minnesota Statutes 1993 Supplement, section 125.230, subdivision 4, is amended to read:

Subd. 4. [EMPLOYMENT CONDITIONS.] A school district shall pay a teaching resident a salary equal to 75 percent of the ~~statewide average~~ salary of a first-year teacher with a bachelor's degree *in the district*. The resident shall be a member of the local bargaining unit and shall be covered under the terms of the contract, except for salary and benefits, unless otherwise provided in this subdivision. The school district shall provide health insurance coverage for the resident if the district provides it for teachers, and may provide other benefits upon negotiated agreement.

Sec. 24. Minnesota Statutes 1993 Supplement, section 125.230, subdivision 6, is amended to read:

Subd. 6. [LEARNING AND DEVELOPMENT REVENUE ELIGIBILITY.] A school district with an approved teaching residency program may use learning and development revenue for each teaching resident in kindergarten through grade six. A district also may use the revenue for a paraprofessional

who is a person of color enrolled in an approved teacher preparation program. A school district shall not use a teaching resident to replace an existing teaching position, *unless*:

(1) *there is no teacher available who is properly licensed to fill the vacancy, who has been placed on unrequested leave of absence in the district, and who wishes to be reinstated; and*

(2) *the district's collective bargaining agreement includes a memorandum of understanding that permits teaching residents to fill an existing teaching position.*

Sec. 25. Minnesota Statutes 1993 Supplement, section 125.231, subdivision 1, is amended to read:

Subdivision 1. [TEACHER MENTORING PROGRAMS.] School districts are encouraged to develop teacher mentoring programs for teachers new to the profession or district, including teaching residents, *teachers of color*, teachers with special needs, or experienced teachers in need of peer coaching.

Sec. 26. Minnesota Statutes 1993 Supplement, section 125.231, subdivision 4, is amended to read:

Subd. 4. [CRITERIA FOR SELECTION.] At a minimum, applicants must express commitment to:

- (1) allow staff participation;
- (2) assess skills of both beginning and mentor teachers;
- (3) provide appropriate in-service to needs identified in the assessment;
- (4) provide leadership to the effort;
- (5) cooperate with higher education institutions;
- (6) provide facilities and other resources; *and*
- (7) share findings, materials, and techniques with other school districts; *and*
- (8) *retain teachers of color.*

Sec. 27. Minnesota Statutes 1993 Supplement, section 125.623, subdivision 3, is amended to read:

Subd. 3. [PROGRAM REQUIREMENTS.] (a) A grant recipient shall recruit persons of color to be teachers in elementary, secondary, early childhood or parent education, and provide support in linking program participants with jobs in the recipient's school district.

(b) A grant recipient shall establish an advisory council composed of representatives of communities of color.

(c) A grant recipient, with the assistance of the advisory council, shall recruit high school students and other persons, *including educational para-professionals*, support them through the higher education application and admission process, advise them while enrolled and link them with support resources in the college or university and the community.

(d) A grant recipient shall award stipends to students of color enrolled in an approved licensure program to help cover the costs of tuition, student fees, supplies, and books. Stipend awards must be based on a student's financial

need and students must apply for any additional financial aid they are eligible for to supplement this program. No more than ten percent of the grant may be used for costs of administering the program. Students must agree to teach in the grantee school district for at least two years after licensure. If the district has no licensed positions open, the student may teach in another district in Minnesota.

(e) The commissioner of education shall consider the following criteria in awarding grants:

(1) whether the program is likely to increase the recruitment and retention of students of color in teaching;

(2) whether grant recipients will recruit paraprofessionals from the district to work in its schools; and

(3) whether grant recipients will establish or have a mentoring program for students of color.

Sec. 28. [126.43] [CULTURAL EXCHANGE PROGRAM.]

Subdivision 1. [CULTURAL EXCHANGE PROGRAM GOALS.] A cultural exchange program is established to develop and create opportunities for children and staff of different ethnic, racial, and other cultural backgrounds to experience educational and social exchange. The goals of the program are set forth in paragraphs (a) to (d).

(a) The program shall develop curriculum reflective of particular ethnic, racial, and other cultural aspects of various demographic groups in the state. The curriculum must be structured to be implemented on a quarter or semester basis.

(b) The program shall develop immersion programs that are coordinated with the programs offered in paragraph (a).

(c) The program shall create opportunities for students from across the state to enroll on a part-time basis in school districts other than the one of residence, or in other schools within their district of residence.

(d) The program shall create opportunities for staff exchanges on a cultural basis.

Subd. 2. [CULTURAL EXCHANGE GRANTS.] A school district together with a group of school districts, a cooperative governmental unit, the center for arts and education, or a post-secondary institution may apply for cultural exchange grants. The commissioner of education shall determine grant recipients and may adopt application guidelines. The grants must be competitively determined and applicants must demonstrate:

(1) the capacity to develop a focused curriculum that reflects the particular ethnic, racial, and other cultural aspects of the community in which the school where the program is offered is located;

(2) the capacity to develop magnet immersion programs coordinated with the curriculum developed in clause (1);

(3) the capacity to extend the exchange experience beyond the period of time the student is enrolled through extended day or extended year programs;

(4) the capacity to coordinate a cultural exchange program with other curriculum programs to assure continuity in a pupils education;

(5) the capacity to maximize diversity of ethnic, racial, and other cultural backgrounds of participants;

(6) that the application is jointly developed by participants; and

(7) that the outcomes of the exchange program are clearly articulated.

Subd. 3. [GRANT USE.] The grants may be used for staff time including salary and benefit expenses and costs for substitute staff, travel expenses, curriculum materials, and any other expense needed to meet the goals of the program. Grant proceeds also may be used for transportation, board, and lodging expenses for students.

Sec. 29. [126.84] [MALE RESPONSIBILITY AND FATHERING GRANTS.]

Subdivision 1. [ESTABLISHMENT.] The commissioner of education, in consultation with the commissioner of human services, shall make male responsibility and fathering grants to youth or parenting programs that collaborate with school districts to educate young people, particularly males ages ten to 21, on the responsibilities of parenthood.

Subd. 2. [MATCHING MONEY.] Each dollar of state money must be matched with at least 50 cents of nonstate money including in-kind contributions. Those programs with a higher match will have a greater chance of receiving a grant.

Subd. 3. [EXPECTED OUTCOMES.] Grant recipients shall use the funds for programs designed to prevent teen pregnancy and to prevent crime in the long term. Recipient programs must assist youth to:

(1) understand the connection between sexual behavior, adolescent pregnancy, and the roles and responsibilities of marriage and parenting;

(2) understand the long-term responsibility of fatherhood;

(3) understand the importance of fathers in the lives of children;

(4) acquire parenting skills and knowledge of child development; and

(5) find community support for their roles as fathers and nurturers of children.

Subd. 4. [GRANT APPLICATIONS.] (a) An application for a grant may be submitted by a youth or parenting program whose purpose is to reduce teen pregnancy or teach child development and parenting skills in collaboration with a school district. Each grant application must include a description of the program's structure and components, including collaborative and outreach efforts; an implementation and evaluation plan to measure the program's success; a plan for using males as instructors and mentors; and a cultural diversity plan to ensure that staff or teachers will reflect the cultural backgrounds of the population served and that the program content is culturally sensitive.

(b) Grant recipients must, at a minimum, provide education in responsible parenting and child development, responsible decision-making related to marriage and relationships, and the legal implications of paternity. Grant

recipients also must provide public awareness efforts in the collaborative school district. Grant recipients may offer support groups, health nutrition education, and mentoring and peer teaching.

(c) A grant applicant must establish an advisory committee to assist the applicant in planning and implementation of a grant. The advisory committee must include student representatives, adult males from the community, representatives of community organizations, teachers, parent educators, and representatives of family social service agencies.

Subd. 5. [ADMINISTRATION.] The commissioner of education shall administer male responsibility and fathering grants. The commissioner shall establish a grant review committee composed of teachers and representatives of community organizations, student organizations, and education or family social service agencies that offer parent education programs.

Subd. 6. [REPORT.] The commissioner shall report to the legislature on the progress of the male responsibility and fathering programs by January 15, 1996.

Sec. 30. Minnesota Statutes 1992, section 136A.125, subdivision 3, is amended to read:

Subd. 3. [ELIGIBLE INSTITUTION.] A Minnesota public post-secondary institution or, a Minnesota private, baccalaureate degree granting college or university located in Minnesota, or a Minnesota nonprofit two-year vocational technical school granting associate degrees is eligible to receive child care funds from the board and disburse them to eligible students.

Sec. 31. Minnesota Statutes 1993 Supplement, section 275.48, is amended to read:

275.48 [ADDITIONAL TAX LEVIES IN CERTAIN TAXING DISTRICTS.]

When by virtue of chapter 278, sections 270.07, 375.192, or otherwise, the net tax capacity of a city, or township or school district for a taxable year is reduced after the taxes for the year have been spread by the county auditor, and when the local tax rate determined by the county auditor based on the original net tax capacity is applied on the reduced net tax capacity and does not produce the full amount of taxes actually levied and certified for that taxable year on the original net tax capacity, the city, or township or school district may include an additional amount in its tax levy made following final determination and notice of the reduction in net tax capacity. The amount shall equal the difference between the total amount of taxes actually levied and certified for that taxable year upon the original net tax capacity, not exceeding the maximum amount which could be raised on the net tax capacity as reduced, within existing local tax rate limitations, if any, and the amount of taxes collected for that taxable year on the reduced net tax capacity. The total tax levy authorized for a school district by this section may also include an amount equal to any interest paid on the abatement refunds. The levy for a school district shall be reduced by the total amount of any abatement adjustments received by the district pursuant to section 124.214, subdivision 2, in the same calendar year in which the levy is certified. As part of the certification required by section 124.918, subdivision 1, the commissioner of education shall certify the amount of the abatement levy limitation adjustment for each school district headquartered in that county.

~~Except for school districts,~~ The amount of taxes so included shall be levied separately and shall be levied in addition to all limitations imposed by law; and further shall not result in any penalty in the nature of a reduction in state aid of any kind.

Sec. 32. Laws 1993, chapter 224, article 8, section 22, subdivision 12, is amended to read:

Subd. 12. [TEACHERS OF COLOR PROGRAM.] For grants to school districts for the teachers of color program:

\$300,000 1994

\$300,000 1995

Of this appropriation, at least \$75,000 each fiscal year shall be for educating people of color to be early childhood and parent educators. *Any balance remaining in the first year does not cancel, but is available in the second year.*

Sec. 33. [LAKE SUPERIOR DEBT.]

Subdivision 1. [OPERATING DEBT ACCOUNT.] On July 1, 1994, independent school district No. 381, Lake Superior, shall establish a reserved account in the general fund. The balance in the account shall equal the unreserved undesignated fund balance in the operating funds of the district as of June 30, 1994.

Subd. 2. [LEVY.] For taxes payable in each of the years 1998 through 2000, the district may levy an amount up to 33-1/3 percent of the balance in the account on July 1, 1994. The balance in the account shall be adjusted each year by the amount of the proceeds of the levy. The proceeds of the levy shall be used only for cash flow requirements and shall not be used to supplement district revenues or income for the purposes of increasing the district's expenditures or budgets.

Sec. 34. [ADJUSTMENTS.]

Notwithstanding Minnesota Statutes, section 124.14, appropriation excess for fiscal years 1993 and 1995 not otherwise allocated to programs under Minnesota Statutes, sections 124.32, 124.321, 124.322, 124.273, and 124.574, shall be allocated to a program under Minnesota Statutes, section 124.214. If the excess that is allocated for fiscal year 1993 to a program under Minnesota Statutes, section 124.214, exceeds the deficiency for that year, this difference shall remain in that account and shall be used to reduce deficiencies for fiscal year 1995.

Sec. 35. [PILOT PROGRAM IN CONTINUING MULTICULTURAL EDUCATION.]

Subdivision 1. [PROGRAM COMPONENTS.] Beginning with the 1994-1995 school year, independent school district No. 38, Red Lake, shall provide a 25-hour continuing education in-service program in multicultural education for licensed teachers in the district. The three-year pilot program shall be results-oriented and shall be designed to improve teachers' ability to effectively educate learners of all racial, cultural, and economic groups. The district's staff development committee under Minnesota Statutes, section 126.70, subdivision 1, shall develop appropriate outcomes for the program. The district shall contract with Bemidji State University to provide curriculum, instruction, and assessments for the program.

Subd. 2. [PROGRAM APPROVAL.] Prior to implementation, the program established in subdivision 1 must be approved by the department of education in consultation with the state American Indian education advisory committee.

Subd. 3. [APPLICABILITY.] A teacher employed by independent school district No. 38, Red Lake, at the start of the 1994-1995 school year shall complete the program established in subdivision 1 within three years of its implementation. In appropriate circumstances, the district's staff development committee under Minnesota Statutes, section 126.70, subdivision 1, may waive this provision for a teacher who is unable to complete the program. The program shall be counted as continuing education for licensure purposes under board of teaching rules.

Subd. 4. [REPORT.] Independent school district No. 38, Red Lake, and the staff development committee shall report to the commissioner of education on the status of the program by February 1, 1995.

Sec. 36. [REVENUE ADJUSTMENTS.]

After appropriate study and such public hearings as may be necessary, the commissioner of education shall recommend to the legislature by February 1, 1995, a policy for ensuring the school districts participating in a metropolitan-wide school desegregation/integration plan are not financially disadvantaged as a result of participating in the plan.

Sec. 37. [MAGNET SCHOOL AND PROGRAM GRANTS.]

(a) The commissioner of education shall award grants to school districts for planning and developing magnet schools and magnet programs.

(b) Grant recipients must use the grant money under paragraph (a) to establish or operate a magnet school or a magnet program and provide all students with equal educational opportunities. Grant recipients may expend grant money on:

(1) teachers who provide instruction or services to students in a magnet school or magnet program;

(2) educational paraprofessionals who assist teachers in providing instruction or services to students in a magnet school or magnet program;

(3) clerical support needed to operate a magnet school or magnet program;

(4) equipment, equipment maintenance contracts, materials, supplies, and other property needed to operate a magnet school or magnet program;

(5) minor remodeling needed to operate a magnet school or magnet program;

(6) transportation for field trips that are part of a magnet school or magnet program curriculum;

(7) program planning and staff and curriculum development for a magnet school or magnet program;

(8) disseminating information on magnet schools and magnet programs; and

(9) indirect costs calculated according to the state's statutory formula governing indirect costs.

Sec. 38. [SEXUALITY AND FAMILY LIFE EDUCATION SURVEY.]

The department of education, in consultation with the department of health and Minnesota planning, shall conduct a survey to assess the extent and status of sexuality and family life education in Minnesota's public elementary, middle, secondary, and alternative schools. The survey shall, at a minimum, compile information on the sexuality and family life related curriculum offered in each school, the goals of the curriculum, the age and developmental appropriateness of the curriculum, available research supporting the curriculum, the relevant training of those who teach sexuality and family life education, and the role that parents play in the programs. The department of education shall report the results of the evaluation to the legislature by February 15, 1995. The survey results shall be used to develop effective programs to prevent teen pregnancy.

Sec. 39. [TASK FORCE ON SCHOOL MEALS PROGRAMS.]

Subdivision 1. [ESTABLISHMENT; MEMBERSHIP.] The task force on school meals programs is established. The task force shall consist of 14 members. One member each shall be appointed by the Minnesota school food service association, the Minnesota school boards association, the Minnesota education association, the Minnesota federation of teachers, the Minnesota congress of parents and teachers, the food first coalition, the children's defense fund, the Minnesota chapter of the American Academy of Pediatrics, the Minnesota community action program association, Minnesota foodshare, congregations concerned for children, and the Minnesota business partnership. One member shall be jointly appointed by the Minnesota association of secondary school principals and the Minnesota elementary school principals association. The commissioner of education or the commissioner's designee shall serve as a member of the task force. The commissioner of education shall convene the first meeting no later than June 15, 1994. A chair shall be elected at the first meeting.

Subd. 2. [DUTIES.] The task force established under subdivision 1 shall review the nutrition needs of K-12 students and the extent to which poor nutrition interferes with effective learning, and shall review the current school breakfast and lunch programs and the role of these programs in improving educational achievement and contributing to the long-term health of Minnesota children. The task force shall identify barriers to participation in the school meals programs and shall make recommendations to:

- (1) improve student nutrition to increase the educational achievement of all children and to improve the overall learning climate;*
- (2) more effectively integrate the school meals program into the school day;*
- (3) eliminate barriers to universal participation in school meals programs;*
- (4) reduce paperwork and other administrative burdens associated with the school meals programs so that resources can be redirected to pay for program expansion and improving the nutritional integrity of the program; and*
- (5) enable Minnesota to maximize federal funds for school meals programs.*

Subd. 3. [STAFF SUPPORT.] The department of education and any other state agency shall provide information and technical assistance as requested by the task force. The department of education shall provide clerical support to the task force.

Subd. 4. [REPORT.] The task force established under subdivision 1 shall report to the education committees of the legislature and the legislative commission on children, youth, and their families by January 31, 1995.

Sec. 40. [FUND TRANSFERS.]

Subdivision 1. [HOLDINGFORD.] Notwithstanding Minnesota Statutes, sections 121.912; 121.9121; and 475.61, subdivision 4, on June 30, 1994, independent school district No. 738, Holdingford, may permanently transfer up to \$100,000 from its debt redemption fund to its general fund.

Subd. 2. [INVER GROVE HEIGHTS.] Notwithstanding Minnesota Statutes, sections 121.912 and 121.9121, on June 30, 1994, independent school district No. 199, Inver Grove Heights, may permanently transfer up to \$91,255 from its community service fund to its general fund.

Subd. 3. [MONTICELLO.] Notwithstanding Minnesota Statutes, sections 121.912 and 121.9121, independent school district No. 882, Monticello, may permanently transfer an amount not to exceed \$250,000 from its capital expenditure fund to its transportation fund before July 1, 1994.

Subd. 4. [RED LAKE.] Notwithstanding any law to the contrary, on June 30, 1994, independent school district No. 38, Red Lake, may permanently transfer \$160,900 from the general fund to the building construction fund.

Subd. 5. [REMER-LONGVILLE.] Notwithstanding Minnesota Statutes, section 121.912, subdivision 1, independent school district No. 118, Remer-Longville, may permanently transfer \$150,000 in fiscal year 1994 from the bus purchase account to the capital expenditure fund for facility repair and technology-related equipment without making a levy reduction.

Sec. 41. [LOW-INCOME CONCENTRATION GRANT PROGRAM.]

Subdivision 1. [GRANT PROGRAM.] A low-income concentration grant program is established. The purpose of the program is to provide additional resources to school buildings in which the concentration of children from low-income families is high compared to the district-wide concentration.

Subd. 2. [APPLICATION PROCESS.] The commissioner of education shall develop a grant application process. In order to qualify for a grant, the building must be located in a district that meets the following criteria:

(1) ten percent or more of the district's pupils are eligible for free and reduced lunch as of October 1 of the previous fiscal year;

(2) ten percent or more of the district's pupils are students of color; and

(3) the district's adjusted net tax capacity divided by its pupil units for the current year is less than \$6,500. An eligible building must have at least twice the district average percentage of students of color and students eligible for free or reduced lunch.

Subd. 3. [GRANT USE.] The grant must be used according to Minnesota Statutes, section 124A.28.

Sec. 42. [GRANTS TO PROVIDE FREE BREAKFASTS TO ELEMENTARY SCHOOL CHILDREN.]

Subdivision 1. [ESTABLISHMENT.] A grant program for fiscal year 1995 is established to explore the policy of providing nutritious breakfasts to all

children in elementary school, without regard to whether the children are eligible to receive free or reduced price breakfasts, so that they can learn effectively.

Subd. 2. [ELIGIBILITY.] An applicant for a grant must be an elementary school that participates in the federal school breakfast and lunch programs. For a school to receive a grant, at least 15 percent of the school's enrolled children must have qualified to receive a free or reduced price lunch during the 1993-1994 school year.

Subd. 3. [APPLICATION PROCESS.] To obtain a grant to receive reimbursement for providing breakfasts to all children, whether or not the children are from low-income families and eligible to receive free or reduced price meals, an elementary school must submit an application to the education commissioner in the form and manner prescribed by the commissioner. The application must describe how the applicant will encourage all children in the school to participate in the breakfast program. The commissioner may require additional information from the applicant.

Subd. 4. [GRANT AWARDS.] The commissioner shall award four grants: for each of two grant recipients, between 15 and 40 percent of the enrolled children must have qualified to receive a free or reduced price lunch during the 1993-1994 school year; for each of the remaining two grant recipients, more than 40 percent of the enrolled children must have qualified to receive a free or reduced price lunch during the 1993-1994 school year. The four schools that the commissioner selects must have an elementary school population that in total does not exceed 2,400 pupils in average daily membership. Grant recipients must be located throughout the state. The amount of the grant shall equal the statewide average cost for the 1993-1994 school year for every breakfast the recipient serves under this program during the 1994-1995 school year minus any state and federal reimbursement the recipient receives for providing free and reduced price breakfasts during the 1994-1995 school year. Grant recipients must use the proceeds to provide breakfasts to school children.

Subd. 5. [EVALUATION.] The commissioner shall evaluate the four grant sites to determine the impact that the universal breakfast program has on children's school performance, including discipline in the school, students' test scores, attendance rates, and other measures of educational achievement. The commissioner shall report the results of the evaluation to the education committees of the legislature by January 31, 1996.

Sec. 43. [APPROPRIATIONS.]

Subdivision 1. [DEPARTMENT OF EDUCATION.] The sums indicated in this section are appropriated from the general fund to the department of education in the fiscal year designated.

Subd. 2. [MALE RESPONSIBILITY AND FATHERING GRANTS.] For male responsibility and fathering grants:

\$750,000 1995

The commissioner of education shall award a minimum of ten grants geographically distributed throughout the state.

The commissioner of education may enter into cooperative agreements with

the commissioner of human services to access federal money for child support and paternity education programs.

This appropriation is available until June 30, 1996.

Subd. 3. [MULTICULTURAL CONTINUING EDUCATION GRANT.] *For a grant to independent school district No. 38, Red Lake, for a multicultural continuing education pilot project for teachers:*

\$69,000 1995

The district must match this sum with staff development revenue under Minnesota Statutes, section 124A.29.

Subd. 4. [SEXUALITY AND FAMILY LIFE EDUCATION SURVEY.] *For a sexuality and family life education survey:*

\$25,000 1995

Subd. 5. [SCHOOL MEALS TASK FORCE.] *For the task force on school meals programs:*

\$25,000 1995

Subd. 6. [DESEGREGATION/INTEGRATION OFFICE.] *For the desegregation/integration office:*

\$150,000 1995

This sum shall be used for costs associated with assisting school districts in voluntary integration efforts and for annually evaluating and reporting the results of such efforts. A portion of this appropriation may be used for unclassified positions within the department.

Subd. 7. [MAGNET SCHOOL AND PROGRAM GRANTS.] *For magnet school and program grants:*

\$1,850,000 1995

This sum shall be used for planning and developing magnet schools and magnet programs. Prior to awarding the grants, the commissioner shall consult with the superintendent of districts that demonstrate an intent to participate in the magnet school and related programs.

Subd. 8. [LOW-INCOME CONCENTRATION GRANTS.] *For grants under section 41:*

\$600,000 1995

Each grant shall be no more than \$50,000.

Subd. 9. [NETT LAKE YOUTH PROGRAM GRANT.] *For a grant to independent school district No. 707, Nett Lake, for providing an evening and weekend youth activity program:*

\$25,000 1995

The school district, in collaboration with social services and law enforcement agencies, and with the advice of the community youth council, must use the grant to provide evening and weekend programs for youth that include educational, social, and cultural activities.

Subd. 10. [ABATEMENTS.] For abatement aid under Minnesota Statutes, section 124.214:

\$9,830,000 1995

Subd. 11. [FREE BREAKFAST GRANTS.] For grants for free breakfasts to elementary school children:

\$167,000 1995

Up to \$18,000 of this sum may be used to conduct an evaluation of the grant sites.

Subd. 12. [CULTURAL EXCHANGE PROGRAM.] For the cultural exchange program:

\$142,000 1995

Sec. 44. [REPEALER.]

Laws 1993, chapter 224, article 8, section 14, is repealed.

Sec. 45. [EFFECTIVE DATE.]

(a) Section 6 [123.3514, subd. 4] is effective the day following final enactment and applies to an American Indian-controlled tribal contract or grant school identified in section 6 that is established on or before the effective date of section 6.

(b) Sections 15 [124A.225, subdivision 4] and 16 [124A.225, subdivision 6] are effective July 1, 1994, and apply to revenue for 1994-1995 and later school years.

(c) Sections 39 [school meals] and 40 [fund transfers] are effective the day following final enactment.

ARTICLE 9

MISCELLANEOUS

Section 1. Minnesota Statutes 1993 Supplement, section 120.064, subdivision 3, is amended to read:

Subd. 3. [SPONSOR.] *(a) A school board, community college, state university, technical college, the University of Minnesota, a member of the Minnesota private college council, or a consortium of education organizations may sponsor one or more outcome-based schools.*

~~A school board may authorize, up to a maximum of five outcome-based schools per sponsor.~~

(b) No more than a total of 20 50 outcome-based schools may be authorized. The state board of education shall advise potential sponsors when the maximum number of outcome-based schools has been authorized.

Sec. 2. Minnesota Statutes 1993 Supplement, section 120.064, subdivision 8, is amended to read:

Subd. 8. [REQUIREMENTS.] *(a) An outcome-based school shall meet all applicable state and local health and safety requirements.*

(b) *If the sponsor is a school district, the school must be located in the sponsoring district, unless another school board agrees to locate an outcome-based school sponsored by another district in its boundaries. If a school board denies a request to locate within its boundaries an outcome-based school sponsored by another district, the sponsoring district may appeal to the state board of education. If the state board authorizes the school, the state board shall sponsor the school. If the sponsor is a higher education institution or a consortium of educational organizations under subdivision 3, paragraph (a), the sponsor must notify the school district in which the school is to be located prior to seeking state board approval for the school.*

(c) The school must be nonsectarian in its programs, admission policies, employment practices, and all other operations. A sponsor may not authorize an outcome-based school or program that is affiliated with a nonpublic sectarian school or a religious institution.

(d) The primary focus of the school must be to provide a comprehensive program of instruction for at least one grade or age group from five through 18 years of age. Instruction may be provided to people younger than five years and older than 18 years of age.

(e) The school may not charge tuition.

(f) The school is subject to and shall comply with chapter 363 and section 126.21.

(g) The school is subject to and shall comply with the pupil fair dismissal act, sections 127.26 to 127.39, and the Minnesota public school fee law, sections 120.71 to 120.76.

(h) The school is subject to the same financial audits, audit procedures, and audit requirements as a school district. The audit must be consistent with the requirements of sections 121.901 to 121.917, except to the extent deviations are necessary because of the program at the school. The department of education, state auditor, or legislative auditor may conduct financial, program, or compliance audits.

(i) The school is a school district for the purposes of tort liability under chapter 466.

Sec. 3. Minnesota Statutes 1993 Supplement, section 120.064, subdivision 9, is amended to read:

Subd. 9. [ADMISSION REQUIREMENTS.] The school may limit admission to:

(1) pupils within an age group or grade level;

(2) people who are eligible to participate in the high school graduation incentives program under section 126.22; or

(3) residents of a specific geographic area where the percentage of the population of non-Caucasian people of that area is greater than the percentage of the non-Caucasian population in the congressional district in which the geographic area is located, and as long as the school reflects the racial and ethnic diversity of the specific area; or

(4) *students whose parents were among the initial organizers of the school*

as determined by vote of the board to the extent the percentage of students admitted under this provision does not exceed 20 percent of total enrollment.

The school shall enroll an eligible pupil who submits a timely application, unless the number of applications exceeds the capacity of a program, class, grade level, or building. In this case, pupils shall be accepted by lot.

The school may not limit admission to pupils on the basis of intellectual ability, measures of achievement or aptitude, or athletic ability.

Sec. 4. Minnesota Statutes 1993 Supplement, section 120.064, subdivision 16, is amended to read:

Subd. 16. [LEASED SPACE.] ~~The school may lease space from a board eligible to be a sponsor or other public or private nonprofit nonsectarian organization. If a school is unable to lease appropriate space from an eligible board or other public or private nonprofit nonsectarian organization, the school may lease space from another nonsectarian organization if the department of education, in consultation with the department of administration, approves the lease is a school district for the purposes of leasing space. The school may lease space from a sectarian organization if the school has no association with the organization and the department of education approves the lease.~~

Sec. 5. Minnesota Statutes 1993 Supplement, section 120.101, subdivision 5, is amended to read:

Subd. 5. [AGES AND TERMS.] ~~For the 1988-1989 school year and the school years thereafter, Every child between seven and 16 years of age shall receive instruction for at least the number of days each year required under subdivision 5b. For the 2000-2001 school year and later school years, every child between seven and 18 years of age shall receive instruction for at least the number of days each year required under subdivision 5b.~~ Every child under the age of seven who is enrolled in a half-day kindergarten, or a full-day kindergarten program on alternate days, or other kindergarten programs shall receive instruction at least equivalent to half of each day for the number of days each year set out in subdivision 5b. Except as provided in subdivision 5a, a parent may withdraw a child under the age of seven from enrollment at any time.

Sec. 6. Minnesota Statutes 1993 Supplement, section 120.101, subdivision 5b, is amended to read:

Subd. 5b. [INSTRUCTIONAL DAYS.] Every child required to receive instruction according to subdivision 5 shall receive instruction for at least 170 days through the ~~1994-1995~~ 1995-1996 school year, and for later years, at least the number of days per school year in the following schedule:

- (1) ~~1995-1996, 172;~~
- (2) 1996-1997, 174;
- (3) (2) 1997-1998, 176;
- (4) (3) 1998-1999, 178;
- (5) (4) 1999-2000, 180;
- (6) (5) 2000-2001, 182;

- (7) (6) 2001-2002, 184;
- (8) (7) 2002-2003, 186;
- (9) (8) 2003-2004, 188; and
- (10) (9) 2004-2005, and later school years, 190.

Sec. 7. Minnesota Statutes 1993 Supplement, section 124.19, subdivision 1, is amended to read:

Subdivision 1. [INSTRUCTIONAL TIME.] Every district shall maintain school in session or provide instruction in other districts for at least 175 days through the ~~1994-1995~~ 1995-1996 school year and the number of days required in subdivision 1b thereafter, not including summer school, or the equivalent in a district operating a flexible school year program. A district that holds school for the required minimum number of days and is otherwise qualified is entitled to state aid as provided by law. If school is not held for the required minimum number of days, state aid shall be reduced by the ratio that the difference between the required number of days and the number of days school is held bears to the required number of days, multiplied by 60 percent of the basic revenue, as defined in section 124A.22, subdivision 2, of the district for that year. However, districts maintaining school for fewer than the required minimum number of days do not lose state aid (1) if the circumstances causing loss of school days below the required minimum number of days are beyond the control of the board, (2) if proper evidence is submitted, and (3) if a good faith attempt is made to make up time lost due to these circumstances. The loss of school days resulting from a lawful employee strike shall not be considered a circumstance beyond the control of the board. Days devoted to meetings authorized or called by the commissioner may not be included as part of the required minimum number of days of school. For grades 1 to 12, days devoted to parent-teacher conferences, teachers' workshops, or other staff development opportunities as part of the required minimum number of days must not exceed five days through the ~~1994-1995~~ 1995-1996 school year and for subsequent school years the difference between the number of days required in subdivision 1b and the number of instructional days required in subdivision 5b. For kindergarten, days devoted to parent-teacher conferences, teachers' workshops, or other staff development opportunities as part of the required minimum number of days must not exceed twice the number of days for grades 1 to 12.

Sec. 8. Minnesota Statutes 1992, section 124.19, subdivision 1b, is amended to read:

Subd. 1b. [REQUIRED DAYS.] Each district shall maintain school in session or provide instruction in other districts for at least the number of days required for the school years listed below:

- (1) ~~1995-1996, 177;~~
- (2) 1996-1997, 179;
- (3) (2) 1997-1998, 181;
- (4) (3) 1998-1999, 183;
- (5) (4) 1999-2000, 185;
- (6) (5) 2000-2001, 187;

- (7) (6) 2001-2002, 189;
 (8) (7) 2002-2003, 191;
 (9) (8) 2003-2004, 193; and
 (10) (9) 2004-2005, and later school years, 195.

Sec. 9. Minnesota Statutes 1993 Supplement, section 124.248, subdivision 4, is amended to read:

Subd. 4. [OTHER AID, GRANTS, REVENUE.] (a) An outcome-based school is eligible to receive other aids, grants, and revenue according to chapters 120 to 129, as though it were a school district *except that, notwithstanding section 124.195, subdivision 3, the payments shall be of an equal amount on each of the 23 payment dates unless an outcome-based school is in its first year of operation in which case it shall receive on its first payment date 15 percent of its cumulative amount guaranteed for the year and 22 payments of an equal amount thereafter the sum of which shall be 85 percent of the cumulative amount guaranteed.* However, it may not receive aid, a grant, or revenue if a levy is required to obtain the money, except as otherwise provided in this section. Federal aid received by the state must be paid to the school, if it qualifies for the aid as though it were a school district.

(b) ~~Any revenue received from any source, other than revenue that is specifically allowed for operational, maintenance, capital facilities revenue under paragraph (c), and capital expenditure equipment costs under this section, may be used only for the planning and operational start-up costs of an outcome-based school. Any unexpended revenue from any source under this paragraph must be returned to that revenue source or conveyed to the sponsoring school district, at the discretion of the revenue source.~~

(c) An outcome-based school may receive money from any source for capital facilities needs. Any unexpended capital facilities revenue must be reserved and shall be expended only for future capital facilities purposes:

Sec. 10. Minnesota Statutes 1992, section 125.09, subdivision 1, is amended to read:

Subdivision 1. [GROUNDS FOR REVOCATION.] The board of teaching or the state board of education, whichever has jurisdiction over a teacher's licensure, may, on the written complaint of the board employing a teacher, or of a teacher organization, or of any other interested person, which complaint shall specify the nature and character of the charges, suspend or revoke such teacher's license to teach for any of the following causes:

- (1) Immoral character or conduct;
- (2) Failure, without justifiable cause, to teach for the term of the teacher's contract;
- (3) Gross inefficiency or willful neglect of duty; or
- (4) Failure to meet licensure requirements; or
- (5) Fraud or misrepresentation in obtaining a license.

For purposes of this subdivision, the board of teaching is delegated the authority to suspend or revoke coaching licenses under the jurisdiction of the state board of education.

Sec. 11. Minnesota Statutes 1992, section 127.03, subdivision 3, is amended to read:

Subd. 3. [IMMUNITY FROM CIVIL LIABILITY.] It is a defense to a civil action for damages against a ~~teacher~~ school official, as defined in section 609.2231, subdivision 5, to prove that the force used by the ~~teacher~~ official was reasonable, was in the exercise of lawful authority, and was necessary under the circumstances to restrain the pupil or to prevent bodily harm or death to another.

Sec. 12. Laws 1993, chapter 224, article 12, section 26, is amended to read:

Sec. 26. [125.706] [PREPARATION TIME.]

Beginning with agreements effective July 1, 1995, and thereafter, all collective bargaining agreements for teachers provided for under Minnesota Statutes, chapter 179A, must include provisions for preparation time or a provision indicating that the parties to the agreement chose not to include preparation time in the contract.

If the parties cannot agree on preparation time the following provision shall apply and be incorporated as part of the agreement: "Within the student day for every 25 minutes of *classroom* instructional time, a minimum of five additional minutes of preparation time shall be provided to each licensed teacher. Preparation time shall be provided in one or two uninterrupted blocks during the student day. Exceptions to this may be made by mutual agreement between the district and the exclusive representative of the teachers.

Sec. 13. Laws 1993, chapter 224, article 12, section 39, is amended to read:

Sec. 39. [REPEALER.]

(a) Minnesota Rules, parts 3500.0500; 3500.0600, subparts 1 and 2; 3500.0605; 3500.0800; 3500.1090; 3500.1800; 3500.2950; 3500.3100, subparts 1 to 3; 3500.3500; 3500.3600; 3500.4400; 3510.2200; 3510.2300; 3510.2400; 3510.2500; 3510.2600; 3510.6200; 3520.0200; 3520.0300; 3520.0600; 3520.1000; 3520.1200; 3520.1300; 3520.1800; 3520.2700; 3520.3802; 3520.3900; 3520.4500; 3520.4620; 3520.4630; 3520.4640; 3520.4680; 3520.4750; 3520.4761; 3520.4811; 3520.4831; 3520.4910; 3520.5330; 3520.5340; 3520.5370; 3520.5461; 3525.2850; 3530.0300; 3530.0600; 3530.0700; 3530.0800; 3530.1100; 3530.1300; 3530.1400; 3530.1600; 3530.1700; 3530.1800; 3530.1900; 3530.2000; 3530.2100; 3530.2800; 3530.2900; 3530.3100, subparts 2 to 4; 3530.3200, subparts 1 to 5; 3530.3400, subparts 1, 2, and 4 to 7; 3530.3500; 3530.3600; 3530.3900; 3530.4000; 3530.4100; 3530.5500; 3530.5700; 3530.6100; 3535.0800; 3535.1000; 3535.1400; 3535.1600; 3535.1800; 3535.1900; 3535.2100; 3535.2200; 3535.2600; 3535.2900; 3535.3100; 3535.3500; 3535.9930; 3535.9940; 3535.9950; 3540.0600; 3540.0700; 3540.0800; 3540.0900; 3540.1000; 3540.1100; 3540.1200; 3540.1300; 3540.1700; 3540.1800; 3540.1900; 3540.2000; 3540.2100; 3540.2200; 3540.2300; 3540.2400; 3540.2800; 3540.2900; 3540.3000; 3540.3100; 3540.3200; 3540.3300; 3540.3400; 3545.1000; 3545.1100; 3545.1200; 3545.2300; 3545.2700; 3545.3000; 3545.3002; 3545.3004; 3545.3005; 3545.3014; 3545.3022; 3545.3024; 8700.4200; ~~8700.6410~~; 8700.6800; and 8700.7100; ~~8700.9000~~; ~~8700.9010~~; ~~8700.9020~~; and ~~8700.9030~~, are repealed.

(b) Minnesota Rules, parts 3520.1600; 3520.2400; 3520.2500; 3520.2600; 3520.2800; 3520.2900; 3520.3000; 3520.3100; 3520.3200; 3520.3400;

3520.3500; 3520.3680; 3520.3701; 3520.3801; 3520.4001; 3520.4100;
 3520.4201; 3520.4301; 3520.4400; 3520.4510; 3520.4531; 3520.4540;
 3520.4550; 3520.4560; 3520.4570; 3520.4600; 3520.4610; 3520.4650;
 3520.4670; 3520.4701; 3520.4711; 3520.4720; 3520.4731; 3520.4741;
 3520.4801; 3520.4840; 3520.4850; 3520.4900; 3520.4930; 3520.4980;
 3520.5000; 3520.5010; 3520.5111; 3520.5120; 3520.5141; 3520.5151;
 3520.5160; 3520.5171; 3520.5180; 3520.5190; 3520.5200; 3520.5220;
 3520.5230; 3520.5300; 3520.5310; 3520.5361; 3520.5380; 3520.5401;
 3520.5450; 3520.5471; 3520.5481; 3520.5490; 3520.5500; 3520.5510;
 3520.5520; 3520.5531; 3520.5551; 3520.5560; 3520.5570; 3520.5580;
 3520.5600; 3520.5611; 3520.5700; 3520.5710; 3520.5900; 3520.5910; *and*
 3520.5920; ~~3530.6500; 3530.6600; 3530.6700; 3530.6800; 3530.6900;~~
~~3530.7000; 3530.7100; 3530.7200; 3530.7300; 3530.7400; 3530.7500;~~
~~3530.7600; 3530.7700; and 3530.7800,~~ are repealed.

(c) Minnesota Rules, parts 3500.1400; 3500.3700; 3510.0100; 3510.0200;
 3510.0300; 3510.0400; 3510.0500; 3510.0600; 3510.0800; 3510.1100;
 3510.1200; 3510.1300; 3510.1400; 3510.1500; 3510.1600; 3510.2800;
 3510.2900; 3510.3000; 3510.3200; 3510.3400; 3510.3500; 3510.3600;
 3510.3700; 3510.3800; 3510.7200; 3510.7300; 3510.7400; 3510.7500;
 3510.7600; 3510.7700; 3510.7900; 3510.8000; 3510.8100; 3510.8200;
 3510.8300; 3510.8400; 3510.8500; 3510.8600; 3510.8700; 3510.9000;
 3510.9100; chapters 3515, 3517.0100; 3517.0120; 3517.3150; 3517.3170;
 3517.3420; 3517.3450; 3517.3500; 3517.3650; 3517.4000; 3517.4100;
 3517.4200; 3517.8500; 3517.8600; *and* ~~3530.6500; 3530.6600; 3530.6700;~~
~~3530.6800; 3530.6900; 3530.7000; 3530.7100; 3530.7200; 3530.7300;~~
~~3530.7400; 3530.7500; 3530.7600; 3530.7700; 3530.7800;~~ *and* chapter
 3560, are repealed.

(d) Minnesota Rules, parts 3500.0710; 3500.1060; 3500.1075; 3500.1100;
 3500.1150; 3500.1200; 3500.1500; 3500.1600; 3500.1900; 3500.2000;
 3500.2020; 3500.2100; 3500.2900; 3500.5010; 3500.5020; 3500.5030;
 3500.5040; 3500.5050; 3500.5060; 3500.5070; 3505.2700; 3505.2800;
 3505.2900; 3505.3000; 3505.3100; 3505.3200; 3505.3300; 3505.3400;
 3505.3500; 3505.3600; 3505.3700; 3505.3800; 3505.3900; 3505.4000;
 3505.4100; 3505.4200; 3505.4400; 3505.4500; 3505.4600; 3505.4700;
 3505.5100; 8700.2900; 8700.3000; 8700.3110; 8700.3120; 8700.3200;
 8700.3300; 8700.3400; 8700.3500; 8700.3510; 8700.3600; 8700.3700;
 8700.3810; 8700.3900; 8700.4000; 8700.4100; 8700.4300; 8700.4400;
 8700.4500; 8700.4600; 8700.4710; 8700.4800; 8700.4901; 8700.4902;
 8700.5100; 8700.5200; 8700.5300; 8700.5310; 8700.5311; 8700.5500;
 8700.5501; 8700.5502; 8700.5503; 8700.5504; 8700.5505; 8700.5506;
 8700.5507; 8700.5508; 8700.5509; 8700.5510; 8700.5511; 8700.5512;
 8700.5800; 8700.6310; ~~8700.6410;~~ 8700.6900; 8700.7010; 8700.7700;
 8700.7710; 8700.8000; 8700.8010; 8700.8020; 8700.8030; 8700.8040;
 8700.8050; 8700.8060; 8700.8070; 8700.8080; 8700.8090; 8700.8110;
 8700.8120; 8700.8130; 8700.8140; 8700.8150; 8700.8160; 8700.8170;
 8700.8180; 8700.8190; ~~8700.9000; 8700.9010; 8700.9020;~~ ~~8700.9030;~~
 8750.0200; 8750.0220; 8750.0240; 8750.0260; 8750.0300; 8750.0320;
 8750.0330; 8750.0350; 8750.0370; 8750.0390; 8750.0410; 8750.0430;
 8750.0460; 8750.0500; 8750.0520; 8750.0600; 8750.0620; 8750.0700;
 8750.0720; 8750.0740; 8750.0760; 8750.0780; 8750.0800; 8750.0820;
 8750.0840; 8750.0860; 8750.0880; 8750.0890; 8750.0900; 8750.0920;
 8750.1000; 8750.1100; 8750.1120; 8750.1200; 8750.1220; 8750.1240;
 8750.1260; 8750.1280; 8750.1300; 8750.1320; 8750.1340; 8750.1360;

8750.1380; 8750.1400; 8750.1420; 8750.1440; 8750.1500; 8750.1520; 8750.1540; 8750.1560; 8750.1580; 8750.1600; 8750.1700; 8750.1800; 8750.1820; 8750.1840; 8750.1860; 8750.1880; 8750.1900; 8750.1920; 8750.1930; 8750.1940; 8750.1960; 8750.1980; 8750.2000; 8750.2020; 8750.2040; 8750.2060; 8750.2080; 8750.2100; 8750.2120; 8750.2140; 8750.4000; 8750.4100; 8750.4200; 8750.9000; 8750.9100; 8750.9200; 8750.9300; 8750.9400; 8750.9500; 8750.9600; and 8750.9700, are repealed.

Sec. 14. [REVIVAL OF RULES.]

Notwithstanding Minnesota Statutes, section 645.36, Minnesota Rules, parts 8700.6410, 8700.9000, 8700.9010, 8700.9020, and 8700.9030, repealed in Laws 1993, chapter 224, article 12, section 39, paragraph (a), are revived on the effective date of section 13 [Laws 1993, chapter 224, article 12, section 39].

Sec. 15. [LAND TRANSFER.]

Subdivision 1. [PERMITTED.] (a) Notwithstanding Minnesota Statutes, chapters 94 and 103F, or any other law to the contrary, the state of Minnesota may convey the land described in paragraph (b) to independent school district No. 656, Faribault.

(b) The land which may be conveyed under paragraph (a) is legally described in general as follows:

All that part of the Southeast Quarter of the Southwest Quarter (SE 1/4 of SW 1/4) and all that part of the Southwest Quarter of the Southeast Quarter (SW 1/4 of SE 1/4), all in Section 29, Township 110 North, Range 20 West, in the City of Faribault, Rice County, Minnesota, owned by the state of Minnesota or any department or division thereof.

or

All that part of the Northwest Quarter of the Southwest Quarter (NW 1/4 of SW 1/4) of Section 28, and of the Northeast Quarter of the Southeast Quarter (NE 1/4 of SE 1/4) of Section 29, all in Township 110 North, Range 20 West, Rice County, Minnesota, owned by the state of Minnesota or any department or division thereof.

(c) A more precise legal description in substantial conformance with the description in paragraph (b) must be provided by the grantee in the instruments of conveyance. Both the precise legal descriptions and the instruments of conveyance must be approved as to form by the attorney general. The instruments of conveyance must provide that the land reverts to the state if it ceases to be used for a public purpose.

Subd. 2. [CONSIDERATION.] The consideration for the conveyance permitted by subdivision 1 is \$1.

Subd. 3. [PURPOSE.] The land permitted to be conveyed under subdivision 1 is to be used as part of a site for an elementary school.

Sec. 16. [EFFECTIVE DATE.]

Sections 13 and 14 [rules] are effective the day following final enactment.

ARTICLE 10

LIBRARIES

Section 1. [134.155] [LIBRARIANS OF COLOR PROGRAM.]

Subdivision 1. [DEFINITION.] For purposes of this section, "people of color" means permanent United States residents who are African-American, American Indian or Alaskan native, Asian or Pacific Islander, or Hispanic.

Subd. 2. [GRANTS.] The commissioner of education, in consultation with the multicultural advisory committee established in section 126.82, shall award grants for professional development programs to recruit and educate people of color in the field of library science or information management. Grant applicants must be a public library jurisdiction with a growing minority population working in collaboration with an accredited institution of higher education with a library program in the state of Minnesota.

Subd. 3. [PROGRAM REQUIREMENTS.] (a) A grant recipient shall recruit people of color to be librarians in public libraries and provide support in linking program participants with jobs in the recipient's library jurisdiction.

(b) A grant recipient shall establish an advisory council composed of representatives of communities of color.

(c) A grant recipient, with the assistance of the advisory council, shall recruit high school students, undergraduate students, or other persons; support them through the higher education application and admission process; advise them while enrolled; and link them with support resources in the college or university and the community.

(d) A grant recipient shall award stipends to people of color enrolled in an accredited library program to help cover the costs of tuition, student fees, supplies, and books. Stipend awards must be based upon a student's financial need and students must apply for any additional financial aid for which they are eligible to supplement this program. No more than ten percent of the grant may be used for costs of administering the program. Students must agree to work in the grantee library jurisdiction for at least two years after graduation if the student acquires a master's degree and at least three years after graduation if the student acquires both a bachelor's and a master's degree while participating in the program.

(e) The commissioner of education shall consider the following criteria in awarding grants:

(1) whether the program is likely to increase the recruitment and retention of persons of color in librarianship;

(2) whether grant recipients will establish or have a mentoring program for persons of color; and

(3) whether grant recipients will provide a library internship for persons of color while participating in this program.

Sec. 2. Minnesota Statutes 1992, section 134.195, subdivision 10, is amended to read:

Subd. 10. [CRITERIA.] Public library services established according to this section, including materials, programs, equipment, and other public library services, whether located in an elementary or secondary school building or elsewhere, shall be available for simultaneous use by students and residents of the area. If public library services are located in an elementary or secondary school building, a separate entrance, accessible from the outside of the school building, shall be provided for use by the residents. The library shall meet all requirements in statutes and rules applicable to public libraries and school

media centers. A media supervisor licensed by the board of teaching may be the director of the library. The library shall be centrally located in the community and available for use by residents during all hours the school is in session, at least 15 additional hours each week during evenings, and on Saturdays. ~~The library shall continue to maintain approximately the same hours of operation when the school is not in session. When school is not in session, the library may reduce its hours to maintain at least the average number of hours each week of other public libraries serving its population size.~~ The library shall have telephone service that is separate from the telephone service for the school. Public parking, restrooms, drinking water, and other necessities shall be easily accessible to residents.

Sec. 3. [APPROPRIATION.]

\$55,000 is appropriated in fiscal year 1995 from the general fund to the department of education for the librarians of color program established in section 1 [134.155].

ARTICLE 11

STATE AGENCIES

Section 1. Minnesota Statutes 1992, section 121.612, subdivision 7, is amended to read:

Subd. 7. [FOUNDATION STAFF.] (a) The state board shall appoint the executive director and other staff who shall perform duties and have responsibilities solely related to the foundation.

(b) *As part of the annual plan of work, the foundation, under the direction of the state board, may appoint up to three employees. The employees appointed under this paragraph are not state employees under chapter 43A, but are covered under section 3.736. At the foundation board's discretion, the employees may participate in the state retirement, state health, and state insurance plans for employees in unclassified service. The employees shall be supervised by the executive director.*

Sec. 2. Minnesota Statutes 1992, section 126A.04, subdivision 5, is amended to read:

Subd. 5. [GRANTS.] The director may apply for, receive, and allocate grants and other money for environmental education. *The director shall continue to make a grant to an environmental library located in the metropolitan area.*

Sec. 3. Minnesota Statutes 1992, section 129C.15, is amended by adding a subdivision to read:

Subd. 3. [CENTER RESPONSIBILITIES.] *The center shall:*

(1) *provide information and technical services to arts teachers, professional arts organizations, school districts, and the department of education;*

(2) *gather and conduct research in arts education;*

(3) *design and promote arts education opportunities for all Minnesota pupils in elementary and secondary schools; and*

(4) *serve as liaison for the department of education to national organizations for arts education.*

Sec. 4. [FEDERAL MONEY.]

The expenditures of federal grants and aids as shown in the supplemental budget document first change order are approved and appropriated and shall be spent as indicated.

Sec. 5. [FARIBAULT ACADEMIES; APPROPRIATION.]

Subdivision 1. [FARIBAULT STATE ACADEMIES; STAFF TRAINING.] \$100,000 is appropriated in fiscal year 1995 from the general fund to the department of education for the Faribault academies to pay for the costs of an intensive staff training program. The staff training shall address issues of staff awareness and understanding of blind and deaf cultures, staff skill improvement, mediation and conflict resolution, team building, and communications. A report concerning the staff training program shall be submitted to the education committees of the legislature by January 1, 1995.

Subd. 2. [UTILIZATION OF ACADEMY EMPLOYEES.] In order to utilize employees of the Faribault academies who would otherwise be laid off during June, July, and August 1994, work to be performed on the renovation of Noyes hall on the Minnesota state academy for the deaf campus and the demolition of Dow hall on the Minnesota academy for the blind campus may include state employees, provided that the work performed by state employees is necessary for the completion of the projects, results in real costs savings on the projects, and is in conformance with state employees collective bargaining agreements.

ARTICLE 12

SCHOOL BUS SAFETY

Section 1. Minnesota Statutes 1992, section 123.39, subdivision 1, is amended to read:

Subdivision 1. The board may provide for the transportation of pupils to and from school and for any other purpose for which aid is authorized under section 124.223 or for which levies are authorized under sections 124.226, 124.2716, 124.91, 124.912, 124.914, 124.916, 124.918, and 136C.411. The board may also provide for the transportation of pupils to schools in other districts for grades and departments not maintained in the district, including high school, at the expense of the district, when funds are available therefor and if agreeable to the district to which it is proposed to transport the pupils, for the whole or a part of the school year, as it may deem advisable, and subject to its rules. ~~Every driver shall possess all the qualifications required by the rules of the state board of education.~~ In any school district, the board shall arrange for the attendance of all pupils living two miles or more from the school through suitable provision for transportation or through the boarding and rooming of the pupils who may be more economically and conveniently provided for by that means. *A school board need not provide transportation for a pupil living two miles or more from school on any day that the pupil is ineligible to ride the school bus because the pupil's bus riding privileges have been revoked under the district's discipline policy.* The board shall provide transportation to and from the home of a child with a disability not yet enrolled in kindergarten when special instruction and services under section 120.17 are provided in a location other than in the child's home. When transportation is provided, scheduling of routes, establishment of the location of bus stops, manner and method of transportation, control and discipline of

school children and any other matter relating thereto shall be within the sole discretion, control, and management of the school board. The district may provide for the transportation of pupils or expend a reasonable amount for room and board of pupils whose attendance at school can more economically and conveniently be provided for by that means or who attend school in a building rented or leased by a district within the confines of an adjacent district.

Sec. 2. Minnesota Statutes 1992, section 123.78, is amended by adding a subdivision to read:

Subd. 3. [RULES.] The state board of education may amend rules relating to equal transportation.

Sec. 3. [123.799] [STUDENT TRANSPORTATION SAFETY.]

Subdivision 1. [RESERVED REVENUE USE.] A district shall use the student transportation safety reserved revenue under section 124.225, subdivision 7f, for providing student transportation safety programs to enhance student conduct and safety on the bus or when boarding and exiting the bus. A district's student transportation policy must specify the student transportation safety activities to be carried out under this section. A district's student transportation safety reserved revenue may only be used for the following purposes:

- (1) to provide paid adult bus monitors, including training and salary costs;*
- (2) to provide a volunteer bus monitor program, including training costs and the cost of a program coordinator;*
- (3) to purchase or lease optional external public address systems or video recording cameras for use on buses; and*
- (4) other activities or equipment that have been reviewed by the state school bus safety advisory committee and approved by the commissioner of public safety.*

Subd. 2. [REPORTING.] Districts shall annually report expenditures from the student transportation safety reserved revenue to the commissioner of education, who shall provide the information to the school bus safety advisory committee.

Sec. 4. [123.7991] [SCHOOL BUS SAFETY TRAINING.]

Subdivision 1. [SCHOOL BUS SAFETY WEEK.] The first week of school is designated as school bus safety week.

A school board may designate one day of school bus safety week as school bus driver day.

Subd. 2. [STUDENT TRAINING.] (a) Each school district shall provide pupils enrolled in grades kindergarten through 12 with school bus safety training. The training shall be results-oriented and shall consist of both classroom instruction and practical training using a school bus. Upon completing the training, a student shall be able to demonstrate knowledge and understanding of at least the following competencies and concepts:

- (1) transportation by school bus is a privilege not a right;*
- (2) district policies for student conduct and school bus safety;*

- (3) *appropriate conduct while on the bus;*
- (4) *the danger zones surrounding a school bus;*
- (5) *procedures for safely boarding and leaving a school bus;*
- (6) *procedures for safe vehicle lane crossing; and*
- (7) *school bus evacuation and other emergency procedures.*

(b) *Student school bus safety training shall commence during school bus safety week. All students who are transported by school bus and are enrolled during the first week of school must demonstrate achievement of the school bus safety training competencies by the end of the third week of school. Students who enroll in a school after the first week of school and are transported by school bus shall undergo school bus safety training and demonstrate achievement of the school bus safety competencies within three weeks of the first day of attendance. The pupil transportation safety director in each district must certify to the commissioner of education annually by October 15 that all students transported by bus have satisfactorily demonstrated knowledge and understanding of the school bus safety competencies according to this section or provide an explanation for a student's failure to demonstrate the competencies.*

Subd. 3. [MODEL TRAINING PROGRAM.] The commissioner of education shall develop a comprehensive model school bus safety training program for pupils who ride the bus that includes bus safety curriculum for both classroom and practical instruction, methods for assessing attainment of school bus safety competencies, and age-appropriate instructional materials.

Sec. 5. [123.801] [BUS TRANSPORTATION A PRIVILEGE, NOT A RIGHT.]

Transportation by school bus is a privilege not a right for an eligible student. A student's eligibility to ride a school bus may be revoked for a violation of school bus safety or conduct policies, or for violation of any other law governing student conduct on a school bus, pursuant to a written school district discipline policy. Revocation of a student's bus riding privilege is not an exclusion, expulsion, or suspension under the pupil fair dismissal act of 1974. Revocation procedures for a student who is an individual with a disability under the Individuals with Disabilities Education Act, United States Code, title 20, section 1400 et seq., section 504 of the Rehabilitation Act of 1973, United States Code, title 29, section 794, and the Americans with Disabilities Act, Public Law Number 101-336, are governed by these provisions.

Sec. 6. Minnesota Statutes 1992, section 124.223, is amended by adding a subdivision to read:

Subd. 11. [RULES.] The state board of education may amend rules relating to transportation aid and data.

Sec. 7. Minnesota Statutes 1992, section 124.225, is amended by adding a subdivision to read:

Subd. 7f. [RESERVED REVENUE FOR TRANSPORTATION SAFETY.] A district shall reserve an amount equal to one percent of the sum of the district's regular transportation revenue according to subdivision 7d, paragraph (a), and nonregular transportation revenue according to subdivision

7d. paragraph (b), for that school year to provide student transportation safety programs under section 3.

Sec. 8. Minnesota Statutes 1992, section 124.225, is amended by adding a subdivision to read:

Subd. 8m. [TRANSPORTATION SAFETY AID.] *A district's transportation safety aid equals the district's reserved revenue for transportation safety under subdivision 7f for that school year.*

Sec. 9. Minnesota Statutes 1992, section 169.01, subdivision 6, is amended to read:

Subd. 6. [SCHOOL BUS.] "School bus" means a motor vehicle used to transport pupils 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 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 A, type B, type C, or type D, ~~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.

(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.

(1) a "type A school bus" is a conversion or body constructed upon a van-type compact truck or a front-section vehicle, with a gross vehicle weight rating of 10,000 pounds or less, designed for carrying more than ten persons;

(2) a "type B school bus" is a conversion or body constructed and installed upon a van or front-section vehicle chassis, or stripped chassis, with a gross vehicle weight rating of more than 10,000 pounds, designed for carrying more than ten persons. Part of the engine is beneath or behind the windshield and beside the driver's seat. The entrance door is behind the front wheels;

(3) a "type C school bus" is a body installed upon a flat back cowl chassis with a gross vehicle weight rating of more than 10,000 pounds, designated for carrying more than ten persons. All of the engine is in front of the windshield and the entrance door is behind the front wheels;

(4) a "type D school bus" is a body installed upon a chassis, with the engine mounted in the front, midship or rear, with a gross vehicle weight rating of more than 10,000 pounds, designed for carrying more than ten persons. The engine may be behind the windshield and beside the driver's seat; it may be at the rear of the bus, behind the rear wheels, or midship between the front and rear axles. The entrance door is ahead of the front wheels; and

(e) (5) 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.

Sec. 10. [169.435] [STATE SCHOOL BUS SAFETY ADMINISTRATION.]

Subdivision 1. [RESPONSIBILITY; DEPARTMENT OF PUBLIC SAFETY.] The department of public safety has the primary responsibility for school transportation safety. To oversee school transportation safety, the commissioner of public safety shall establish a school bus safety advisory committee according to subdivision 2. The commissioner or the commissioner's designee shall serve as state director of pupil transportation according to subdivision 3.

Subd. 2. [SCHOOL BUS SAFETY ADVISORY COMMITTEE.] The commissioner of public safety shall establish the school bus safety advisory committee. The commissioner shall provide the committee with meeting space and clerical support. The commissioner of public safety or the commissioner's designee shall chair the committee. The members of the committee also shall include:

- (1) the commissioner of education or the commissioner's designee;*
- (2) the commissioner of human rights or the commissioner's designee;*
- (3) a county or city attorney;*
- (4) a representative of the state patrol;*
- (5) a school board member;*
- (6) a school superintendent;*
- (7) two school bus drivers, one representing the metropolitan area and one representing greater Minnesota;*
- (8) two school transportation contractors, one representing the metropolitan areas and one representing greater Minnesota;*
- (9) two school transportation safety directors, one representing the metropolitan area and one representing greater Minnesota; and*
- (10) five public members, including at least four parents of children who ride a school bus, among them a parent of a child with a disability. The public members shall be geographically representative.*

The commissioner of public safety, in consultation with the commissioner of education, shall appoint the members listed in clauses (3) to (9). The governor shall appoint the public members in clause (10). Terms, compensation, and removal of committee members shall be according to section 15.059. The committee shall meet quarterly or as required by the chair.

The duties of the committee shall include:

(1) an annual report by January 15 to the governor and the education committees of the legislature, including recommendations for legislative action when needed, on student bus safety education, school bus equipment requirements and inspection, bus driver licensing, training, and qualifications, bus operation procedures, student behavior and discipline, rules of the road, school bus safety education for the public, or any other aspects of school transportation safety the committee considers appropriate;

(2) a quarterly review of all school transportation accidents, crimes,

incidents of serious misconduct, incidents that result in serious personal injury or death, and bus driver dismissals for cause; and

(3) periodic review of school district comprehensive transportation safety policies.

Subd. 3. [PUPIL TRANSPORTATION SAFETY DIRECTOR.] The commissioner of public safety or the commissioner's designee shall serve as pupil transportation safety director.

The duties of the pupil transportation safety director shall include:

- (1) overseeing all department activities related to school bus safety;*
- (2) assisting in the development, interpretation, and implementation of laws and policies relating to school bus safety;*
- (3) supervising preparation of the school bus inspection manual;*
- (4) in conjunction with the department of education, assisting school districts in developing and implementing comprehensive transportation policies; and*
- (5) providing information requested by the school bus safety advisory committee.*

Sec. 11. [169.436] [SCHOOL DISTRICT BUS SAFETY RESPONSIBILITIES.]

Subdivision 1. [COMPREHENSIVE POLICY.] Each school district shall develop and implement a comprehensive, written policy governing pupil transportation safety. The policy shall, at minimum, contain:

- (1) provisions for appropriate student bus safety training under section 4 [123.7991];*
- (2) rules governing student conduct on school buses and in school bus loading and unloading areas;*
- (3) a statement of parent or guardian responsibilities relating to school bus safety;*
- (4) provisions for notifying students and parents or guardians of their responsibilities and the rules;*
- (5) an intradistrict system for reporting school bus accidents or misconduct, a system for dealing with local law enforcement officials in cases of criminal conduct on a school bus, and a system for reporting accidents, crimes, incidents of misconduct, and bus driver dismissals to the department of public safety under section 20 [169.452];*
- (6) a discipline policy to address violations of school bus safety rules, including procedures for revoking a student's bus riding privileges in cases of serious or repeated misconduct;*
- (7) a system for integrating school bus misconduct records with other discipline records;*
- (8) a statement of bus driver duties;*
- (9) planned expenditures for safety activities under section 3 [123.799]*

and, where applicable, provisions governing bus monitor qualifications, training, and duties;

(10) rules governing the use and maintenance of type III vehicles, drivers of type III vehicles, and the circumstances under which a student may be transported in a type III vehicle;

(11) operating rules and procedures;

(12) provisions for annual bus driver in-service training and evaluation;

(13) emergency procedures; and

(14) a system for maintaining and inspecting equipment.

School districts are encouraged to use the current edition of the "National Standards for School Buses and Operations" published by the National Safety Council in developing safety policies. Each district shall submit a copy of its policy under this subdivision to the school bus safety advisory committee no later than August 1, 1994, and review and make appropriate amendments annually by August 1.

Subd. 2. [SCHOOL TRANSPORTATION SAFETY DIRECTOR.] Each school board shall designate a school transportation safety director to oversee and implement pupil transportation safety policies. The director shall have day-to-day responsibility for pupil transportation safety.

Sec. 12. Minnesota Statutes 1992, section 169.442, subdivision 1, is amended to read:

Subdivision 1. [SIGNALS REQUIRED.] A type I A, B, C, or type II D school bus must be equipped with a stop signal arm, prewarning flashing amber signals, and flashing red signals.

Sec. 13. Minnesota Statutes 1992, section 169.443, subdivision 8, is amended to read:

Subd. 8. [USE FOR RECREATIONAL OR EDUCATIONAL ACTIVITY.] A school bus that transports over regular routes and on regular schedules persons age 18 or under to and from a regularly scheduled recreational or educational activity must comply with subdivisions 1 and 7. ~~Notwithstanding section 169.441, subdivision 3,~~ A school bus may provide such transportation only if (1) the "school bus" sign ~~required by section 169.443, subdivision 3,~~ is plainly visible; (2) the school bus has a valid certificate of inspection under section 169.451; (3) the driver of the school bus possesses a driver's license with a valid school bus endorsement under section 171.10; and (4) the entity that organizes the recreational or educational activity, or the contractor who provides the school buses to the entity, consults with the superintendent of the school district in which the activity is located or the superintendent's designee on the safety of the regular routes used.

Sec. 14. Minnesota Statutes 1992, section 169.445, subdivision 1, is amended to read:

Subdivision 1. [COOPERATION OF SCHOOL AUTHORITIES.] ~~The state board of education~~ commissioner of public safety 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.

Sec. 15. Minnesota Statutes 1992, section 169.445, subdivision 2, is amended to read:

Subd. 2. [INFORMATION; RULES.] The ~~board~~ department 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~~ department, local school authorities shall provide this information. The ~~board~~ department may adopt rules governing the content and providing procedures for the school authorities to provide this information.

Sec. 16. Minnesota Statutes 1992, section 169.446, subdivision 3, is amended to read:

Subd. 3. [DRIVER EDUCATION PROGRAMS.] The ~~state board of education~~ commissioner of public safety 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. 17. Minnesota Statutes 1992, section 169.447, subdivision 6, is amended to read:

Subd. 6. [OVERHEAD BOOK RACKS.] Types I A, B, C, and II D school buses may be equipped with padded, permanent overhead book racks that do not hang over the center aisle of the bus.

Sec. 18. [169.449] [SCHOOL BUS OPERATIONS.]

Subdivision 1. [RULES.] The commissioner of public safety, in consultation with the school bus safety advisory committee, shall adopt rules governing the operation of school buses used for transportation of school children, when owned or 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. [ENFORCEMENT.] The operation of a school bus on the public streets or highways in violation of rules concerning the operation of school buses adopted by the commissioner 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. 19. [169.4501] [SCHOOL BUS EQUIPMENT STANDARDS.]

Subdivision 1. [NATIONAL STANDARDS ADOPTED.] Except as provided in sections 30 [Additional Chassis Standards] and 31 [Additional Body Standards], the construction, design, equipment, and color of types A, B, C, and D school buses used for the transportation of school children shall meet the requirements of the "bus chassis standards" and "bus body standards" in the 1990 revised edition of the "National Standards for School Buses and Operations" adopted by the Eleventh National Conference on School Transportation and published by the National Safety Council. Except as provided in section 32 [Additional Special Standards], the construction, design, and equipment of types A, B, C, and D school buses used for the transportation of students with disabilities also shall meet the requirements of the "specially equipped school bus standards" in the 1990 National Standards for School Buses and Operations. The "bus chassis standards," "bus body standards,"

and "specially equipped school bus standards" sections of the 1990 revised edition of the "National Standards for School Buses and Operations" are incorporated by reference in this chapter.

Subd. 2. [APPLICABILITY.] (a) The standards adopted in this section and sections 30 and 31, govern the construction, design, equipment, and color 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 standards 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 standards.

(b) The standards apply to school buses manufactured after July 1, 1994. Buses complying with these standards when manufactured need not comply with standards established later except as specifically provided for by law.

(c) A school bus manufactured on or before July 1, 1994, must conform to the Minnesota standards in effect on the date the vehicle was manufactured except as specifically provided for in law.

(d) A new bus body may be remounted on a used chassis provided that the remounted vehicle meets state and federal standards for new buses which are current at the time of the remounting. Permission must be obtained from the commissioner of public safety before the remounting is done. A used bus body may not be remounted on a new or used chassis.

Subd. 3. [INSPECTION MANUAL.] The department of public safety shall develop a school bus inspection manual based on the national standards adopted in subdivision 1 and Minnesota standards adopted in sections 30, 31, and 32. The Minnesota state patrol shall use the manual as the basis for inspecting buses as provided in section 169.451. When appropriate, the school bus safety advisory committee shall recommend to the education committees of the legislature modifications to the standards upon which the school bus inspection manual is based. The department of public safety has no rulemaking authority to alter the standards upon which school buses are inspected.

Subd. 4. [VARIANCES.] The commissioner of public safety, after consulting with the school bus safety advisory committee, may grant a variance to any of the standards to accommodate testing of new equipment related to school buses. The variance must not conflict with Minnesota Statutes, federal laws, or federal motor vehicle safety standards. A variance from the standards must be for the sole purpose of testing and evaluating for increased safety, efficiency, and economy of pupil transportation. The variance expires 12 months from the date of its granting by the commissioner unless the commissioner specifies an earlier expiration date. The commissioner upon granting a variance must furnish the advisory committee and the requesting operator with a written copy of the variance specifying the conditions imposed on the testing. The commissioner shall also provide a copy of the variance in writing to all contract operators and school districts. The commissioner may grant up to one 12-month extension on a variance. Annually by June 30, the advisory committee shall review all variances to see if modifications to the minimum standards should be recommended.

Sec. 20. [169.452] [ACCIDENT AND SERIOUS INCIDENT REPORTING.]

The department of public safety shall develop uniform definitions of a school bus accident, an incident of serious misconduct, and an incident that results in personal injury or death. The department shall determine what type of information on school bus accidents and incidents, including criminal conduct, and bus driver dismissals for cause should be collected and develop a uniform accident and incident reporting form to collect those data, including data relating to type III vehicles, statewide. Data collected with this reporting form shall be analyzed to help develop accident, crime, and misconduct prevention programs.

Sec. 21. [169.454] [TYPE III VEHICLE STANDARDS.]

Subdivision 1. [STANDARDS.] This section applies to type III vehicles used for the transportation of school children when owned and operated by a school district or privately owned and operated. All related equipment provided on the vehicle must comply with federal motor vehicle safety standards where applicable. If no federal standard applies, equipment must be manufacture's standard.

Subd. 2. [AGE OF VEHICLE.] Vehicles ten years or older must not be used as type III vehicles to transport school children, except those vehicles that are manufactured to meet the structural requirements of federal motor vehicle safety standard 222, Code of Federal Regulations, title 49, part 571.

Subd. 3. [COLOR.] Vehicles must be painted a color other than national school bus yellow.

Subd. 4. [FIRE EXTINGUISHER.] A minimum of one 10BC rated dry chemical type fire extinguisher is required. The extinguisher must be mounted in a bracket, and must be located in the driver's compartment and be readily accessible to the driver and passengers. A pressure indicator is required and must be easily read without removing the extinguisher from its mounted position.

Subd. 5. [FIRST AID KIT.] A minimum of a ten unit first aid kit is required. The bus must have a removable, moisture- and dust-proof first aid kit mounted in an accessible place within the driver's compartment and must be marked to indicate its location.

Subd. 6. [IDENTIFICATION.] The vehicle must not have the words "school bus" in any location on the exterior of the vehicle, or in any interior location visible to a motorist.

The vehicle must display to the rear of the vehicle this sign: "VEHICLE STOPS AT RR CROSSINGS."

The lettering (except for "AT," which may be one inch smaller) must be a minimum two-inch "Series D" as specified in standard alphabets for highway signs as specified by the Federal Highway Administration. The printing must be in a color giving a marked contrast with that of the part of the vehicle on which it is placed.

The sign must have provisions for being covered, or be of a removable or fold-down type.

Subd. 7. [LAMPS AND SIGNALS.] Installation and use of the eight-lamp warning system is prohibited.

All lamps on the exterior of the vehicle must conform with and be installed as required by federal motor vehicle safety standard 108, Code of Federal Regulations, title 49, part 571.

Subd. 8. [STOP SIGNAL ARM.] Installation and use of a stop signal arm is prohibited.

Subd. 9. [MIRRORS.] The interior clear rearview mirror must afford a good view of pupils and roadway to the rear. Two exterior clear rearview mirrors must be provided, one to the left and one to the right of the driver. Each mirror must be firmly supported and adjustable to give the driver clear view past the left rear and the right rear of the bus.

Subd. 10. [WARNING DEVICE.] A type III bus must contain at least three red reflectorized triangle road warning devices. Liquid burning "pot type" flares are not allowed.

Subd. 11. [EMERGENCY DOORS.] The doors on type III buses must remain unlocked when carrying passengers.

Subd. 12. [OPTION.] Passenger cars and station wagons may carry fire extinguisher, first aid kit, and warning triangles in the trunk or trunk area of the vehicle, if a label in the driver and front passenger area clearly indicates the location of these items.

Sec. 22. Minnesota Statutes 1992, section 169.64, subdivision 8, is amended to read:

Subd. 8. [WHITE STROBE LAMPS.] Notwithstanding sections 169.55, subdivision 1, 169.57, subdivision 3, clause (b), or any other law to the contrary, a vehicle 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, and the lamp may be used as provided in this subdivision, if the vehicle is:

(1) a school bus that is subject to and complies with the color and equipment requirements of sections 169.441, ~~subdivisions subdivision 1 and 2,~~ and 169.442, subdivision 1. The lamp shall be permanently mounted on the longitudinal center line of the bus roof not less than five feet nor more than seven feet forward of the rear roof edge. It shall 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; or

(2) a road maintenance vehicle owned or under contract to the department of transportation or a road authority of a county, home rule or statutory city, or town, but the strobe lamp may only be operated while the vehicle is actually engaged in snow removal during daylight hours.

The strobe lamp shall 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.

Sec. 23. Minnesota Statutes 1993 Supplement, section 171.321, subdivision 2, is amended to read:

Subd. 2. [RULES; QUALIFICATIONS AND TRAINING.] (a) The commissioner of public safety shall prescribe rules governing the ~~qualifications of individuals to drive school buses~~ *physical qualifications of school bus drivers and tests required to obtain a school bus endorsement*. The rules must provide that an applicant for a school bus endorsement or renewal is exempt from the physical qualifications and medical examination required to operate a school bus upon providing evidence of being medically examined and certified within the preceding 24 months as physically qualified to operate a commercial motor vehicle, pursuant to Code of Federal Regulations, title 49, part 391, subpart E, or rules of the commissioner of transportation incorporating those federal regulations.

(b) The commissioner of public safety, in conjunction with the commissioner of education, shall adopt a training program for school bus drivers. ~~Adoption of the program is not subject to chapter 14. The program must provide for initial classroom and behind-the-wheel training, and annual in-service training. The program must provide training in defensive driving, human relations, emergency and accident procedures, vehicle maintenance, traffic laws, and use of safety equipment. The program must provide that the training will be conducted by the contract operator for a school district, the school district, the commissioner of education, a licensed driver training school, or by another person or entity approved by both commissioners.~~

Sec. 24. Minnesota Statutes 1992, section 171.321, subdivision 3, is amended to read:

Subd. 3. [STUDY OF APPLICANT.] Before issuing or renewing a school bus endorsement, the commissioner shall conduct a criminal *and driver's license* records check of the applicant. The commissioner may also conduct the check at any time while a person is so licensed. The check shall consist of a criminal records check of the state criminal records repository *and a check of the driver's license records system*. If the applicant has resided in Minnesota for less than five years, the check shall also include a criminal records check of information from the state law enforcement agencies in the states where the person resided during the five years before moving to Minnesota, and of the national criminal records repository including the criminal justice data communications network. The applicant's failure to cooperate with the commissioner in conducting the records check is reasonable cause to deny an application or cancel a school bus endorsement. The commissioner may not release the results of the records check to any person except the applicant.

Sec. 25. Minnesota Statutes 1992, section 171.321, is amended by adding a subdivision to read:

Subd. 4. [TRAINING.] *No person shall drive a class A, B, C, or D school bus when transporting school children to or from school or upon a school-related trip or activity without having demonstrated sufficient skills and knowledge to transport students in a safe and legal manner. A bus driver must have training or experience that allows the driver to meet at least the following competencies:*

(1) *safely operate the type of school bus the driver will be driving;*

(2) *understand student behavior, including issues relating to students with disabilities;*

(3) ensure orderly conduct of students on the bus and handle incidents of misconduct appropriately;

(4) know and understand relevant laws, rules of the road, and local school bus safety policies;

(5) handle emergency situations;

(6) safely load and unload students; and

(7) demonstrate proficiency in first aid and cardiopulmonary resuscitation procedures.

The commissioner of public safety, in conjunction with the commissioner of education, shall develop a comprehensive model school bus driver training program and model assessments for school bus driver training competencies, which are not subject to chapter 14. A school district may use alternative assessments for bus driver training competencies with the approval of the commissioner of public safety.

Sec. 26. Minnesota Statutes 1992, section 171.321, is amended by adding a subdivision to read:

Subd. 5. [ANNUAL EVALUATION.] A school district, nonpublic school, or private contractor shall evaluate each bus driver annually and provide in-service training necessary to assure that, at minimum, each driver continues to meet school bus driver training competencies under subdivision 4. As part of the annual evaluation, a district, nonpublic school, or private contractor shall check the license of each person who transports students for the district with the National Drivers Register or the department of public safety.

Sec. 27. Minnesota Statutes 1992, section 171.3215, is amended to read:

171.3215 [CANCELING BUS DRIVER'S ENDORSEMENT FOR CRIME AGAINST MINOR CERTAIN OFFENSES.]

Subdivision 1. [DEFINITIONS.] (a) As used in this section, the following terms have the meanings given them.

(1) (b) "School bus driver" means a person possessing a school bus driver's endorsement on a valid Minnesota driver's license or a person possessing a valid Minnesota driver's license who drives a vehicle with a seating capacity of ten or less persons used as a school bus.

(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.

(c) "Disqualifying offense" includes any felony offense, any misdemeanor, gross misdemeanor, or felony violation of chapter 152, any violation under section 609.3451, 609.746, subdivision 1, or 617.23, or a fourth moving violation within a three-year period.

Subd. 2. [CANCELLATION.] ~~The commissioner~~ Within 10 days of receiving notice under section 631.40, subdivision 1a, that a school bus driver has ~~committed~~ been convicted of a ~~crime against a minor~~ disqualifying offense, the commissioner shall permanently cancel the school bus driver's

endorsement on the offender's driver's license. *Within ten days of receiving notice under section 631.40, subdivision 1a, that a school bus driver has been convicted of a gross misdemeanor or a violation of section 169.121 or 169.129, and within ten days of revoking a school bus driver's license under section 169.123, the commissioner shall cancel the school bus driver's endorsement on the offender's driver's license for five years. After five years, cancellation of a school bus driver's endorsement for a conviction under section 169.121 or 169.129 shall remain in effect until the driver provides proof of successful completion of an alcohol or controlled substance treatment program.* Upon canceling the offender's school bus driver's endorsement, the ~~department~~ commissioner shall immediately notify the licensed offender of the cancellation in writing, by depositing in the United States post office a notice addressed to the licensed offender at the licensed offender's last known address, with postage prepaid thereon.

Subd. 3. [BACKGROUND CHECK.] Before issuing or renewing a driver's license with a school bus driver's endorsement, the ~~department~~ commissioner shall conduct an investigation to determine ~~whether~~ if the applicant has been convicted of committing a ~~crime against a minor~~ disqualifying offense, a violation of section 169.121 or 169.129, a gross misdemeanor, or if the applicant's driver's license has been revoked under section 169.123. The ~~department~~ commissioner shall not issue a new bus driver's endorsement and shall not renew an existing bus driver's endorsement if the applicant has been convicted of committing a ~~crime against a minor~~ disqualifying offense. The commissioner shall not issue a new bus driver's endorsement and shall not renew an existing bus driver's endorsement if, within the previous five years, the applicant has been convicted of committing a violation of section 169.121 or 169.129, or a gross misdemeanor, or if the applicant's driver's license has been revoked under section 169.123. An applicant who has been convicted of violating section 169.121 or 169.129 within the previous ten years must show proof of successful completion of an alcohol or controlled substance treatment program in order to receive a bus driver's endorsement.

Subd. 4. [WAIVER OF PERMANENT CANCELLATION.] *The commissioner of public safety, in consultation with the school bus safety advisory committee, may waive the permanent cancellation requirement of section 171.3215 for a person convicted of a nonfelony violation of chapter 152 or a felony that is not a violent crime under section 609.152.*

Sec. 28. Minnesota Statutes 1992, section 631.40, subdivision 1a, is amended to read:

Subd. 1a. When a person is convicted of committing a ~~crime against a minor~~ disqualifying offense, as defined in section 171.3215, subdivision 1, a gross misdemeanor, or a violation of section 169.121 or 169.129, the court shall ~~order that the presentence investigation include information about~~ determine whether the offender is a school bus driver as defined in section 171.3215, subdivision 1, whether the offender possesses a school bus driver's endorsement on the offender's driver's license and in what school districts the offender drives a school bus. If the offender is a school bus driver or possesses a school bus driver's endorsement, the court administrator shall send a certified copy of the conviction to the department of public safety and to the school districts in which the offender drives a school bus *within ten days after the conviction.*

Sec. 29. Laws 1993, chapter 224, article 12, section 39, is amended to read:

Sec. 39. [REPEALER.]

(a) Minnesota Rules, parts 3500.0500; 3500.0600, subparts 1 and 2; 3500.0605; 3500.0800; 3500.1090; 3500.1800; 3500.2950; 3500.3100, subparts 1 to 3; 3500.3500; 3500.3600; 3500.4400; 3510.2200; 3510.2300; 3510.2400; 3510.2500; 3510.2600; 3510.6200; 3520.0200; 3520.0300; 3520.0600; 3520.1000; 3520.1200; 3520.1300; 3520.1800; 3520.2700; 3520.3802; 3520.3900; 3520.4500; 3520.4620; 3520.4630; 3520.4640; 3520.4680; 3520.4750; 3520.4761; 3520.4811; 3520.4831; 3520.4910; 3520.5330; 3520.5340; 3520.5370; 3520.5461; 3525.2850; 3530.0300; 3530.0600; 3530.0700; 3530.0800; 3530.1100; 3530.1300; 3530.1400; 3530.1600; 3530.1700; 3530.1800; 3530.1900; 3530.2000; 3530.2100; 3530.2800; 3530.2900; 3530.3100, subparts 2 to 4; 3530.3200, subparts 1 to 5; 3530.3400, subparts 1, 2, and 4 to 7; 3530.3500; 3530.3600; 3530.3900; 3530.4000; 3530.4100; 3530.5500; 3530.5700; 3530.6100; 3535.0800; 3535.1000; 3535.1400; 3535.1600; 3535.1800; 3535.1900; 3535.2100; 3535.2200; 3535.2600; 3535.2900; 3535.3100; 3535.3500; 3535.9930; 3535.9940; 3535.9950; 3540.0600; 3540.0700; 3540.0800; 3540.0900; 3540.1000; 3540.1100; 3540.1200; 3540.1300; 3540.1700; 3540.1800; 3540.1900; 3540.2000; 3540.2100; 3540.2200; 3540.2300; 3540.2400; 3540.2800; 3540.2900; 3540.3000; 3540.3100; 3540.3200; 3540.3300; 3540.3400; 3545.1000; 3545.1100; 3545.1200; 3545.2300; 3545.2700; 3545.3000; 3545.3002; 3545.3004; 3545.3005; 3545.3014; 3545.3022; 3545.3024; 8700.4200; 8700.6410; 8700.6800; 8700.7100; 8700.9000; 8700.9010; 8700.9020; and 8700.9030, are repealed.

(b) Minnesota Rules, parts 3520.1600; 3520.2400; 3520.2500; 3520.2600; 3520.2800; 3520.2900; 3520.3000; 3520.3100; 3520.3200; 3520.3400; 3520.3500; 3520.3680; 3520.3701; 3520.3801; 3520.4001; 3520.4100; 3520.4201; 3520.4301; 3520.4400; 3520.4510; 3520.4531; 3520.4540; 3520.4550; 3520.4560; 3520.4570; 3520.4600; 3520.4610; 3520.4650; 3520.4670; 3520.4701; 3520.4711; 3520.4720; 3520.4731; 3520.4741; 3520.4801; 3520.4840; 3520.4850; 3520.4900; 3520.4930; 3520.4980; 3520.5000; 3520.5010; 3520.5111; 3520.5120; 3520.5141; 3520.5151; 3520.5160; 3520.5171; 3520.5180; 3520.5190; 3520.5200; 3520.5220; 3520.5230; 3520.5300; 3520.5310; 3520.5361; 3520.5380; 3520.5401; 3520.5450; 3520.5471; 3520.5481; 3520.5490; 3520.5500; 3520.5510; 3520.5520; 3520.5531; 3520.5551; 3520.5560; 3520.5570; 3520.5580; 3520.5600; 3520.5611; 3520.5700; 3520.5710; 3520.5900; 3520.5910; 3520.5920; 3530.6500; 3530.6600; 3530.6700; 3530.6800; 3530.6900; 3530.7000; 3530.7100; 3530.7200; 3530.7300; 3530.7400; 3530.7500; 3530.7600; 3530.7700; and 3530.7800, are repealed.

(c) Minnesota Rules, parts 3500.1400; 3500.3700; 3510.0100; 3510.0200; 3510.0300; 3510.0400; 3510.0500; 3510.0600; 3510.0800; 3510.1100; 3510.1200; 3510.1300; 3510.1400; 3510.1500; 3510.1600; 3510.2800; 3510.2900; 3510.3000; 3510.3200; 3510.3400; 3510.3500; 3510.3600; 3510.3700; 3510.3800; 3510.7200; 3510.7300; 3510.7400; 3510.7500; 3510.7600; 3510.7700; 3510.7900; 3510.8000; 3510.8100; 3510.8200; 3510.8300; 3510.8400; 3510.8500; 3510.8600; 3510.8700; 3510.9000; 3510.9100; chapters 3515, 3517.0100; 3517.0120; 3517.3150; 3517.3170; 3517.3420; 3517.3450; 3517.3500; 3517.3650; 3517.4000; 3517.4100; 3517.4200; 3517.8500; 3517.8600; and 3520.2400; 3520.2500; 3520.2600; 3520.2800; 3520.3100; 3520.3400; and chapter 3560, are repealed.

(d) Minnesota Rules, parts 3500.0710; 3500.1060; 3500.1075; 3500.1100; 3500.1150; 3500.1200; 3500.1500; 3500.1600; 3500.1900; 3500.2020; 3500.2100; 3500.2900; 3500.5010; 3500.5020; 3500.5030; 3500.5040; 3500.5050; 3500.5060; 3500.5070; 3505.2700; 3505.2800; 3505.2900; 3505.3000; 3505.3100; 3505.3200; 3505.3300; 3505.3400; 3505.3500; 3505.3600; 3505.3700; 3505.3800; 3505.3900; 3505.4000; 3505.4100; 3505.4200; 3505.4400; 3505.4500; 3505.4600; 3505.4700; 3505.5100; 8700.2900; 8700.3000; 8700.3110; 8700.3120; 8700.3200; 8700.3300; 8700.3400; 8700.3500; 8700.3510; 8700.3600; 8700.3700; 8700.3810; 8700.3900; 8700.4000; 8700.4100; 8700.4300; 8700.4400; 8700.4500; 8700.4600; 8700.4710; 8700.4800; 8700.4901; 8700.4902; 8700.5100; 8700.5200; 8700.5300; 8700.5310; 8700.5311; 8700.5500; 8700.5501; 8700.5502; 8700.5503; 8700.5504; 8700.5505; 8700.5506; 8700.5507; 8700.5508; 8700.5509; 8700.5510; 8700.5511; 8700.5512; 8700.5800; 8700.6310; 8700.6900; 8700.7010; 8700.7700; 8700.7710; 8700.8000; 8700.8010; 8700.8020; 8700.8030; 8700.8040; 8700.8050; 8700.8060; 8700.8070; 8700.8080; 8700.8090; 8700.8110; 8700.8120; 8700.8130; 8700.8140; 8700.8150; 8700.8160; 8700.8170; 8700.8180; 8700.8190; 8750.0200; 8750.0220; 8750.0240; 8750.0260; 8750.0300; 8750.0320; 8750.0330; 8750.0350; 8750.0370; 8750.0390; 8750.0410; 8750.0430; 8750.0460; 8750.0500; 8750.0520; 8750.0600; 8750.0620; 8750.0700; 8750.0720; 8750.0740; 8750.0760; 8750.0780; 8750.0800; 8750.0820; 8750.0840; 8750.0860; 8750.0880; 8750.0890; 8750.0900; 8750.0920; 8750.1000; 8750.1100; 8750.1120; 8750.1200; 8750.1220; 8750.1240; 8750.1260; 8750.1280; 8750.1300; 8750.1320; 8750.1340; 8750.1360; 8750.1380; 8750.1400; 8750.1420; 8750.1440; 8750.1500; 8750.1520; 8750.1540; 8750.1560; 8750.1580; 8750.1600; 8750.1700; 8750.1800; 8750.1820; 8750.1840; 8750.1860; 8750.1880; 8750.1900; 8750.1920; 8750.1930; 8750.1940; 8750.1960; 8750.1980; 8750.2000; 8750.2020; 8750.2040; 8750.2060; 8750.2080; 8750.2100; 8750.2120; 8750.2140; 8750.4000; 8750.4100; 8750.4200; 8750.9000; 8750.9100; 8750.9200; 8750.9300; 8750.9400; 8750.9500; 8750.9600; and 8750.9700, are repealed.

Sec. 30. [ADDITIONAL MINNESOTA SCHOOL BUS CHASSIS STANDARDS.]

Subdivision 1. [RELATION TO NATIONAL STANDARDS.] The bus chassis standards contained in this section are required in addition to those required by Minnesota Statutes, section 169.4501. When a Minnesota standard contained in this section conflicts with a national standard adopted in Minnesota Statutes, section 169.4501, the Minnesota standard contained in this section is controlling.

Subd. 2. [BRAKES.] The braking system must include an emergency brake. The braking system must meet federal motor vehicle safety standards in effect at the time of manufacture. All buses manufactured with air brakes after January 1, 1995, shall have automatic slack adjusters.

Subd. 3. [CERTIFICATION.] A chassis manufacturer shall certify that the product meets Minnesota standards. All buses with a certified manufacturing date prior to April 1, 1977, shall not be recertified as a school bus after January 1, 1996.

Subd. 4. [COLOR.] Fenders may be painted black. The hood may be

painted nonreflective black or nonreflective yellow. The grill may be manufacturer's standard color.

Subd. 5. [ELECTRICAL SYSTEM; BATTERY.] (a) The storage battery, as established by the manufacturer's rating, must be of sufficient capacity to care for starting, lighting, signal devices, heating, and other electrical equipment. In a bus with a gas-powered chassis, the battery or batteries must provide a minimum of 800 cold cranking amperes. In a bus with a diesel-powered chassis, the battery or batteries must provide a minimum of 1050 cold cranking amperes.

(b) In a type B bus with a gross vehicle weight rating of 15,000 pounds or more, and type C and D buses, the battery shall be temporarily mounted on the chassis frame. The final location of the battery and the appropriate cable lengths in these buses must comply with the SBMI design objectives booklet.

(c) All batteries shall be mounted according to chassis manufacturers' recommendations.

(d) In a type C bus, other than are powered by diesel fuel, a battery providing at least 550 cold cranking amperes may be installed in the engine compartment only if used in combination with a generator or alternator of at least 120 amperes.

(e) A bus with a gross vehicle weight rating of 15,000 pounds or less may be equipped with a battery to provide a minimum of 550 cold cranking amperes only if used in combination with an alternator of at least 80 amperes. This paragraph does not apply to those buses with wheel chair lifts or diesel engines.

Subd. 6. [ELECTRICAL SYSTEM; ALTERNATOR.] A bus must be capable of providing enough current at 1400 rpms to provide a positive charge to the battery with 80 percent of maximum load with all lights and accessories on. A type B bus with a gross vehicle weight rating of up to 15,000 pounds equipped with an electrical power lift must have a minimum 100 ampere per hour alternator. If not protected by a grommet, wiring passing through holes must be encased in an abrasive-resistant protective covering.

Subd. 7. [ENGINES.] All new type B buses with a gross vehicle weight rating that exceeds 15,000 pounds and type C and type D buses purchased after January 1, 1995, shall be equipped with diesel or other alternate fuel engines.

Subd. 8. [EXHAUST SYSTEM.] The tailpipe must:

(1) extend to but not more than one inch beyond the bumper and be mounted outside of the chassis frame rail; or

(2) extend to but not more than one inch beyond the left side of the bus, behind the driver's compartment. A type A bus and a type B bus with a gross vehicle weight rating under 15,000 pounds, shall comply with the manufacturer's standard. No exhaust pipe may exit beneath an emergency exit, or, on a type C or type D bus, under the fuel fill location. No exhaust pipe shall be reduced in size beyond the muffler.

Subd. 9. [FRAME.] Installation of a trailer hitch is permitted. A hitch shall be flush mounted.

Subd. 10. [FUEL TANK.] If mounted behind the rear wheels, the fuel tank on a vehicle constructed with a power lift unit shall be between the frame rails. Fuel tanks for a type A bus and for a type B bus with a gross vehicle weight rating under 15,000 pounds may be manufacturer standard and must conform with federal motor vehicle safety standard number 301, Code of Federal Regulations, title 49, part 571.

Subd. 11. [HORN.] A bus shall be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of not less than 200 feet.

Subd. 12. [TIRES AND RIMS.] Radial and bias ply tires shall not be used on the same axle. Front tire tread depth shall not be less than 4/32 inch in any major tire tread groove. Rear tire tread shall not be less than 2/32 inch. Tires must be measured in three locations around the tire, in two adjoining grooves. No recapped tires shall be used on the front wheels. Recapped tires are permitted on the rear wheels.

Subd. 13. [TRANSMISSION.] The transmission shifting pattern must be permanently displayed in the driver's full view.

Sec. 31. [ADDITIONAL MINNESOTA SCHOOL BUS BODY STANDARDS.]

Subdivision 1. [RELATION TO NATIONAL STANDARDS.] The bus body standards contained in this section are required in addition to those required by Minnesota Statutes, section 169.450, and section 30. When a Minnesota standard contained in this section conflicts with a national standard adopted in Minnesota Statutes, section 169.450, the Minnesota standard contained in this section is controlling.

Subd. 2. [BACKUP WARNING ALARM.] A spring-loaded button in the driver's compartment that will temporarily disable the backup alarm is allowed for usage in school bus overnight parking lots and repair facilities.

Subd. 3. [BUMPER; FRONT.] On a type D school bus, the bumper shall conform to federal motor vehicle safety standards.

Subd. 4. [CERTIFICATION.] A body manufacturer shall certify that the product meets Minnesota standards.

Subd. 5. [COLOR.] Fenderettes may be black. The beltline may be painted yellow over black or black over yellow. The rub rails shall be black. The reflective material on the sides of the bus body shall be at least one inch but not more than two inches in width. This reflective material requirement and the requirement that "SCHOOL BUS" signs have reflective material as background are effective for buses manufactured after January 1, 1996.

Subd. 6. [COMMUNICATIONS.] All buses manufactured after January 1, 1995, shall have a two-way voice communications system.

Subd. 7. [CONSTRUCTION.] The metal floor shall be covered with plywood. The plywood shall be at least 19/32 inches thick, and must equal or exceed properties of exterior-type softwood plywood, grade C-D, as specified in product standard PSI-I83 issued by the United States Department of Commerce. The floor shall be level from front to back, and side to side, except in wheel housing, toe board, and driver's seat platform areas.

Subd. 8. [DEFROSTERS.] Except as provided in this subdivision, defrosters and two auxiliary fans must direct a sufficient flow of heated air and shall be of sufficient capacity to keep the windshield, window to the left of the driver, and glass in the entrance door clear of fog, frost, and snow. A type A or type B bus with a gross vehicle weight rating under 15,000 pounds may be equipped with one auxiliary fan.

Subd. 9. [DOORS; SERVICE DOOR.] A type B bus with a gross vehicle weight rating of 15,000 pounds or over may not have a door to the left of the driver. A type B bus with a gross vehicle weight rating under 15,000 pounds may be equipped with chassis manufacturer's standard door.

Subd. 10. [EMERGENCY EQUIPMENT; FIRE EXTINGUISHERS.] The fire extinguisher must have at least a 10BC rating.

Subd. 11. [EMERGENCY EQUIPMENT; WARNING DEVICES.] A flashlight with a minimum of two "C" batteries shall be included as part of the emergency equipment. Each bus equipped with seat belts for pupil passengers shall contain a seat belt cutter for use in emergencies. The belt cutter must be designed to eliminate the possibility of injury during use, and must be secured in a safe location.

Subd. 12. [HEATERS.] The heating system shall be capable of maintaining the temperature throughout the bus of not less than 50 degrees Fahrenheit during average minimum January temperature as established by the United States Department of Commerce. In a bus with a combustion heater, the heater must be installed by the body manufacturer, by an authorized dealer or authorized garage, or by a mechanic trained in the procedure.

Subd. 13. [IDENTIFICATION.] (a) Each bus shall, in the beltline, identify the school district serviced, or company name, or owner of the bus. Numbers necessary for identification must appear on the sides and rear of the bus. Symbols or letters may be used on the outside of the bus near the entrance door for student identification. A manufacturer's nameplate may be placed on the side of the bus near the entrance door and on the rear.

(b) Effective July 1, 1994, all buses sold must display lettering "Unlawful to pass when red lights are flashing" on the rear of the bus. The lettering shall be in two-inch black letters on school bus yellow background. This message shall be displayed directly below the upper window of the rear door. On rear engine buses, it shall be centered at approximately the same location. Only signs and lettering approved or required by state law may be displayed.

Subd. 14. [INSULATION.] (a) Ceilings and wall shall be insulated to a minimum of one and one-half inch fiberglass and installed so the insulation does not compact or sag. Floor insulation must be nominal 19/32 inches thick plywood, or a material of equal or greater strength and insulation R value that equals or exceeds properties of exterior-type softwood plywood, C-D grade as specified in standard issued by the United States Department of Commerce. Type A and B buses with a gross vehicle weight rating under 15,000 pounds must have a minimum of one-half inch plywood. All exposed edges on plywood shall be sealed. Every school bus shall be constructed so that the noise level taken at the ear of the occupant nearest to the primary vehicle noise source shall not exceed 85 dba when tested according to procedures in the 1990 national standards for school buses and operations.

(b) *The underside of metal floor may be undercoated with polyurethane floor insulation, foamed in place. The floor insulation must be combustion resistant. The authorization in this paragraph does not replace the plywood requirement.*

Subd. 15. [INTERIOR.] Interior speakers, except in the driver's compartment, must not protrude more than one-half inch from the mounting surface.

Subd. 16. [LAMPS AND SIGNALS.] (a) Each school bus shall be equipped with a system consisting of four red signal lamps designed to conform to SAE Standard J887, and four amber signal lamps designed to that standard, except for color, and except that their candlepower must be at least 2-1/2 times that specified for red turn signal lamps. Both red and amber signal lamps must be installed in accordance with SAE Standard J887, except that each amber signal lamp must be located near each red signal lamp, at the same level, but closer to the centerline of the bus. The system must be wired so that the amber signal lamps are activated only by hand operation, and if activated, are automatically deactivated and the red signal lamps are automatically activated when the bus entrance door is opened. Signal lamps must flash alternately. Each signal lamp must flash not less than 60 nor more than 120 flashes per minute. The "on" period must be long enough to permit filament to come up to full brightness. There must be a pilot lamp which goes on when the respective amber or red system is activated. The pilot lamp must either go out or flash at an alternate rate in the event the system is not functioning normally. The signal lamp system must include a closed control box. The box must be as small as practical, and must be easily dismantled or partially disassembled to provide access for maintenance purposes. The control panel box shall be arranged such that the momentary activating switch for the eight-lamp warning system shall be located on the left, the red (or red and amber) pilot light shall be located in the middle, and the eight-way master switch shall be located on the right. The control box must be securely mounted to the right of the steering wheel, within easy unobstructed reach of the driver. Switches and pilot lamp must be readily visible to the driver. The activating switch may be self-illuminated. Other warning devices or lamp controls must not be placed near the lamp control. The stop arm shall extend automatically whenever the service entrance door is opened and the eight-way lights are activated.

(b) If installed, a white flashing strobe shall be of a double flash type and have minimum effective light output of 200 candelas. No roof hatch can be mounted behind the strobe light.

(c) Type B, C, and D buses shall have an amber clearance lamp with a minimum of four candlepower mounted on the right side of the body at approximately seat level rub rail height just to the rear of the service door and another one at approximately opposite the driver's seat on the left side. These lamps are to be connected to operate only with the regular turn signal lamps.

(d) All lamps on the exterior of the vehicle must conform with and be installed as required by federal motor vehicle safety standard number 108, Code of Federal Regulations, title 49, part 571.

(e) A type A, B, C, or D school bus manufactured for use in Minnesota after December 31, 1994, may not be equipped with red turn signal lenses on the rear of the bus.

Subd. 17. [MIRRORS.] A type B bus with a gross vehicle weight rating less than 15,000 pounds shall have a minimum of six-inch by 16-inch mirror. A type B bus with a gross vehicle weight rating over 15,000 pounds shall have a minimum of a six-inch by 30-inch mirror. After January 1, 1995, all school buses must be equipped with a minimum of two crossover mirrors, mounted to the left and right sides of the bus.

Subd. 18. [OVERALL WIDTH.] The overall width limit excludes mirrors, mirror brackets, and the stop arm.

Subd. 19. [RUB RAILS.] There shall be one rub rail at the base of the skirt of the bus on all type B, C, and D buses.

Subd. 20. [SEAT AND CRASH BARRIERS.] All restraining barriers and passenger seats shall be covered with a material that has fire retardant or fire block characteristics. All seats must face forward. All seat and crash barriers must be installed according to and conform to federal motor vehicle safety standard number 222, Code of Federal Regulations, title 49, part 571.

Subd. 21. [STOP SIGNAL ARM.] The stop signal arm shall be installed near the front of the bus.

Subd. 22. [SUN SHIELD.] A type A bus and a type B bus with a gross vehicle weight rating less than 15,000 pounds must be equipped with the standard manufacturer's solid visor is acceptable or a six-inch by 16-inch sun shield.

Subd. 23. [WINDOWS.] Windshield, entrance, and rear emergency exit doors must be of approved safety glass. Laminated or tempered glass (AS-2 or AS-3) is permitted in all other windows. All glass shall be federally approved and marked as provided in Minnesota Statutes, section 169.74. The windshield may be of uniform tint throughout or may have a horizontal gradient band starting slightly above the line of vision and gradually decreasing in light transmission to 20 percent or less at the top of the windshield. The use of tinted glass, as approved by Minnesota Statutes, section 169.71, is permitted on side windows and rear windows except for the entrance door, the first window behind the service door, and the window to the left of the driver. The window to the left of the driver, the upper service door windows, and the window immediately behind the entrance door must be thermal glass. The window to the left of the driver for type A and B buses with a gross vehicle weight rating under 15,000 pounds need not be thermal glass.

Subd. 24. [WIRING.] If not protected by a grommet, wire that passes through holes shall be encased in an abrasive-resistant protective covering. If a master cutoff switch is used, it shall not be wired as to kill power to the electric brake system.

Sec. 32. [ADDITIONAL MINNESOTA STANDARDS FOR SPECIALLY EQUIPPED SCHOOL BUSES.]

Subdivision 1. [RELATION TO NATIONAL STANDARDS.] The specially equipped school bus standards contained in this section are required in addition to those required by Minnesota Statutes, section 169.450. When a Minnesota standard contained in this section conflicts with a national standard adopted in Minnesota Statutes, section 169.450, the Minnesota standard contained in this section is controlling.

Subd. 2. [COMMUNICATIONS.] All vehicles used to transport disabled students shall be equipped with a two-way communication system.

Subd. 3. [RESTRAINING DEVICES.] Special restraining devices such as shoulder harnesses, lap belts, and chest restraint systems may be installed to the seats if the devices do not require the alteration in any form of the seat, seat cushion, framework, or related seat components. The restraints must be for the sole purpose of restraining students with disabilities.

Subd. 4. [SECUREMENT SYSTEM FOR MOBILE SEATING.] Wheelchair securement devices must comply with all requirements for wheelchair securement systems contained in federal regulation in effect on the later of the date the bus was manufactured or the date that a wheelchair securement system was added to the bus.

Sec. 33. [OPERATIONS RULES; CONTINUED EFFECT.]

Notwithstanding Minnesota Statutes 1992, section 14.05, subdivision 1, Minnesota Rules 1991, parts 3520.2400, 3520.2500, 3520.2600, 3520.2800, 3520.3100, and 3520.3400, remain in effect prior to June 30, 1995, until the commissioner of public safety adopts rules relating to school bus operations.

Sec. 34. [CURRENT BUS DRIVER TRAINING TIMELINE.]

A school bus driver hired before the effective date of section 25 must meet the training competencies during the driver's first annual evaluation under section 26.

Sec. 35. [APPROPRIATION; DEPARTMENT OF EDUCATION.]

Subdivision 1. [DEPARTMENT OF EDUCATION.] The sums indicated in this section are appropriated from the general fund to the department of education for the fiscal year designated.

Subd. 2. [STUDENT TRANSPORTATION SAFETY.] For student transportation safety revenue according to Minnesota Statutes, section 123.799:

\$2,994,000 1995

Sec. 36. [APPROPRIATION; DEPARTMENT OF PUBLIC SAFETY.]

Subdivision 1. [DEPARTMENT OF PUBLIC SAFETY.] The sums indicated in this section are appropriated from the general fund to the commissioner of public safety for the fiscal year designated.

Subd. 2. [SAFETY ADVISORY COMMITTEE.] For the school bus safety advisory committee according to Minnesota Statutes, section 169.44:

\$6,500 1995

Sec. 37. [REPEALER.]

Minnesota Statutes 1992, sections 169.441, subdivisions 2 and 3; 169.442, subdivisions 2 and 3; 169.445, subdivision 3; 169.45; and 169.447, subdivision 3, are repealed. Minnesota Statutes 1993 Supplement, section 123.80, is repealed.

Minnesota Rules 1991, parts 3520.3600 and 3520.3700, are repealed.

ARTICLE 13

CONFORMING AMENDMENTS

Section 1. Minnesota Statutes 1992, section 122.91, subdivision 3, is amended to read:

Subd. 3. [REQUIREMENTS FOR FORMATION.] An education district must have one of the following at the time of formation:

- (1) at least five districts;
- (2) at least four districts with a total of at least 5,000 pupils in average daily membership; or
- (3) at least four districts with a total of at least 2,000 square miles.

Members of an education district must be contiguous. Districts with a cooperation agreement according to section 122.541 may belong to an education district only as a unit.

A noncontiguous district may be a member of an education district if the state board of education determines that:

- (1) a district between the education district and the noncontiguous district has considered and is unwilling to become a member; or
- (2) a noncontiguous configuration of member districts has sufficient technological or other resources to offer effective levels of programs and services required under sections 122.94, subdivision 2, and 122.945.

Sec. 2. Minnesota Statutes 1992, section 122.937, subdivision 4, is amended to read:

Subd. 4. [JOINDER AND WITHDRAWAL.] (a) ~~Notwithstanding section 122.91, subdivision 5,~~ A member district of an education district that has entered into a collective bargaining agreement negotiated by the education district under this section may withdraw from the education district only at the end of a two-year period for which the collective bargaining agreement is in effect. A member district withdrawing under this subdivision must notify the education district board at least 365 days before withdrawing. The teachers in a withdrawing member district are governed by the collective bargaining agreement in effect for the education district until a successor agreement is negotiated by the withdrawing district.

(b) ~~Notwithstanding section 122.91, subdivision 5,~~ A school district may join an education district that has entered into a collective bargaining agreement negotiated by the education district under this section only at the end of the two-year period for which the collective bargaining agreement is in effect.

Sec. 3. Minnesota Statutes 1993 Supplement, section 124.225, subdivision 1, is amended to read:

Subdivision 1. [DEFINITIONS.] For purposes of this section, the terms defined in this subdivision have the meanings given to them.

(a) "FTE" means a transported full-time equivalent pupil whose transportation is authorized for aid purposes by section 124.223.

(b) "Authorized cost for regular transportation" means the sum of:

(1) all expenditures for transportation in the regular category, as defined in paragraph (c), clause (1), for which aid is authorized in section 124.223, plus

(2) an amount equal to one year's depreciation on the district's school bus fleet and mobile units computed on a straight line basis at the rate of 15 percent per year for districts operating a program under section 121.585 for grades 1 to 12 for all students in the district and 12-1/2 percent per year for other districts of the cost of the fleet, plus

(3) an amount equal to one year's depreciation on district school buses reconditioned by the department of corrections computed on a straight line basis at the rate of 33-1/3 percent per year of the cost to the district of the reconditioning, plus

(4) an amount equal to one year's depreciation on the district's type three school buses, as defined in section 169.01, subdivision 6, ~~paragraph (e)~~ clause (5), which were purchased after July 1, 1982, for authorized transportation of pupils, with the prior approval of the commissioner, computed on a straight line basis at the rate of 20 percent per year of the cost of the type three school buses.

(c) "Transportation category" means a category of transportation service provided to pupils as follows:

(1) Regular transportation is transportation services provided during the regular school year under section 124.223, subdivisions 1 and 2, excluding the following transportation services provided under section 124.223, subdivision 1: transportation between schools; noon transportation to and from school for kindergarten pupils attending half-day sessions; transportation of pupils to and from schools located outside their normal attendance areas under the provisions of a plan for desegregation mandated by the state board of education or under court order; and transportation of elementary pupils to and from school within a mobility zone.

(2) Nonregular transportation is transportation services provided under section 124.223, subdivision 1, that are excluded from the regular category and transportation services provided under section 124.223, subdivisions 3, 4, 5, 6, 7, 8, 9, and 10.

(3) Excess transportation is transportation to and from school during the regular school year for secondary pupils residing at least one mile but less than two miles from the public school they could attend or from the nonpublic school actually attended, and transportation to and from school for pupils residing less than one mile from school who are transported because of extraordinary traffic, drug, or crime hazards.

(4) Desegregation transportation is transportation during the regular school year of pupils to and from schools located outside their normal attendance areas under a plan for desegregation mandated by the state board or under court order.

(5) Handicapped transportation is transportation provided under section 124.223, subdivision 4, for pupils with a disability between home or a respite care facility and school or other buildings where special instruction required by section 120.17 is provided.

(d) "Mobile unit" means a vehicle or trailer designed to provide facilities for educational programs and services, including diagnostic testing, guidance and counseling services, and health services. A mobile unit located off nonpublic school premises is a neutral site as defined in section 123.932, subdivision 9.

(e) "Current year" means the school year for which aid will be paid.

(f) "Base year" means the second school year preceding the school year for which aid will be paid.

(g) "Base cost" means the ratio of:

(1) the sum of the authorized cost in the base year for regular transportation as defined in paragraph (b) plus the actual cost in the base year for excess transportation as defined in paragraph (c);

(2) to the sum of the number of weighted FTE's in the regular and excess categories in the base year.

(h) "Pupil weighting factor" for the excess transportation category for a school district means the lesser of one, or the result of the following computation:

(1) Divide the square mile area of the school district by the number of FTE's in the regular and excess categories in the base year.

(2) Raise the result in clause (1) to the one-fifth power.

(3) Divide four-tenths by the result in clause (2).

The pupil weighting factor for the regular transportation category is one.

(i) "Weighted FTE's" means the number of FTE's in each transportation category multiplied by the pupil weighting factor for that category.

(j) "Sparsity index" for a school district means the greater of .005 or the ratio of the square mile area of the school district to the sum of the number of weighted FTE's transported by the district in the regular and excess categories in the base year.

(k) "Density index" for a school district means the greater of one or the result obtained by subtracting the product of the district's sparsity index times 20 from two.

(l) "Contract transportation index" for a school district means the greater of one or the result of the following computation:

(1) Multiply the district's sparsity index by 20.

(2) Select the lesser of one or the result in clause (1).

(3) Multiply the district's percentage of regular FTE's in the current year using vehicles that are not owned by the school district by the result in clause (2).

(m) "Adjusted predicted base cost" means the predicted base cost as computed in subdivision 3a as adjusted under subdivision 7a.

(n) "Regular transportation allowance" means the adjusted predicted base cost, inflated and adjusted under subdivision 7b.

Sec. 4. Minnesota Statutes 1992, section 124.2721, subdivision 1, is amended to read:

Subdivision 1. [ELIGIBILITY.] An education district is eligible for education district revenue if the department certifies that it meets the requirements of ~~sections~~ section 122.91, subdivisions 3 and 4, and ~~122.945~~. The pupil units of a school district that is a member of intermediate district No. 287, 916, or 917 may not be used to obtain revenue under this section. The pupil units of a school district may not be used to obtain revenue under this section and section 124.575.

Sec. 5. Minnesota Statutes 1992, section 124.2721, subdivision 5, is amended to read:

Subd. 5. [USES OF REVENUE.] Education district revenue is under the control of the education district board. Education district revenue must be used by the education district board to provide educational programs according to the agreement adopted by the education district board, as required by section 122.94.

The education district board may pay to member school districts a part of the education district revenue received by the education district under this section only for programs that are (1) available to all member districts, and (2) included in the five-year plan under section 122.945.

Sec. 6. Minnesota Statutes 1992, section 136D.23, subdivision 2, is amended to read:

Subd. 2. [LIABILITY.] Except as to certificates of indebtedness or bonds issued under ~~sections 136D.27 and~~ section 136D.28 hereof, no participating school district shall have individual liability for the debts and obligations of the board nor shall any individual serving as a member of the board have such liability.

Sec. 7. Minnesota Statutes 1992, section 136D.26, is amended to read:

136D.26 [DISTRICT CONTRIBUTIONS, DISBURSEMENTS, CONTRACTS.]

~~In addition to or in lieu of the certification of tax levies by the joint school board under section 136D.27,~~ The participating school districts may contribute funds to the board. Disbursements shall be made by the board in accordance with section 123.34. This board shall be subject to section 123.37.

Sec. 8. Minnesota Statutes 1992, section 136D.74, subdivision 2a, is amended to read:

Subd. 2a. [PROHIBITED LEVIES.] Notwithstanding subdivision 4, ~~section 136D.73, subdivision 3,~~ or any other law to the contrary, the intermediate school board may not certify, either itself, to any participating district, or to any cooperating school district, any levies for any purpose, except the levies authorized by sections 124.2727, 124.83, subdivision 4, 127.05, 136C.411, 275.48, and 475.61, and for the intermediate school board's obligations under section 268.06, subdivision 25, for which a levy is authorized by section 124.912, subdivision 1.

Sec. 9. Minnesota Statutes 1992, section 136D.83, subdivision 2, is amended to read:

Subd. 2. [LIABILITY.] Except as to certificates of indebtedness or bonds issued under section ~~136D.87~~ or 136D.89 hereof, no participating school district shall have individual liability for the debts and obligations of the board nor shall any individual serving as a member of the board have such liability.

Sec. 10. Minnesota Statutes 1992, section 136D.86, is amended to read:

136D.86 [DISTRICT CONTRIBUTIONS, DISBURSEMENTS, CONTRACTS.]

~~In addition to or in lieu of the certification of tax levies by the joint school board under section 136D.87,~~ The participating school districts may contribute funds to the board. Disbursements shall be made by the board in accordance with section 123.34. This board shall be subject to section 123.37.

Sec. 11. Minnesota Statutes 1992, section 169.443, subdivision 8, is amended to read:

Subd. 8. [USE FOR RECREATIONAL OR EDUCATIONAL ACTIVITY.] A school bus that transports over regular routes and on regular schedules persons age 18 or under to and from a regularly scheduled recreational or educational activity must comply with subdivisions 1 and 7. ~~Notwithstanding section 169.441, subdivision 3,~~ A school bus may provide such transportation only if (1) the "school bus" sign required by section 169.443, subdivision 3, is plainly visible; (2) the school bus has a valid certificate of inspection under section 169.451; (3) the driver of the school bus possesses a driver's license with a valid school bus endorsement under section 171.10; and (4) the entity that organizes the recreational or educational activity, or the contractor who provides the school buses to the entity, consults with the superintendent of the school district in which the activity is located or the superintendent's designee on the safety of the regular routes used.

Sec. 12. Minnesota Statutes 1992, section 169.64, subdivision 8, is amended to read:

Subd. 8. [WHITE STROBE LAMPS.] Notwithstanding sections 169.55, subdivision 1, 169.57, subdivision 3, clause (b), or any other law to the contrary, a vehicle 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, and the lamp may be used as provided in this subdivision, if the vehicle is:

(1) a school bus that is subject to and complies with the ~~color and~~ equipment requirements of sections 169.441, ~~subdivisions~~ *subdivision 1* and 2, and 169.442, subdivision 1. The lamp shall be permanently mounted on the longitudinal center line of the bus roof not less than five feet nor more than seven feet forward of the rear roof edge. It shall 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; or

(2) a road maintenance vehicle owned or under contract to the department of transportation or a road authority of a county, home rule or statutory city,

or town, but the strobe lamp may only be operated while the vehicle is actually engaged in snow removal during daylight hours.

The strobe lamp shall 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.

Sec. 13. Minnesota Statutes 1992, 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 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, 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 169.01, subdivision 6, ~~paragraph (e) clause (5)~~.

Sec. 14. [REVISOR INSTRUCTION.]

In the next edition of Minnesota Statutes, the revisor shall make corrections necessary to ensure that Part H legislation under Minnesota Statutes, section 120.1701, is correctly referenced in the statutes to comply with federal and state law."

Delete the title and insert:

"A bill for an act relating to education; prekindergarten through grade 12; providing for general education revenue; transportation; special programs; community programs; facilities; organization and cooperation; commitment to excellence; other education programs; miscellaneous provisions; libraries; state agencies; conforming references to repealed law; appropriating money; amending Minnesota Statutes 1992, sections 13.04, by adding a subdivision; 120.062, subdivision 12, and by adding a subdivision; 120.101, subdivision 5, and by adding a subdivision; 120.17, subdivision 1; 121.612, subdivision 7; 121.904, subdivision 4e; 121.935, subdivision 6; 122.23, subdivisions 6, 8, 10, 13, and by adding a subdivision; 122.531, subdivision 9; 122.533; 122.91, subdivision 3; 122.937, subdivision 4; 123.35, subdivision 19a, and by adding subdivisions; 123.3514, subdivisions 3 and 4; 123.39, subdivision 1; 123.58, subdivisions 2 and 4; 123.78, by adding a subdivision; 124.17, subdivision 1d; 124.19, subdivision 1b; 124.195, subdivision 3a; 124.214, subdivision 2; 124.223, subdivision 1, and by adding subdivisions; 124.225, by adding subdivisions; 124.244, subdivision 4; 124.248, subdivision 3; 124.26, subdivision 1b; 124.2601, subdivisions 3, 5, and 7; 124.2711, by adding a subdivision; 124.2713, by adding a subdivision; 124.2721, subdivisions 1 and 5; 124.2725, subdivision 16; 124.46, subdivision 3; 124.573, by adding a

subdivision; 124.90, by adding a subdivision; 124.912, subdivision 6, and by adding a subdivision; 124.914, subdivision 1; 124.95, subdivision 4; 124A.02, by adding a subdivision; 124A.26, by adding a subdivision; 124A.28, by adding a subdivision; 125.09, subdivision 1; 125.135, subdivision 2; 125.188, subdivision 1; 126.02, subdivision 1; 126.23; 126.51, subdivision 1; 126.69, subdivisions 1 and 3; 126A.04, subdivision 5; 127.03, subdivision 3; 127.27, subdivision 5; 129C.15, by adding a subdivision; 134.195, subdivision 10; 136A.125, subdivision 3; 136D.23, subdivision 2; 136D.26; 136D.281, by adding a subdivision; 136D.74, subdivision 2a; 136D.741, by adding a subdivision; 136D.83, subdivision 2; 136D.86; 136D.88, by adding a subdivision; 169.01, subdivision 6; 169.442, subdivision 1; 169.443, subdivision 8; 169.445, subdivisions 1 and 2; 169.446, subdivision 3; 169.447, subdivision 6; 169.64, subdivision 8; 171.01, subdivision 22; 171.321, subdivision 3, and by adding subdivisions; 171.3215; 272.02, subdivision 8; 475.61, subdivision 4; 631.40, subdivision 1a; Minnesota Statutes 1993 Supplement, sections 16A.152, subdivision 2; 120.064, subdivisions 3, 8, 9, and 16; 120.101, subdivision 5b; 120.17, subdivisions 3, 11b, 12, and 17; 121.11, subdivision 7d; 121.702, subdivisions 2 and 9; 121.703; 121.705; 121.706; 121.707; 121.708; 121.709; 121.710; 121.8355, subdivision 1; 121.885, subdivisions 1, 2, and 4; 121.904, subdivisions 4a and 4c; 123.351, subdivision 8; 123.58, subdivisions 6, 7, 8, and 9; 124.155, subdivisions 1 and 2; 124.17, subdivision 1; 124.19, subdivision 1; 124.225, subdivision 1; 124.226, subdivisions 3a and 9; 124.243, subdivision 8; 124.244, subdivision 1; 124.248, subdivision 4; 124.26, subdivisions 1c and 2; 124.2711, subdivision 1; 124.2714; 124.2727, subdivisions 6a, 6d, and 8; 124.573, subdivisions 2b, 2e, and 3; 124.83, subdivision 1; 124.91, subdivisions 3 and 5; 124.914, subdivision 4; 124.95, subdivision 1; 124A.03, subdivisions 1c and 3b; 124A.22, subdivisions 5 and 9; 124A.225, subdivisions 1, 4, and by adding a subdivision; 124A.23, subdivision 1; 124A.29, subdivision 1; 124A.292, subdivision 3; 124C.60; 125.05, subdivision 1a; 125.138, subdivision 9; 125.185, subdivision 4; 125.230, subdivisions 3, 4, and 6; 125.231, subdivisions 1 and 4; 125.623, subdivision 3; 126.239, subdivision 3; 126.70, subdivisions 1 and 2a; 171.321, subdivision 2; 275.48; Laws 1993, chapter 224, articles 1, section 38; 4, section 44, subdivision 6; 5, sections 43 and 46, subdivisions 2, 3, and 4; 7, section 28, subdivisions 3, 4, and 11; 8, section 22, subdivision 12; 12, sections 26 and 39; and 15, section 2; proposing coding for new law in Minnesota Statutes, chapters 120; 121; 122; 123; 124; 126; 134; 169; repealing Minnesota Statutes 1992, sections 121.935, subdivision 7; 122.91, subdivisions 5 and 7; 122.93, subdivision 7; 122.937; 122.94, subdivisions 2, 3, and 6; 122.945; 136D.22, subdivision 3; 136D.27; 136D.71, subdivision 2; 136D.73, subdivision 3; 136D.74, subdivisions 2a, 2b, and 4; 136D.82, subdivision 3; 136D.87; 169.441, subdivisions 2 and 3; 169.442, subdivisions 2 and 3; 169.445, subdivision 3; 169.447, subdivision 3; 169.45; Minnesota Statutes 1993 Supplement, sections 121.935, subdivision 5; 123.80; 124.2727, subdivisions 6, 7, and 8; Laws 1992, chapter 499, article 6, section 39, subdivision 3; Laws 1993, chapter 224, article 8, section 14; Minnesota Rules 1991, parts 3520.3600; and 3520.3700.”

And when so amended the bill do pass and be re-referred to the Committee on Finance.

Pursuant to Joint Rule 2.03, the bill was referred to the Committee on Rules and Administration.

SUSPENSION OF RULES

Mr. Moe, R.D. moved that Joint Rule 2.03 be suspended as to the Committee Report on S.F. No. 2206. The motion prevailed. Amendments adopted. Report adopted:

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was referred

S.F. No. 1775: A bill for an act relating to taxation; sales and use; exempting sales of certain ship stores and supplies from the sales tax; amending Minnesota Statutes 1992, section 297A.25, subdivision 45.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"ARTICLE 1

INCOME TAX AND BUSINESS TAXES

Section 1. Minnesota Statutes 1992, section 60A.15, is amended by adding a subdivision to read:

Subd. 15. [GUARANTY ASSOCIATION ASSESSMENT OFFSET.] An insurance company may offset against its premium tax liability to this state any amount paid pursuant to assessments made for insolvencies which occur on or after August 1, 1994, under sections 60C.01 to 60C.22, and any amount paid pursuant to assessments made on or after August 1, 1994, under sections 61B.01 to 61B.16, or sections 61B.18 to 61B.32. The amount of the offset may not exceed 20 percent of the amount of the assessment for each of the five calendar years following the year in which the assessment was paid. If the offset exceeds both the insurance company's premium tax liability under this section and tax liability under chapter 290, then the insurance company may carry forward the excess credit to subsequent taxable years. In the event an insurer ceases doing business, all uncredited assessments may be credited against premium tax liability for the year it ceases doing business. Any refund paid by the Minnesota life and health insurance guaranty association to member insurers pursuant to section 61B.07, subdivision 6, or section 61B.24, subdivision 6, in respect of an assessment payment which has been offset against taxes shall be repaid by the insurers to the extent of the offset to the state in the manner the commissioner of revenue requires.

Sec. 2. Minnesota Statutes 1993 Supplement, section 270.78, is amended to read:

270.78 [PENALTY FOR FAILURE TO MAKE PAYMENT BY ELECTRONIC FUNDS TRANSFER.]

(a) In addition to other applicable penalties imposed by law, after notification from the commissioner of revenue to the taxpayer that payments for a tax administered by the commissioner are required to be made by means of electronic funds transfer, and the payments are remitted by some other means, there is a penalty in the amount of five percent of each payment that should have been remitted electronically. The penalty can be abated under the abatement procedures prescribed in section 270.07, subdivision 6, if the failure to remit the payment electronically is due to reasonable cause.

(b) *The penalty under paragraph (a) does not apply if the taxpayer pays by other means the amount due at least three business days before the date the payment is due. This paragraph does not apply after December 31, 1997.*

Sec. 3. Minnesota Statutes 1992, section 289A.02, is amended by adding a subdivision to read:

Subd. 7. [INTERNAL REVENUE CODE.] Unless specifically defined otherwise, "Internal Revenue Code" means the Internal Revenue Code of 1986, as amended through December 31, 1993.

Sec. 4. Minnesota Statutes 1992, section 289A.25, subdivision 5, is amended to read:

Subd. 5. [AMOUNT OF REQUIRED INSTALLMENT.] The amount of any installment required to be paid shall be 25 percent of the required annual payment except as provided in clause (3). The term "required annual payment" means the lesser of

(1) 90 percent of the tax shown on the return for the taxable year or 90 percent of the tax for the year if no return is filed, or

(2) the total tax liability shown on the return of the ~~individual~~ taxpayer for the preceding taxable year, if a return showing a liability for the taxes was filed by the ~~individual~~ taxpayer for the preceding taxable year of 12 months. *If the adjusted gross income shown on the return of the taxpayer for the preceding taxable year exceeds \$150,000, this clause shall be applied by substituting "110 percent of the total tax liability" for "the total tax liability"*

(i) for an individual who is not a Minnesota resident for the entire year, the term "adjusted gross income" means the Minnesota share of that income apportioned to Minnesota under section 290.06, subdivision 2c, paragraph (e), or

(ii) for a trust the term "adjusted gross income" means the income assigned to Minnesota under section 290.17; or

(3) an amount equal to the applicable percentage of the tax for the taxable year computed by placing on an annualized basis the taxable income and alternative minimum taxable income for the months in the taxable year ending before the month in which the installment is required to be paid. The applicable percentage of the tax is 22.5 percent in the case of the first installment, 45 percent for the second installment, 67.5 percent for the third installment, and 90 percent for the fourth installment. For purposes of this clause, the taxable income and alternative minimum taxable income shall be placed on an annualized basis by

(i) multiplying by 12 (or in the case of a taxable year of less than 12 months, the number of months in the taxable year) the taxable income and alternative minimum taxable income computed for the months in the taxable year ending before the month in which the installment is required to be paid; and

(ii) dividing the resulting amount by the number of months in the taxable year ending before the month in which the installment date falls.

A reduction in an installment under clause (3) must be recaptured by increasing the amount of the next required installment by the amount of the reduction.

Sec. 5. Minnesota Statutes 1993 Supplement, section 289A.26, subdivision 7, is amended to read:

Subd. 7. [REQUIRED INSTALLMENTS.] (a) Except as otherwise provided in this subdivision, the amount of a required installment is 25 percent of the required annual payment.

(b) Except as otherwise provided in this subdivision, the term "required annual payment" means the lesser of:

(1) ~~97~~ 100 percent of the tax shown on the return for the taxable year, or, if no return is filed, ~~97~~ 100 percent of the tax for that year; or

(2) 100 percent of the tax shown on the return of the entity for the preceding taxable year provided the return was for a full 12-month period, showed a liability, and was filed by the entity.

(c) Except for determining the first required installment for any taxable year, paragraph (b), clause (2), does not apply in the case of a large corporation. The term "large corporation" means a corporation or any predecessor corporation that had taxable net income of \$1,000,000 or more for any taxable year during the testing period. The term "testing period" means the three taxable years immediately preceding the taxable year involved. A reduction allowed to a large corporation for the first installment that is allowed by applying paragraph (b), clause (2), must be recaptured by increasing the next required installment by the amount of the reduction.

(d) In the case of a required installment, if the corporation establishes that the annualized income installment is less than the amount determined in paragraph (a), the amount of the required installment is the annualized income installment and the recapture of previous quarters' reductions allowed by this paragraph must be recovered by increasing later required installments to the extent the reductions have not previously been recovered.

(e) The "annualized income installment" is the excess, if any, of:

(1) an amount equal to the applicable percentage of the tax for the taxable year computed by placing on an annualized basis the taxable income:

(i) for the first two months of the taxable year, in the case of the first required installment;

(ii) for the first two months or for the first five months of the taxable year, in the case of the second required installment;

(iii) for the first six months or for the first eight months of the taxable year, in the case of the third required installment; and

(iv) for the first nine months or for the first 11 months of the taxable year, in the case of the fourth required installment, over

(2) the aggregate amount of any prior required installments for the taxable year.

(3) For the purpose of this paragraph, the annualized income shall be computed by placing on an annualized basis the taxable income for the year up to the end of the month preceding the due date for the quarterly payment multiplied by 12 and dividing the resulting amount by the number of months in the taxable year (2, 5, 6, 8, 9, or 11 as the case may be) referred to in clause (1).

(4) The "applicable percentage" used in clause (1) is:

For the following required installments:	The applicable percentage is:
1st	24.25 25
2nd	48.5 50
3rd	72.75 75
4th	97 100

(f)(1) If this paragraph applies, the amount determined for any installment must be determined in the following manner:

- (i) take the taxable income for the months during the taxable year preceding the filing month;
- (ii) divide that amount by the base period percentage for the months during the taxable year preceding the filing month;
- (iii) determine the tax on the amount determined under item (ii); and
- (iv) multiply the tax computed under item (iii) by the base period percentage for the filing month and the months during the taxable year preceding the filing month.

(2) For purposes of this paragraph:

- (i) the "base period percentage" for a period of months is the average percent that the taxable income for the corresponding months in each of the three preceding taxable years bears to the taxable income for the three preceding taxable years;
- (ii) the term "filing month" means the month in which the installment is required to be paid;
- (iii) this paragraph only applies if the base period percentage for any six consecutive months of the taxable year equals or exceeds 70 percent; and
- (iv) the commissioner may provide by rule for the determination of the base period percentage in the case of reorganizations, new corporations, and other similar circumstances.

(3) In the case of a required installment determined under this paragraph, if the entity determines that the installment is less than the amount determined in paragraph (a), the amount of the required installment is the amount determined under this paragraph and the recapture of previous quarters' reductions allowed by this paragraph must be recovered by increasing later required installments to the extent the reductions have not previously been recovered.

Sec. 6. Minnesota Statutes 1993 Supplement, section 289A.60, subdivision 21, is amended to read:

Subd. 21. [PENALTY FOR FAILURE TO MAKE PAYMENT BY ELECTRONIC FUNDS TRANSFER.] (a) In addition to other applicable penalties imposed by this section, after notification from the commissioner to the taxpayer that payments are required to be made by means of electronic funds transfer under section 289A.20, subdivision 2, paragraph (e), or 4, paragraph (d), or 289A.26, subdivision 2a, and the payments are remitted by some other

means, there is a penalty in the amount of five percent of each payment that should have been remitted electronically. The penalty can be abated under the abatement procedures prescribed in section 270.07, subdivision 6, if the failure to remit the payment electronically is due to reasonable cause.

(b) The penalty under paragraph (a) does not apply if the taxpayer pays by other means the amount due at least three business days before the date the payment is due. The provisions of this paragraph do not apply after December 31, 1997.

Sec. 7. Minnesota Statutes 1993 Supplement, section 290.01, subdivision 19, is amended to read:

Subd. 19. [NET INCOME.] The term "net income" means the federal taxable income, as defined in section 63 of the Internal Revenue Code of 1986, as amended through the date named in this subdivision, incorporating any elections made by the taxpayer in accordance with the Internal Revenue Code in determining federal taxable income for federal income tax purposes, and with the modifications provided in subdivisions 19a to 19f.

In the case of a regulated investment company or a fund thereof, as defined in section 851(a) or 851(h) of the Internal Revenue Code, federal taxable income means investment company taxable income as defined in section 852(b)(2) of the Internal Revenue Code, except that:

(1) the exclusion of net capital gain provided in section 852(b)(2)(A) of the Internal Revenue Code does not apply; and

(2) the deduction for dividends paid under section 852(b)(2)(D) of the Internal Revenue Code must be applied by allowing a deduction for capital gain dividends and exempt-interest dividends as defined in sections 852(b)(3)(C) and 852(b)(5) of the Internal Revenue Code.

The net income of a real estate investment trust as defined and limited by section 856(a), (b), and (c) of the Internal Revenue Code means the real estate investment trust taxable income as defined in section 857(b)(2) of the Internal Revenue Code.

The Internal Revenue Code of 1986, as amended through December 31, 1986, shall be in effect for taxable years beginning after December 31, 1986. The provisions of sections 10104, 10202, 10203, 10204, 10206, 10212, 10221, 10222, 10223, 10226, 10227, 10228, 10611, 10631, 10632, and 10711 of the Omnibus Budget Reconciliation Act of 1987, Public Law Number 100-203, the provisions of sections 1001, 1002, 1003, 1004, 1005, 1006, 1008, 1009, 1010, 1011, 1011A, 1011B, 1012, 1013, 1014, 1015, 1018, 2004, 3041, 4009, 6007, 6026, 6032, 6137, 6277, and 6282 of the Technical and Miscellaneous Revenue Act of 1988, Public Law Number 100-647, and the provisions of sections 7811, 7816, and 7831 of the Omnibus Budget Reconciliation Act of 1989, Public Law Number 101-239, shall be effective at the time they become effective for federal income tax purposes.

The Internal Revenue Code of 1986, as amended through December 31, 1987, shall be in effect for taxable years beginning after December 31, 1987. The provisions of sections 4001, 4002, 4011, 5021, 5041, 5053, 5075, 6003, 6008, 6011, 6030, 6031, 6033, 6057, 6064, 6066, 6079, 6130, 6176, 6180, 6182, 6280, and 6281 of the Technical and Miscellaneous Revenue Act of 1988, Public Law Number 100-647, the provisions of sections 7815 and 7821 of the Omnibus Budget Reconciliation Act of 1989, Public Law Number

101-239, and the provisions of section 11702 of the Revenue Reconciliation Act of 1990, Public Law Number 101-508, shall become effective at the time they become effective for federal tax purposes.

The Internal Revenue Code of 1986, as amended through December 31, 1988, shall be in effect for taxable years beginning after December 31, 1988. The provisions of sections 7101, 7102, 7104, 7105, 7201, 7202, 7203, 7204, 7205, 7206, 7207, 7210, 7211, 7301, 7302, 7303, 7304, 7601, 7621, 7622, 7641, 7642, 7645, 7647, 7651, and 7652 of the Omnibus Budget Reconciliation Act of 1989, Public Law Number 101-239, the provision of section 1401 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, Public Law Number 101-73, and the provisions of sections 11701 and 11703 of the Revenue Reconciliation Act of 1990, Public Law Number 101-508, shall become effective at the time they become effective for federal tax purposes.

The Internal Revenue Code of 1986, as amended through December 31, 1989, shall be in effect for taxable years beginning after December 31, 1989. The provisions of sections 11321, 11322, 11324, 11325, 11403, 11404, 11410, and 11521 of the Revenue Reconciliation Act of 1990, Public Law Number 101-508, and the provisions of sections 13224 and 13261 of the Omnibus Budget Reconciliation Act of 1993, Public Law Number 103-66, shall become effective at the time they become effective for federal purposes.

The Internal Revenue Code of 1986, as amended through December 31, 1990, shall be in effect for taxable years beginning after December 31, 1990.

The provisions of section 13431 of the Omnibus Budget Reconciliation Act of 1993, Public Law Number 103-66, shall become effective at the time they became effective for federal purposes.

The Internal Revenue Code of 1986, as amended through December 31, 1991, shall be in effect for taxable years beginning after December 31, 1991.

The provisions of sections 1936 and 1937 of the Comprehensive National Energy Policy Act of 1992, Public Law Number 102-486, and the provisions of sections 13101, 13114, 13122, 13141, 13150, 13151, 13174, 13239, 13301, and 13442 of the Omnibus Budget Reconciliation Act of 1993, Public Law Number 103-66, shall become effective at the time they become effective for federal purposes.

The Internal Revenue Code of 1986, as amended through December 31, 1992, shall be in effect for taxable years beginning after December 31, 1992. *The provisions of section 13321 of the Omnibus Budget Reconciliation Act of 1993, Public Law Number 103-66, shall become effective at the time they become effective for federal purposes.*

The provisions of sections 13116, 13121, 13206, 13210, 13222, 13223, 13231, 13232, 13233, 13239, 13262, and 13321 of the Omnibus Budget Reconciliation Act of 1993, Public Law Number 103-66, shall become effective at the time they become effective for federal purposes.

The Internal Revenue Code of 1986, as amended through December 31, 1993, shall be in effect for taxable years beginning after December 31, 1993.

Except as otherwise provided, references to the Internal Revenue Code in subdivisions 19a to 19g mean the code in effect for purposes of determining net income for the applicable year.

Sec. 8. Minnesota Statutes 1992, 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;

(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 determining federal taxable income, the amount paid for health insurance of self-employed individuals as determined under section 162(l) of the Internal Revenue Code, except that the 25 percent

limit does not apply. If the taxpayer deducted insurance payments under section 213 of the Internal Revenue Code of 1986, the subtraction under this clause must be reduced by the lesser of:

(i) the total itemized deductions allowed under section 63(d) of the Internal Revenue Code, less state, local, and foreign income taxes deductible under section 164 of the Internal Revenue Code and the standard deduction under section 63(c) of the Internal Revenue Code; or

(ii) the lesser of (A) the amount of insurance qualifying as "medical care" under section 213(d) of the Internal Revenue Code to the extent not deducted under section 162(1) of the Internal Revenue Code or excluded from income or (B) the total amount deductible for medical care under section 213(a); and

(9) the amount of salary expenses not allowed for federal income tax purposes due to claiming the Indian employment credit under section 45A(a) of the Internal Revenue Code of 1986, as amended through December 31, 1993.

Sec. 9. Minnesota Statutes 1992, section 290.01, subdivision 19d, is amended to read:

Subd. 19d. [CORPORATIONS; MODIFICATIONS DECREASING FEDERAL TAXABLE INCOME.] For corporations, there shall be subtracted from federal taxable income after the increases provided in subdivision 19c:

(1) the amount of foreign dividend gross-up added to gross income for federal income tax purposes under section 78 of the Internal Revenue Code;

(2) the amount of salary expense not allowed for federal income tax purposes due to claiming the federal jobs credit under section 51 of the Internal Revenue Code;

(3) any dividend (not including any distribution in liquidation) paid within the taxable year by a national or state bank to the United States, or to any instrumentality of the United States exempt from federal income taxes, on the preferred stock of the bank owned by the United States or the instrumentality;

(4) amounts disallowed for intangible drilling costs due to differences between this chapter and the Internal Revenue Code in taxable years beginning before January 1, 1987, as follows:

(i) to the extent the disallowed costs are represented by physical property, an amount equal to the allowance for depreciation under Minnesota Statutes 1986, section 290.09, subdivision 7, subject to the modifications contained in subdivision 19e; and

(ii) to the extent the disallowed costs are not represented by physical property, an amount equal to the allowance for cost depletion under Minnesota Statutes 1986, section 290.09, subdivision 8;

(5) the deduction for capital losses pursuant to sections 1211 and 1212 of the Internal Revenue Code, except that:

(i) for capital losses incurred in taxable years beginning after December 31, 1986, capital loss carrybacks shall not be allowed;

(ii) for capital losses incurred in taxable years beginning after December 31, 1986, a capital loss carryover to each of the 15 taxable years succeeding the loss year shall be allowed;

(iii) for capital losses incurred in taxable years beginning before January 1, 1987, a capital loss carryback to each of the three taxable years preceding the loss year, subject to the provisions of Minnesota Statutes 1986, section 290.16, shall be allowed; and

(iv) for capital losses incurred in taxable years beginning before January 1, 1987, a capital loss carryover to each of the five taxable years succeeding the loss year to the extent such loss was not used in a prior taxable year and subject to the provisions of Minnesota Statutes 1986, section 290.16, shall be allowed;

(6) an amount for interest and expenses relating to income not taxable for federal income tax purposes, if (i) the income is taxable under this chapter and (ii) the interest and expenses were disallowed as deductions under the provisions of section 171(a)(2), 265 or 291 of the Internal Revenue Code in computing federal taxable income;

(7) in the case of mines, oil and gas wells, other natural deposits, and timber for which percentage depletion was disallowed pursuant to subdivision 19c, clause (11), a reasonable allowance for depletion based on actual cost. In the case of leases the deduction must be apportioned between the lessor and lessee in accordance with rules prescribed by the commissioner. In the case of property held in trust, the allowable deduction must be apportioned between the income beneficiaries and the trustee in accordance with the pertinent provisions of the trust, or if there is no provision in the instrument, on the basis of the trust's income allocable to each;

(8) for certified pollution control facilities placed in service in a taxable year beginning before December 31, 1986, and for which amortization deductions were elected under section 169 of the Internal Revenue Code of 1954, as amended through December 31, 1985, an amount equal to the allowance for depreciation under Minnesota Statutes 1986, section 290.09, subdivision 7;

(9) the amount included in federal taxable income attributable to the credits provided in Minnesota Statutes 1986, section 273.1314, subdivision 9, or Minnesota Statutes, section 469.171, subdivision 6;

(10) amounts included in federal taxable income that are due to refunds of income, excise, or franchise taxes based on net income or related minimum taxes paid by the corporation to Minnesota, another state, a political subdivision of another state, the District of Columbia, or a foreign country or possession of the United States to the extent that the taxes were added to federal taxable income under section 290.01, subdivision 19c, clause (1), in a prior taxable year;

(11) the following percentage of royalties, fees, or other like income accrued or received from a foreign operating corporation or a foreign corporation which is part of the same unitary business as the receiving corporation:

Taxable Year	
Beginning After	Percentage
December 31, 1988	50 percent
December 31, 1990	80 percent;

(12) income or gains from the business of mining as defined in section 290.05, subdivision 1, clause (a), that are not subject to Minnesota franchise tax;

(13) the amount of handicap access expenditures in the taxable year which are not allowed to be deducted or capitalized under section 44(d)(7) of the Internal Revenue Code of 1986; and

(14) the amount of qualified research expenses not allowed for federal income tax purposes under section 280C(c) of the Internal Revenue Code, but only to the extent that the amount exceeds the amount of the credit allowed under section 290.068; and

(15) the amount of salary expenses not allowed for federal income tax purposes due to claiming the Indian employment credit under section 45A(a) of the Internal Revenue Code of 1986, as amended through December 31, 1993.

Sec. 10. Minnesota Statutes 1992, section 290.01, is amended by adding a subdivision to read:

Subd. 31. [INTERNAL REVENUE CODE.] Unless specifically defined otherwise, "Internal Revenue Code" means the Internal Revenue Code of 1986, as amended through December 31, 1993.

Sec. 11. Minnesota Statutes 1992, section 290.05, subdivision 3, is amended to read:

Subd. 3. (a) An organization exempt from taxation under subdivision 2 shall, nevertheless, be subject to tax under this chapter to the extent provided in the following provisions of the Internal Revenue Code:

- (i) section 527 (dealing with political organizations);
- (ii) section 528 (dealing with certain homeowners associations);
- (iii) sections 511 to 515 (dealing with unrelated business income); and
- (iv) section 521 (dealing with farmers' cooperatives); and
- (v) section 6033(e)(2) (dealing with lobbying expense); but

notwithstanding this subdivision, shall be considered an organization exempt from income tax for the purposes of any law which refers to organizations exempt from income taxes.

(b) The tax shall be imposed on the taxable income of political organizations or homeowner associations or the unrelated business taxable income, as defined in section 512 of the Internal Revenue Code, of organizations defined in section 511 of the Internal Revenue Code, provided that the tax is not imposed on:

(1) advertising revenues from a newspaper published by an organization described in section 501(c)(4) of the Internal Revenue Code; or

(2) revenues from lawful gambling authorized under chapter 349 that are expended for purposes that qualify for the deduction for charitable contributions under section 170 of the Internal Revenue Code of 1986, as amended through December 31, 1994 1993, disregarding the limitation under section 170(b)(2), but only to the extent the contributions are not deductible in computing federal taxable income.

The tax shall be at the corporate rates. The tax shall only be imposed on income and deductions assignable to this state under sections 290.17 to 290.20. To the extent deducted in computing federal taxable income, the deductions contained in section 290.21 shall not be allowed in computing Minnesota taxable net income.

(c) The tax shall be imposed on organizations subject to federal tax under section 6033(e)(2) of the Internal Revenue Code of 1986, as amended through December 31, 1993, in an amount equal to the corporate tax rate multiplied by the amount of lobbying expenses taxed under section 6033(e)(2) which are attributable to lobbying the Minnesota state government.

Sec. 12. Minnesota Statutes 1992, section 290.06, subdivision 2c, is amended to read:

Subd. 2c. [SCHEDULES OF RATES FOR INDIVIDUALS, ESTATES, AND TRUSTS.] (a) The income taxes imposed by this chapter upon married individuals filing joint returns and surviving spouses as defined in section 2(a) of the Internal Revenue Code of 1986 as amended through December 31, 1991, must be computed by applying to their taxable net income the following schedule of rates:

- (1) On the first \$19,910, 6 percent;
- (2) On all over \$19,910, but not over \$79,120, 8 percent;
- (3) On all over \$79,120, 8.5 percent.

Married individuals filing separate returns, estates, and trusts must compute their income tax by applying the above rates to their taxable income, except that the income brackets will be one-half of the above amounts.

(b) The income taxes imposed by this chapter upon unmarried individuals must be computed by applying to taxable net income the following schedule of rates:

- (1) On the first \$13,620, 6 percent;
- (2) On all over \$13,620, but not over \$44,750, 8 percent;
- (3) On all over \$44,750, 8.5 percent.

(c) The income taxes imposed by this chapter upon unmarried individuals qualifying as a head of household as defined in section 2(b) of the Internal Revenue Code of 1986, as amended through December 31, 1991, must be computed by applying to taxable net income the following schedule of rates:

- (1) On the first \$16,770, 6 percent;
- (2) On all over \$16,770, but not over \$67,390, 8 percent;
- (3) On all over \$67,390, 8.5 percent.

(d) In lieu of a tax computed according to the rates set forth in this subdivision, the tax of any individual taxpayer whose taxable net income for the taxable year is less than an amount determined by the commissioner must be computed in accordance with tables prepared and issued by the commissioner of revenue based on income brackets of not more than \$100. The amount of tax for each bracket shall be computed at the rates set forth in this subdivision, provided that the commissioner may disregard a fractional part of

a dollar unless it amounts to 50 cents or more, in which case it may be increased to \$1.

(e) An individual who is not a Minnesota resident for the entire year must compute the individual's Minnesota income tax as provided in this subdivision. After the application of the nonrefundable credits provided in this chapter, the tax liability must then be multiplied by a fraction in which:

(1) The numerator is the individual's Minnesota source federal adjusted gross income as defined in section 62 of the Internal Revenue Code of 1986, as amended through December 31, 1991, ~~less the deduction allowed by section 217 of the Internal Revenue Code of 1986, as amended through December 31, 1991,~~ after applying the allocation and assignability provisions of section 290.081, clause (a), or 290.17; and

(2) the denominator is the individual's federal adjusted gross income as defined in section 62 of the Internal Revenue Code of 1986, as amended through December 31, 1994 1993, increased by the addition required for interest income from non-Minnesota state and municipal bonds under section 290.01, subdivision 19a, clause (1).

Sec. 13. Minnesota Statutes 1992, section 290.06, is amended by adding a subdivision to read:

Subd. 25. [CREDIT FOR HOME MORTGAGE INTEREST.] An individual may take a credit against the tax due under this chapter in an amount equal to 25 percent of the credit for which the individual is eligible under section 25 of the Internal Revenue Code of 1986, as amended through December 31, 1993, in connection with mortgage credit certificate issued before January 1, 1995, for a qualified mortgage loan secured by property located in this state.

Sec. 14. Minnesota Statutes 1992, section 290.068, subdivision 2, is amended to read:

Subd. 2. [DEFINITIONS.] For purposes of this section, the following terms have the meanings given.

(a) "Qualified research expenses" means (i) qualified research expenses and basic research payments as defined in section 41(b) and (e) of the Internal Revenue Code, except it does not include expenses incurred for qualified research or basic research conducted outside the state of Minnesota pursuant to section 41(d) and (e) of the Internal Revenue Code; and (ii) contributions to a nonprofit corporation established and operated pursuant to the provisions of chapter 317A for the purpose of promoting the establishment and expansion of business in this state, provided the contributions are invested by the nonprofit corporation for the purpose of providing funds for small, technologically innovative enterprises in Minnesota during the early stages of their development.

(b) "Qualified research" means qualified research as defined in section 41(d) of the Internal Revenue Code, except that the term does not include qualified research conducted outside the state of Minnesota.

(c) "Base amount" means base amount as defined in section 41(c) of the Internal Revenue Code, except that the average annual gross receipts must be calculated using Minnesota sales or receipts under section 290.191 and the definitions contained in clauses (a) and (b) shall apply.

(d) ~~“Internal Revenue Code” means the Internal Revenue Code of 1986, as amended through December 31, 1991.~~

Sec. 15. Minnesota Statutes 1992, section 290.0802, subdivision 1, is amended to read:

Subdivision 1. [DEFINITIONS.] For purposes of this section, the following terms have the meanings given.

(a) “Adjusted gross income” means federal adjusted gross income as used in section 22(d) of the Internal Revenue Code for the taxable year, plus a lump sum distribution as defined in section 402(e)(3) of the Internal Revenue Code, and less any pension, annuity, or disability benefits included in federal gross income but not subject to state taxation other than the subtraction allowed under section 290.01, subdivision 19b, clause (4).

(b) “Disability income” means disability income as defined in section 22(c)(2)(B)(iii) of the Internal Revenue Code.

(c) ~~“Internal Revenue Code” means the Internal Revenue Code of 1986, as amended through December 31, 1991.~~

(d) “Nontaxable retirement and disability benefits” means the amount of pension, annuity, or disability benefits that would be included in the reduction under section 22(c)(3) of the Internal Revenue Code and pension, annuity, or disability benefits included in federal gross income but not subject to state taxation other than the subtraction allowed under section 290.01, subdivision 19b, clause (4).

(e) (d) “Qualified individual” means a qualified individual as defined in section 22(b) of the Internal Revenue Code.

Sec. 16. Minnesota Statutes 1993 Supplement, section 290.091, subdivision 2, is amended to read:

Subd. 2. [DEFINITIONS.] For purposes of the tax imposed by this section, the following terms have the meanings given:

(a) “Alternative minimum taxable income” means the sum of the following for the taxable year:

(1) the taxpayer’s federal alternative minimum taxable income as defined in section 55(b)(2) of the Internal Revenue Code;

(2) the taxpayer’s itemized deductions allowed in computing federal alternative minimum taxable income, but excluding the Minnesota charitable contribution deduction and ~~non-Minnesota charitable deductions to the extent they are included in federal alternative minimum taxable income under section 57(a)(6) of the Internal Revenue Code, and excluding~~ the medical expense deduction;

(3) for depletion allowances computed under section 613A(c) of the Internal Revenue Code, with respect to each property (as defined in section 614 of the Internal Revenue Code), to the extent not included in federal alternative minimum taxable income, the excess of the deduction for depletion allowable under section 611 of the Internal Revenue Code for the taxable year over the adjusted basis of the property at the end of the taxable year (determined without regard to the depletion deduction for the taxable year);

(4) to the extent not included in federal alternative minimum taxable income, the amount of the tax preference for intangible drilling cost under section 57(a)(2) of the Internal Revenue Code determined without regard to subparagraph (E);

(5) to the extent not included in federal alternative minimum taxable income, the amount of interest income as provided by section 290.01, subdivision 19a, clause (1); less the sum of

(i) interest income as defined in section 290.01, subdivision 19b, clause (1);

(ii) an overpayment of state income tax as provided by section 290.01, subdivision 19b, clause (2), *to the extent included in federal alternative minimum tax income*; and

(iii) the amount of investment interest paid or accrued within the taxable year on indebtedness to the extent that the amount does not exceed net investment income, as defined in section 163(d)(4) of the Internal Revenue Code. Interest does not include amounts deducted in computing federal adjusted gross income.

In the case of an estate or trust, alternative minimum taxable income must be computed as provided in section 59(c) of the Internal Revenue Code.

(b) ~~“Internal Revenue Code” means the Internal Revenue Code of 1986, as amended through December 31, 1992.~~

(e) “Investment interest” means investment interest as defined in section 163(d)(3) of the Internal Revenue Code.

~~(d)~~ (c) “Tentative minimum tax” equals seven percent of alternative minimum taxable income after subtracting the exemption amount determined under subdivision 3.

~~(e)~~ (d) “Regular tax” means the tax that would be imposed under this chapter (without regard to this section and section 290.032), reduced by the sum of the nonrefundable credits allowed under this chapter.

~~(f)~~ (e) “Net minimum tax” means the minimum tax imposed by this section.

~~(g)~~ (f) “Minnesota charitable contribution deduction” means a charitable contribution deduction under section 170 of the Internal Revenue Code to or for the use of an entity described in section 290.21, subdivision 3, clauses (a) to (e).

Sec. 17. Minnesota Statutes 1992, section 290.0921, subdivision 2, is amended to read:

Subd. 2. [DEFINITIONS.] (a) For purposes of this section, the following terms have the meanings given them.

(b) “Alternative minimum taxable net income” is alternative minimum taxable income,

(1) less the exemption amount, and

(2) apportioned or allocated to Minnesota under section 290.17, 290.191, or 290.20.

(c) The "exemption amount" is \$40,000, reduced, but not below zero, by 25 percent of the excess of alternative minimum taxable income over \$150,000.

(d) ~~"Internal Revenue Code" means the Internal Revenue Code of 1986, as amended through December 31, 1991.~~

(e) "Minnesota alternative minimum taxable income" is alternative minimum taxable net income, less the deductions for alternative tax net operating loss under subdivision 4; charitable contributions under subdivision 5; and dividends received under subdivision 6. The sum of the deductions under this paragraph may not exceed 90 percent of alternative minimum taxable net income. This limitation does not apply to a deduction for dividends paid to or received from a corporation which is subject to tax under section 290.35 or 290.36 and which is a member of an affiliated group of corporations as defined by the Internal Revenue Code.

Sec. 18. Minnesota Statutes 1992, section 290.35, is amended by adding a subdivision to read:

Subd. 6. [GUARANTY ASSOCIATION ASSESSMENT OFFSET.] An insurance company may offset against its tax liability to this state any amount paid pursuant to assessments made for insolvencies which occur on or after August 1, 1994, under sections 60C.01 to 60C.22, and any amount paid pursuant to assessments made on or after August 1, 1994, under sections 61B.01 to 61B.16 or sections 61B.18 to 61B.32. The amount of the offset may not exceed 20 percent of the amount of the assessment for each of the five calendar years following the year in which the assessment was paid. If the offset exceeds both the insurance company's tax liability under this chapter and premium tax liability under section 60A.15, then the insurance company may carryforward the excess credit to subsequent taxable years. In the event an insurer ceases doing business, all uncredited assessments may be credited against tax liability for the year it ceases doing business. Any refund paid by the Minnesota life and health insurance guaranty association to member insurers pursuant to section 61B.07, subdivision 6, or section 61B.24, subdivision 6, in respect of an assessment payment which has been offset against taxes shall be repaid by the insurers to the extent of the offset to the state in the manner the commissioner of revenue requires.

Sec. 19. Minnesota Statutes 1992, section 297.01, is amended by adding a subdivision to read:

Subd. 17. [INTERNAL REVENUE CODE.] Unless specifically defined otherwise, "Internal Revenue Code" means the Internal Revenue Code of 1986, as amended through December 31, 1993.

Sec. 20. Minnesota Statutes 1992, section 298.017, subdivision 2, is amended to read:

Subd. 2. [DEDUCTIONS ALLOWED.] (a) In calculating the net proceeds for the purpose of determining the tax provided in section 298.015, only those expenses specifically allowed in this subdivision may be deducted from gross proceeds. The carryback or carryforward of deductions shall not be allowed.

(b) Ordinary and necessary expenses actually paid for the mining, production, processing, beneficiation, smelting, or refining of metal or mineral products for:

(1) labor, including wages, salaries, fringe benefits, unemployment and workers' compensation insurance;

(2) machinery, equipment, and supplies, including any sales and use tax paid on it, except that machinery and equipment subject to depreciation shall only be deductible under clause (b)(3);

(3) depreciation as defined and allowed by section 167 of the Internal Revenue Code of 1986, as amended through December 31, ~~1986~~ 1993;

(4) administrative expenses inside Minnesota; and

(5) reclamation costs actually incurred in Minnesota and paid in a year of production, including the payment of bonds required by the provisions of an environmental permit issued by the state of Minnesota.

are deductible.

(c) Ordinary and necessary expenses of transporting metal or mineral products are allowed as a deduction if the costs are included in the sale price of the products.

(d) Expenses of exploration, research, or development in this state for the mining and processing of minerals within Minnesota paid in a production year are deductible in the production year.

(e) Expenses of exploration and development in Minnesota incurred prior to production must be amortized and deducted on a straight-line basis over the first five years of production.

Sec. 21. [469.301] [DEFINITIONS.]

Subdivision 1. [GENERALLY.] In sections 469.301 to 469.309, the terms defined in this section have the meanings given them, unless the context indicates a different meaning.

Subd. 2. [COMMISSIONER.] "Commissioner" means the commissioner of jobs and training.

Subd. 3. [ENTERPRISE ZONE.] "Enterprise zone" means an area in the state designated as such by the commissioner.

Subd. 4. [CITY.] "City" means any city that contains an area that has been designated as a federal empowerment zone or enterprise community.

Subd. 5. [GOVERNING BODY.] "Governing body" means the city council or other body designated by its charter.

Subd. 6. [RESIDENT.] "Resident" means an individual residing within the enterprise zone.

Subd. 7. [BUSINESS.] "Business" means any business entity not restricted under section 469.306, subdivision 2.

Subd. 8. [ENTERPRISE ZONE PROPERTY.] "Enterprise zone property" means taxable property, excluding land but including buildings, structures, fixtures, and improvements, that is located within an enterprise zone designated according to section 469.303.

Sec. 22. [469.302] [PROGRAM OBJECTIVES.]

Subdivision 1. [JOB CREATION AND RETENTION.] An objective of the enterprise zone program is to stimulate job creation and retention in designated geographical areas for residents of the areas.

Subd. 2. [INVESTMENT STIMULATION.] An objective of the enterprise zone program is to stimulate public and private investment in designated geographical areas.

Sec. 23. [469.303] [DESIGNATIONS OF ENTERPRISE ZONES.]

Subdivision 1. [PROCESS.] The commissioner shall designate an area as an enterprise zone if:

(1) the application is made by the governing body of the city as prescribed by section 469.305;

(2) the application is made according to statutory criteria; and

(3) the area is determined by the commissioner to be eligible for designation under section 469.304.

Subd. 2. [DURATION.] The designation of an area as an enterprise zone is effective for ten years after the date of designation.

Subd. 3. [DATE OF DESIGNATION.] Designation is effective immediately following approval of the enterprise zone application by the commissioner.

Sec. 24. [469.304] [ELIGIBILITY REQUIREMENTS.]

An area within the city is eligible for designation as an enterprise zone if the area is designated as a federal empowerment zone or enterprise community by the United States Department of Housing and Urban Development.

Sec. 25. [469.305] [APPLICATION FOR ENTERPRISE ZONE DESIGNATION.]

Subdivision 1. [SUBMISSION OF APPLICATIONS.] An applicant eligible under the criteria in section 469.304 may seek enterprise zone designation by submitting an application to the commissioner. The commissioner shall establish procedures and forms for the submission of applications for enterprise zone designation.

Subd. 2. [APPLICATIONS; CONTENTS.] The application for designation as an enterprise zone must contain, at a minimum:

(1) verification that the area is eligible for designation pursuant to section 469.304;

(2) designation of the agency or unit of government that will implement the program;

(3) any additional information required by the commissioner; and

(4) any additional information that the municipality considers relevant to the designation of the area as an enterprise zone.

Subd. 3. [CERTIFICATION.] The commissioner shall receive certification from the governing body stating that activity within the municipality's enterprise zone:

(1) will meet the objectives of the enterprise zone in section 469.302; and

(2) will not transfer existing employment from other municipalities within the state.

Sec. 26. [469.306] [ENTERPRISE ZONE CREDITS.]

Subdivision 1. [INCOME OR FRANCHISE TAX CREDIT.] An income or corporate franchise tax credit is available to businesses located in an enterprise zone that meet the conditions of this section. Each city designated as an enterprise zone is allocated \$3,000,000 to be used to provide credits under this section for the duration of the program. The credit is in an amount equal to 20 percent of the wages paid to an employee, not to exceed \$5,000 per employee per taxable year. The credit is available to an employer for a zone resident employed in the zone at full-time wage levels of not less than 160 percent of minimum wage, excluding workers employed in construction. The employee must be employed at that rate at the time the business applies for a tax credit, and must have been employed for at least one year at the business. The credit applies to new jobs created as well as to existing jobs for which zone residents have been hired as a result of job vacancies in the business. The credit is applicable to the five taxable years after the application has been approved to the extent the allocation to the city remains available to fund the credit.

Subd. 2. [RESTRICTIONS.] The credit is not available for employees at:

- (1) sports, fitness, and health facilities that are not accessible to the public;*
- (2) a racetrack;*
- (3) property of a public utility;*
- (4) property used in the operation of a financial institution;*
- (5) property owned by a fraternal, veterans', or nonpublicly accessible organization; or*
- (6) a gambling facility.*

Subd. 3. [REFUNDABLE CREDITS.] If the credit exceeds the taxpayer's liability under chapter 290 for the taxable year, the excess is refundable.

Subd. 4. [REVIEW AND ANALYSIS.] The city must submit the proposed tax credit proposal to the commissioner for approval. The tax credit proposal shall be approved unless the commissioner finds that the proposal is not in conformity with the provisions of sections 469.301 to 469.309.

If the city submits the tax credit proposal to the commissioner before the expiration of the zone designation pursuant to section 469.303, subdivision 2, the authority of the commissioner to approve the tax credit proposal continues until the commissioner acts on the proposal.

Sec. 27. [469.307] [REVOCATION.]

The commissioner may revoke a business' tax credit if the applicant has not proceeded in good faith with its operations in a manner which is consistent with the purpose of sections 469.301 to 469.309 and is possible under circumstances reasonably within the control of the applicant.

The commissioner may reconsider the revocation of the tax credit if the business provides evidence that circumstances of its failure to proceed were beyond its control or that it did not act in bad faith.

Sec. 28. [469.308] [RECAPTURE.]

Subdivision 1. [TERMINATION OF OPERATIONS.] Any business that receives a tax credit authorized by section 469.306 and ceases to operate its facility within the enterprise zone within seven years after the business has received the tax credit shall repay the amount of the tax credit pursuant to the following schedule:

<i>Termination of Operations</i>	<i>Repayment of Portion</i>
<i>Less than two years</i>	<i>100 percent</i>
<i>Between two years and four years</i>	<i>75 percent</i>
<i>Between four years and seven years</i>	<i>50 percent</i>
<i>More than seven years</i>	<i>0 percent</i>

Subd. 2. [REPAYMENT.] The repayment must be paid to the state to the extent it represents a tax credit under section 469.306. Any amount repaid to the state must be credited to the amount certified as available for tax credits in the zone under section 469.306.

Sec. 29. [469.309] [ADMINISTRATION.]

Subdivision 1. [TECHNICAL ASSISTANCE.] The commissioner shall provide technical assistance to the city seeking an enterprise zone designation.

Subd. 2. [ADMINISTRATIVE PROCEDURE ACT.] Chapter 14 does not apply to the designation of enterprise zones.

Subd. 3. [REPORTING.] The commissioner shall require cities receiving enterprise zone designations to report to the commissioner regarding the economic activity that has occurred in the zone following the designation.

Subd. 4. [REPORT TO THE LEGISLATURE.] The commissioner, in consultation with the commissioner of revenue and the cities, shall prepare a plan for expanding the enterprise zone program to businesses throughout the area that hire zone residents. The commissioner of jobs and training shall submit the plan in a report to the 1995 session of the state legislature.

Sec. 30. [FEDERAL CHANGES.]

The changes made by sections 13115, 13131, 13144, 13145, 13146, 13148, 13149, and 13171 of the Omnibus Budget Reconciliation Act of 1993, Public Law Number 103-66, which affect the computation of corporate alternative minimum taxable income as defined in Minnesota Statutes, section 290.0921, subdivision 3; alternative minimum taxable income of individuals, trusts, and estates as defined in Minnesota Statutes, section 290.091, subdivision 2; unrelated business taxable income, as defined in Minnesota Statutes, section 290.05, subdivision 3; and the Minnesota working family credit in Minnesota Statutes, section 290.0671, shall be in effect at the same time they become effective for federal income tax purposes. The change made by section 13203 of the Omnibus Budget Reconciliation Act of 1993, Public Law Number 103-66, which affects the exemption amount from Minnesota individual alternative minimum income in Minnesota Statutes, section 290.091, subdivision 3, is effective for tax years beginning after December 31, 1993.

Sec. 31. [INSTRUCTION TO REVISOR.]

In the next edition of Minnesota Statutes, the revisor of statutes shall substitute the phrase "Internal Revenue Code" for the words "Internal Revenue Code of 1986, as amended through December 31, 1992" where the phrase occurs in chapters 289A, 290, 290A, 291, and 297, except for sections 290.01, subdivision 19; 290A.03, subdivision 15; and 291.005, subdivision 1.

In the next edition of Minnesota Statutes, the revisor shall substitute the phrase "Internal Revenue Code of 1986, as amended through December 31, 1993" for the words "Internal Revenue Code of 1986, as amended through December 31, 1992" wherever the phrase occurs in section 290A.03, subdivision 15; section 291.005, subdivision 1; and in chapter 298.

Sec. 32. [REPEALER.]

(a) Minnesota Statutes 1992, section 290.067, subdivision 6, is repealed.

(b) Minnesota Statutes 1993 Supplement, section 289A.25, subdivision 5a, is repealed.

Sec. 33. [EFFECTIVE DATE.]

Section 1 is effective to be used as an offset against premium tax liabilities payable after November 30, 1995.

Sections 2 and 6 are effective for payments due after the day of final enactment.

Sections 4 and 23, paragraph (b), are effective for installments of estimated taxes due after the day following enactment.

Section 5 is effective for taxable years beginning after December 31, 1994.

Sections 8 and 9 are effective for wages paid or incurred after December 31, 1993.

Section 13 is effective for taxable years beginning after December 31, 1993.

Section 18 is effective to be used as an offset against tax liabilities payable after June 30, 1995.

Sections 21 to 29 are effective the day following final enactment.

ARTICLE 2

SALES AND EXCISE TAXES

Section 1. Minnesota Statutes 1993 Supplement, section 296.02, subdivision 1a, is amended to read:

Subd. 1a. [TRANSIT SYSTEMS EXEMPT.] The provisions of subdivision 1 do not apply to gasoline purchased by a transit system or transit provider receiving financial assistance or reimbursement under section 174.24, 256B.0625, subdivision 17, or 473.384.

Sec. 2. Minnesota Statutes 1993 Supplement, section 297A.01, subdivision 3, is amended to read:

Subd. 3. A "sale" and a "purchase" includes, but is not limited to, each of the following transactions:

(a) Any transfer of title or possession, or both, of tangible personal property, whether absolutely or conditionally, and the leasing of or the granting of a

license to use or consume tangible personal property other than manufactured homes used for residential purposes for a continuous period of 30 days or more, for a consideration in money or by exchange or barter;

(b) The production, fabrication, printing, or processing of tangible personal property for a consideration for consumers who furnish either directly or indirectly the materials used in the production, fabrication, printing, or processing;

(c) The furnishing, preparing, or serving for a consideration of food, meals, or drinks. "Sale" does not include:

(1) meals or drinks served to patients, inmates, or persons residing at hospitals, sanitariums, nursing homes, senior citizens homes, and correctional, detention, and detoxification facilities;

(2) meals or drinks purchased for and served exclusively to individuals who are 60 years of age or over and their spouses or to the handicapped and their spouses by governmental agencies, nonprofit organizations, agencies, or churches or pursuant to any program funded in whole or part through 42 USCA sections 3001 through 3045, wherever delivered, prepared or served; or

(3) meals and lunches served at public and private schools, universities, or colleges. Notwithstanding section 297A.25, subdivision 2, taxable food or meals include, but are not limited to, the following:

(i) heated food or drinks;

(ii) sandwiches prepared by the retailer;

(iii) single sales of prepackaged ice cream or ice milk novelties prepared by the retailer;

(iv) hand-prepared or dispensed ice cream or ice milk products including cones, sundaes, and snow cones;

(v) soft drinks and other beverages prepared or served by the retailer;

(vi) gum;

(vii) ice;

(viii) all food sold in vending machines;

(ix) party trays prepared by the retailers; and

(x) all meals and single servings of packaged snack food, single cans or bottles of pop, sold in restaurants and bars;

(d) The granting of the privilege of admission to places of amusement, recreational areas, or athletic events, except a world championship football game sponsored by the national football league, and the privilege of having access to and the use of amusement devices, tanning facilities, reducing salons, steam baths, turkish baths, health clubs, and spas or athletic facilities;

(e) The furnishing for a consideration of lodging and related services by a hotel, rooming house, tourist court, motel or trailer camp and of the granting of any similar license to use real property other than the renting or leasing thereof for a continuous period of 30 days or more;

(f) The furnishing for a consideration of electricity, gas, water, or steam for use or consumption within this state, or local exchange telephone service, intrastate toll service, and interstate toll service, if that service originates from and is charged to a telephone located in this state. Telephone service includes paging services and private communication service, as defined in United States Code, title 26, section 4252(d), except for private communication service purchased by an agent acting on behalf of the state lottery. The furnishing for a consideration of access to telephone services by a hotel to its guests is a sale under this clause. Sales by municipal corporations in a proprietary capacity are included in the provisions of this clause. The furnishing of water and sewer services for residential use shall not be considered a sale. The sale of natural gas to be used as a fuel in vehicles propelled by natural gas shall not be considered a sale for the purposes of this section;

(g) The furnishing for a consideration of cable television services, including charges for basic service, charges for premium service, and any other charges for any other pay-per-view, monthly, or similar television services;

(h) Notwithstanding section 297A.25, subdivisions 9 and 12, the sales of racehorses including claiming sales and fees paid for breeding racehorses or horses previously used for racing shall be considered a "sale" and a "purchase." "Racehorse" means a horse that is or is intended to be used for racing and whose birth has been recorded by the Jockey Club or the United States Trotting Association or the American Quarter Horse Association. "Sale" does not include fees paid for breeding horses that are not racehorses;

(i) The furnishing for a consideration of parking services, whether on a contractual, hourly, or other periodic basis, except for parking at a meter;

(j) The furnishing for a consideration of services listed in this paragraph:

(i) laundry and dry cleaning services including cleaning, pressing, ~~repairing, altering,~~ and storing clothes, linen services and supply, cleaning and blocking hats, and carpet, drapery, upholstery, and industrial cleaning. Laundry and dry cleaning services do not include services provided by coin operated facilities operated by the customer;

(ii) motor vehicle washing, waxing, and cleaning services, including services provided by coin-operated facilities operated by the customer, and rustproofing, undercoating, and towing of motor vehicles;

(iii) building and residential cleaning, maintenance, and disinfecting and exterminating services;

(iv) services provided by detective agencies, security services, burglar, fire alarm, and armored car services not including services performed within the jurisdiction they serve by off-duty licensed peace officers as defined in section 626.84, subdivision 1;

(v) pet grooming services;

(vi) lawn care, fertilizing, mowing, spraying and sprigging services; garden planting and maintenance; arborist services; tree, bush, and shrub pruning, bracing, spraying, and surgery; and tree trimming for public utility lines. Services performed under a construction contract for the installation of shrubbery, plants, sod, trees, bushes, and similar items are not taxable;

(vii) solid waste collection and disposal services as described in section 297A.45;

(viii) massages, except when provided by a licensed health care facility or professional or upon written referral from a licensed health care facility or professional for treatment of illness, injury, or disease; and

(ix) the furnishing for consideration of lodging, board and care services for animals in kennels and other similar arrangements, but excluding veterinary and horse boarding services.

The services listed in this paragraph are taxable under section 297A.02 if the service is performed wholly within Minnesota or if the service is performed partly within and partly without Minnesota and the greater proportion of the service is performed in Minnesota, based on the cost of performance. In applying the provisions of this chapter, the terms "tangible personal property" and "sales at retail" include taxable services and the provision of taxable services, unless specifically provided otherwise. Services performed by an employee for an employer are not taxable under this paragraph. Services performed by a partnership or association for another partnership or association are not taxable under this paragraph if one of the entities owns or controls more than 80 percent of the voting power of the equity interest in the other entity. Services performed between members of an affiliated group of corporations are not taxable. For purposes of this section, "affiliated group of corporations" includes those entities that would be classified as a member of an affiliated group under United States Code, title 26, section 1504, and who are eligible to file a consolidated tax return for federal income tax purposes;

(k) A "sale" and a "purchase" includes the transfer of computer software, meaning information and directions that dictate the function performed by data processing equipment. A "sale" and a "purchase" does not include the design, development, writing, translation, fabrication, lease, or transfer for a consideration of title or possession of a custom computer program; and

(l) The granting of membership in a club, association, or other organization if:

(1) the club, association, or other organization makes available for the use of its members sports and athletic facilities (without regard to whether a separate charge is assessed for use of the facilities); and

(2) use of the sports and athletic facilities is not made available to the general public on the same basis as it is made available to members.

Granting of membership includes both one-time initiation fees and periodic membership dues. Sports and athletic facilities include golf courses, tennis, racquetball, handball and squash courts, basketball and volleyball facilities, running tracks, exercise equipment, swimming pools, and other similar athletic or sports facilities. The provisions of this paragraph do not apply to camps or other recreation facilities owned and operated by an exempt organization under section 501(c)(3) of the Internal Revenue Code of 1986, as amended through December 31, 1986, for educational and social activities for young people primarily age 18 and under.

Sec. 3. Minnesota Statutes 1993 Supplement, section 297A.01, subdivision 16, is amended to read:

Subd. 16. [CAPITAL EQUIPMENT.] (a) Capital equipment means machinery and equipment and the materials and supplies necessary to construct or install the machinery or equipment. To qualify under this definition the capital equipment must be purchased or leased for use in this state and used by the purchaser or lessee primarily for manufacturing, fabricating, mining, quarrying, or refining tangible personal property; to be sold ultimately at retail and for electronically transmitting results retrieved by a customer of an on-line computerized data retrieval system; or for the generation of electricity or steam; to be sold at retail and must be used for the establishment of a new or the physical expansion of an existing manufacturing, fabricating, mining, quarrying, or refining facility in the state. For purposes of this subdivision, "mining" includes peat mining, and "on-line computerized data retrieval system" refers to a system whose cumulation of information is equally available and accessible to all its customers.

(b) Capital equipment includes all machinery and equipment that is essential to the integrated production process. Capital equipment includes; but is not limited to:

(1) machinery and equipment used or required to operate, control, or regulate the production equipment;

(2) machinery and equipment used for research and development, design, quality control, and testing activities;

(3) environmental control devices that are used to maintain conditions such as temperature, humidity, light, or air pressure when those conditions are essential to and are part of the production process; or

(4) materials and supplies necessary to construct and install machinery or equipment.

(c) Capital equipment does not include the following:

(1) machinery or equipment purchased or leased to replace machinery or equipment performing substantially the same function in an existing facility;

(2) repair or replacement parts, including accessories, whether purchased as spare parts, repair parts, or as upgrades or modifications, and whether purchased before or after the machinery or equipment is placed into service. Parts or accessories are treated as capital equipment only to the extent that they are a part of and are essential to the operation of the machinery or equipment as initially purchased;

(2) motor vehicles taxed under chapter 297B;

(3) machinery or equipment used to receive or store raw materials;

(4) building materials, including materials used for foundations that support machinery or equipment;

(5) machinery or equipment used for nonproduction purposes, including, but not limited to, the following: machinery and equipment used for plant security, fire prevention, first aid, and hospital stations; machinery and equipment used in support operations or for administrative purposes; machinery and equipment used solely for pollution control, prevention, or abatement; machinery and equipment used for environmental control, except that when a controlled environment is essential for the manufacture of a particular product, the machinery or equipment that controls the environment can

qualify as capital equipment; and machinery and equipment used in plant cleaning, disposal of scrap and waste, plant communications, space heating, lighting, or safety;

(6) "farm machinery" as defined by subdivision 15, ~~"special tooling"~~ as defined by subdivision 17, and "aquaculture production equipment" as defined by subdivision 19, and "replacement capital equipment" as defined by subdivision 20; or

(7) any other item that is not essential to the integrated process of manufacturing, fabricating, mining, ~~quarrying~~, or refining.

(d) For purposes of this subdivision:

(1) "Equipment" means independent devices or tools separate from machinery but essential to an integrated production process, including computers and software, used in operating exempt machinery and equipment; and any subunit or assembly comprising a component of any machinery or accessory or attachment parts of machinery, such as tools, dies, jigs, patterns, and molds.

(2) "Fabricating" means to make, build, create, produce, or assemble components or property to work in a new or different manner.

(3) "Machinery" means mechanical, electronic, or electrical devices, including computers and software, that are purchased or constructed to be used for the activities set forth in paragraph (a), beginning with the removal of raw materials from inventory through the completion of the product, including packaging of the product.

(4) "Manufacturing" means an operation or series of operations where raw materials are changed in form, composition, or condition by machinery and equipment and which results in the production of a new article of tangible personal property. For purposes of this subdivision, "manufacturing" includes the generation of electricity or steam to be sold at retail.

(5) "Mining" means the extraction of minerals, ores, stone, and peat.

(6) "On-line data retrieval system" means a system whose cumulation of information is equally available and accessible to all its customers.

(7) "Pollution control equipment" means machinery and equipment used to eliminate, prevent, or reduce pollution resulting from an activity described in paragraph (a).

(8) "Primarily" means machinery and equipment used 50 percent or more of the time in an activity described in paragraph (a).

(9) "Refining" means the process of converting a natural resource to a product, including the treatment of water to be sold at retail.

(e) For purposes of this subdivision:

(1) the requirement that the machinery or equipment "must be used by the purchaser or lessee" means that the person who purchases or leases the machinery or equipment must be the one who uses it for the qualifying purpose. When a contractor buys and installs machinery or equipment as part of an improvement to real property, only the contractor is considered the purchaser;

(2) the requirement that the machinery and equipment must be used "for manufacturing, fabricating, mining, quarrying, or refining" means that the machinery or equipment must be essential to the integrated process of manufacturing, fabricating, mining, quarrying, or refining. Neither legal requirements nor practical necessity determines whether or not the equipment is essential to the integrated process;

(3) "facility" means a coordinated group of fixed assets, which may include land, buildings, machinery, and equipment that are essential to and used in an integrated manufacturing, fabricating, refining, mining, or quarrying process;

(4) "establishment of a new facility" means the construction of a facility, or the purchase by a new owner of a facility that was previously closed and not operational for a period of at least 12 consecutive months. Relocating operations from an existing facility within Minnesota to another facility within Minnesota does not constitute establishing a new facility;

(5) "physical expansion of an existing facility" means adding a new production line, adding new machinery or equipment to an existing production line, new construction which will become part of the existing facility and which is used for a qualifying activity, or conversion of an area in an existing facility from a nonqualifying activity to a qualifying activity; and

(6) performing "substantially the same function" means that the new machinery or equipment serves fundamentally or essentially the same purpose as did the old equipment or that it produces the same or similar end product, even though it may increase speed, efficiency, or production capacity.

(d) (f) Notwithstanding prior provisions of this subdivision, machinery and equipment purchased or leased to replace machinery and equipment used in the mining or production of taconite shall qualify as capital equipment regardless of whether the facility has been expanded.

Sec. 4. Minnesota Statutes 1992, section 297A.01, is amended by adding a subdivision to read:

Subd. 20. [REPLACEMENT CAPITAL EQUIPMENT.] (a) Replacement capital equipment means machinery and equipment, as defined in subdivision 16, that serves fundamentally or essentially the same purpose or function or that produces the same or similar end product as did the old equipment, even though it may increase speed, efficiency, or production capacity.

(b) Replacement capital equipment includes:

(1) repair and replacement parts, including accessories, whether purchased as spare parts, repair parts, or as upgrades or modifications to machinery and equipment;

(2) replacement or enhanced software used or required to operate, control, or regulate machinery and equipment;

(3) materials used for foundations that support machinery or equipment or special purpose buildings used in the production process; or

(4) all machinery and equipment that is replacing an existing piece of machinery or equipment that is essential to the integrated production process.

Sec. 5. Minnesota Statutes 1992, section 297A.02, subdivision 2, is amended to read:

Subd. 2. [MACHINERY AND EQUIPMENT.] Notwithstanding the provisions of subdivision 1, the rate of the excise tax imposed upon sales of ~~special tooling is four percent and upon sales of farm machinery and aquaculture production equipment is two percent.~~

Sec. 6. Minnesota Statutes 1992, section 297A.02, is amended by adding a subdivision to read:

Subd. 5. [REPLACEMENT CAPITAL EQUIPMENT.] Notwithstanding the provisions of subdivision 1, the rate of excise tax imposed upon retail sales of replacement capital equipment is:

*for purchases after June 30, 1995, and prior to July 1, 1996, 4.9 percent,
for purchases after June 30, 1996, and prior to July 1, 1997, 3.3 percent,
and*

for purchases after June 30, 1997, 2.5 percent.

This subdivision shall cease to be operative on July 1, 2001, or on July 1 of the earliest year thereafter, if the total employment in the manufacturing sector in this state, as determined by the commissioner of jobs and training on the preceding January 1, does not exceed by 4,500 the total employment in the manufacturing sector in the state on January 1, 1994.

Sec. 7. Minnesota Statutes 1992, section 297A.135, subdivision 1, is amended to read:

Subdivision 1. [TAX IMPOSED.] A tax of ~~\$7.50~~ is imposed on the lease or rental in this state for not more than 28 days of a passenger automobile as defined in section 168.011, subdivision 7, a van as defined in section 168.011, subdivision 28, or a pickup truck as defined in section 168.011, subdivision 29. *The tax is imposed at the rate of 6.4 percent of the sales price as defined for the purpose of imposing the sales and use tax in this chapter.* The tax does not apply to the lease or rental of a hearse or limousine used in connection with a burial or funeral service. It applies whether or not the vehicle is licensed in the state.

Sec. 8. Minnesota Statutes 1992, section 297A.15, subdivision 5, is amended to read:

Subd. 5. [REFUND; APPROPRIATION.] Notwithstanding the provisions of ~~section sections~~ 297A.02, subdivision 5, and 297A.25, subdivisions 42 and 50, the tax on sales of capital equipment, *replacement capital equipment*, and construction materials and supplies under section 297A.25, subdivision 50, shall be imposed and collected as if the rates under sections 297A.02, subdivision 1, and 297A.021, applied. Upon application by the purchaser, on forms prescribed by the commissioner, a refund equal to the reduction in the tax due as a result of the application of the exemption under section 297A.25, subdivision 42 or 50, *and the rate under section 297A.02, subdivision 5*, shall be paid to the purchaser. In the case of building materials qualifying under section 297A.25, subdivision 50, where the tax was paid by a contractor, application must be made by the owner for the sales tax paid by all the contractors, subcontractors, and builders for the project. The application must include sufficient information to permit the commissioner to verify the sales tax paid for the project. The application shall include information necessary for the commissioner initially to verify that the purchases qualified as capital equipment under section 297A.25, subdivision 42, *replacement capital*

equipment under section 297A.01, subdivision 20, or capital equipment or construction materials and supplies under section 297A.25, subdivision 50. No more than two applications for refunds may be filed under this subdivision in a calendar year. No owner may apply for a refund based on the exemption under section 297A.25, subdivision 50, before July 1, 1993. Unless otherwise specifically provided by this subdivision, the provisions of section 289A.40 apply to the refunds payable under this subdivision. There is annually appropriated to the commissioner of revenue the amount required to make the refunds.

The amount to be refunded shall bear interest at the rate in section 270.76 from the date the refund claim is filed with the commissioner.

Sec. 9. Minnesota Statutes 1992, section 297A.25, is amended by adding a subdivision to read:

Subd. 53. [FIREFIGHTERS PERSONAL PROTECTIVE EQUIPMENT.] The gross receipts from the sale of firefighters personal protective equipment are exempt. For purposes of this subdivision, "personal protective equipment" includes: helmets (including face shields, chin straps, and neck liners), bunker coats and pants (including pant suspenders), boots, gloves, head covers or hoods, wildfire jackets, protective coveralls, goggles, self-contained breathing apparatuses, canister filter masks, personal alert safety systems, spanner belts, and all safety equipment required by the Occupational Safety and Health Administration.

Sec. 10. Minnesota Statutes 1992, section 297A.25, is amended by adding a subdivision to read:

Subd. 54. [SPECIAL TOOLING.] The gross receipts from the sale of special tooling are exempt.

Sec. 11. Minnesota Statutes 1992, section 297A.25, is amended by adding a subdivision to read:

Subd. 55. [HORSES.] The gross receipts from the sale of horses other than racehorses taxable under section 297A.01, subdivision 3, paragraph (h), are exempt.

Sec. 12. Minnesota Statutes 1992, section 297A.25, is amended by adding a subdivision to read:

Subd. 56. [PERSONAL COMPUTERS PRESCRIBED FOR USE BY SCHOOL.] The gross receipts from the sale, or the storage, use or consumption, of personal computers and related software sold by a public or private school, college, university, or business or trade school to students who are enrolled at the institutions are exempt if:

(1) the use of the personal computer, or of a substantially similar model of computer, and the related software is prescribed by the institution in conjunction with a course of study; and

(2) each student of the institution, or of a unit of the institution in which the student is enrolled, is required by the institution to purchase or otherwise to acquire and possess such a personal computer and related software as a condition of enrollment. For the purposes of this subdivision, "public school," "private school," and "business and trade schools" have the meanings given in subdivision 21.

Sec. 13. [297A.2572] [AGRICULTURE PROCESSING FACILITY MATERIALS; EXEMPTION.]

Purchases of capital equipment, construction materials, and supplies are exempt from the sales and use taxes imposed under this chapter, regardless of whether purchased by the owner or a contractor, subcontractor, or builder, if the capital equipment is purchased for installation in and the materials and supplies are used or consumed in constructing an agriculture processing facility as defined in section 469.1811 in which the total capital investment in the processing facility is expected to exceed \$100,000,000. The tax shall be imposed and collected as if the rate under section 297A.02, subdivision 1, applied, and then refunded in the manner provided in section 297A.15, subdivision 5.

Sec. 14. Minnesota Statutes 1993 Supplement, section 297B.03, is amended to read:

297B.03 [EXEMPTIONS.]

There is specifically exempted from the provisions of this chapter and from computation of the amount of tax imposed by it the following:

(1) Purchase or use, including use under a lease purchase agreement or installment sales contract made pursuant to section 465.71, of any motor vehicle by the United States and its agencies and instrumentalities and by any person described in and subject to the conditions provided in section 297A.25, subdivision 18.

(2) Purchase or use of any motor vehicle by any person who was a resident of another state at the time of the purchase and who subsequently becomes a resident of Minnesota, provided the purchase occurred more than 60 days prior to the date such person began residing in the state of Minnesota.

(3) Purchase or use of any motor vehicle by any person making a valid election to be taxed under the provisions of section 297A.211.

(4) Purchase or use of any motor vehicle previously registered in the state of Minnesota by any corporation or partnership when such transfer constitutes a transfer within the meaning of section 351 or 721 of the Internal Revenue Code of 1986, as amended through December 31, 1988.

(5) Purchase or use of any vehicle owned by a resident of another state and leased to a Minnesota based private or for hire carrier for regular use in the transportation of persons or property in interstate commerce provided the vehicle is titled in the state of the owner or secured party, and that state does not impose a sales or motor vehicle excise tax on motor vehicles used in interstate commerce.

(6) Purchase or use of a motor vehicle by a private nonprofit or public educational institution for use as an instructional aid in automotive training programs operated by the institution. "Automotive training programs" includes motor vehicle body and mechanical repair courses but does not include driver education programs.

(7) Purchase of a motor vehicle for use as an ambulance by an ambulance service licensed under section 144.802.

(8) *Purchase of a motor vehicle by or for a public library, as defined in section 134.001, subdivision 2, as a bookmobile or library delivery vehicle.*

Sec. 15. Minnesota Statutes 1992, section 297C.03, is amended by adding a subdivision to read:

Subd. 7. Minnesota excise tax must be paid on all alcohol products imported into the state with the exception of products returned to a manufacturer for credit or products which have been distilled, refined, or rectified within the state.

Sec. 16. [SALES TAX SCHEDULE; LOCAL SALES TAXES.]

In preparing and distributing sales tax schedules for political subdivisions that have local sales taxes collected and administered by the state, the department of revenue shall coordinate the state and local sales taxes so that the schedules show a combined sales tax rate on sale amounts and reflect the coordinated, rather than the separate, effect of the two tax rates. If either the local sales tax rate or the state sales tax rate is changed, the schedule must be adjusted to reflect the change.

Sec. 17. [INSTRUCTION TO THE REVISOR.]

In the 1994 and subsequent editions of the Minnesota Statutes, the revisor shall substitute the term "sales tax on motor vehicles" for "motor vehicle excise tax" wherever it appears.

Sec. 18. [EFFECTIVE DATE.]

Except as otherwise provided in that section, section 3 is effective for sales and purchases made after June 30, 1995.

Sections 2, 4 to 6, 8, 10, and 11 are effective for sales made after June 30, 1995.

Section 7 is effective for leases or rentals of motor vehicles after June 30, 1994.

Sections 9 and 12 to 14 are effective for purchases made after June 30, 1994, provided that no refunds will be paid under section 13 until after June 30, 1995.

Section 16 is effective the day after final enactment.

ARTICLE 3

MINERALS TAXATION

Section 1. [297A.2573] [MINERAL PRODUCTION FACILITIES; EXEMPTION.]

Materials, equipment, and supplies used or consumed in constructing, or incorporated into the construction of exempted facilities as defined in this section are exempt from the taxes imposed under this chapter and from any sales and use tax imposed by a local unit of government, notwithstanding any ordinance or city charter provision.

As used in this section, "exempted facilities" means:

(1) a value added iron products plant, which may be either a new plant or a facility incorporated into an existing plant that produces iron upgraded to a minimum of 75 percent iron content or any iron alloy with a total minimum metallic content of 90 percent;

(2) a facility used for the manufacture of fluxed taconite pellets as defined in section 298.24;

(3) a new capital project that has a total cost of over \$40,000,000 that is directly related to production, cost, or quality at an existing taconite facility that does not qualify under clause (1) or (2); and

(4) a new mine or minerals processing plant for any mineral subject to the net proceeds tax imposed under section 298.015.

The tax shall be imposed and collected as if the rate under section 297A.02, subdivision 1, applied, and then refunded in the manner provided in section 297A.15, subdivision 5.

Sec. 2. Minnesota Statutes 1993 Supplement, section 298.227, is amended to read:

298.227 [TACONITE ECONOMIC DEVELOPMENT FUND.]

An amount equal to that distributed pursuant to each taconite producer's taxable production and qualifying sales under section 298.28, subdivision 9a, shall be held by the iron range resources and rehabilitation board in a separate taconite economic development fund for each taconite producer. Money from the fund for each producer shall be released only on the written authorization of a joint committee consisting of an equal number of representatives of the salaried employees and the nonsalaried production and maintenance employees of that producer. The district 33 director of the United States Steelworkers of America, on advice of each local employee president, shall select the employee members. In nonorganized operations, the employee committee shall be elected by the nonsalaried production and maintenance employees. Each producer's joint committee may authorize release of the funds held pursuant to this section only for acquisition of equipment and facilities for the producer or for research and development in Minnesota on new mining, or taconite, iron, or steel production technology. Funds may be released only upon a majority vote of the representatives of the committee. *If a taconite production facility is sold after operations at the facility had ceased, any money remaining in the fund for the former producer may be released to the purchaser of the facility on the terms otherwise applicable to the former producer under this section.* Any portion of the fund which is not released by a joint committee within two years of its deposit in the fund shall be divided between the taconite environmental protection fund created in section 298.223 and the northeast Minnesota economic protection trust fund created in section 298.292 for placement in their respective special accounts. Two-thirds of the unreleased funds shall be distributed to the taconite environmental protection fund and one-third to the northeast Minnesota economic protection trust fund. This section is effective for taxes payable in 1993 and 1994.

Sec. 3. Minnesota Statutes 1992, section 298.24, subdivision 1, is amended to read:

Subdivision 1. (a) For concentrate produced in 1992 and, 1993, and 1994 there is imposed upon taconite and iron sulphides, and upon the mining and quarrying thereof, and upon the production of iron ore concentrate therefrom, and upon the concentrate so produced, a tax of \$2.054 per gross ton of merchantable iron ore concentrate produced therefrom.

(b) For concentrates produced in 1994 1995 and subsequent years, the tax rate shall be equal to the preceding year's tax rate plus an amount equal to the

preceding year's tax rate multiplied by the percentage increase in the implicit price deflator from the fourth quarter of the second preceding year to the fourth quarter of the preceding year. "Implicit price deflator" for the gross national product means the implicit price deflator prepared by the bureau of economic analysis of the United States Department of Commerce.

(c) The tax shall be imposed on the average of the production for the current year and the previous two years. The rate of the tax imposed will be the current year's tax rate. This clause shall not apply in the case of the closing of a taconite facility if the property taxes on the facility would be higher if this clause and section 298.25 were not applicable.

(d) If the tax or any part of the tax imposed by this subdivision is held to be unconstitutional, a tax of \$2.054 per gross ton of merchantable iron ore concentrate produced shall be imposed.

(e) Consistent with the intent of this subdivision to impose a tax based upon the weight of merchantable iron ore concentrate, the commissioner of revenue may indirectly determine the weight of merchantable iron ore concentrate included in fluxed pellets by subtracting the weight of the limestone, dolomite, or olivine derivatives or other basic flux additives included in the pellets from the weight of the pellets. For purposes of this paragraph, "fluxed pellets" are pellets produced in a process in which limestone, dolomite, olivine, or other basic flux additives are combined with merchantable iron ore concentrate. No subtraction from the weight of the pellets shall be allowed for binders, mineral and chemical additives other than basic flux additives, or moisture.

(f) Notwithstanding any other provision of this subdivision, for concentrates produced in 1994 through 1999, the rate of the tax on direct reduced ore is determined under this paragraph. As used in this paragraph, "direct reduced ore" is ore that results in a product that has an iron content of at least 75 percent. The rate to be applied to direct reduced ore is 25 percent of the rate otherwise determined under this subdivision for the first 500,000 of taxable tons for the production year, and 50 percent of the rate otherwise determined for any remainder. If the taxpayer had no production in the two years prior to the current production year, the tonnage eligible to be taxed at 25 percent of the rate otherwise determined under this subdivision is the first 166,667 tons. If the taxpayer had some production in the year prior to the current production year but no production in the second prior year, the tonnage eligible to be taxed at 25 percent of the rate otherwise determined under this subdivision is the first 333,333 tons.

Sec. 4. Minnesota Statutes 1993 Supplement, section 298.28, subdivision 9a, is amended to read:

Subd. 9a. [TACONITE ECONOMIC DEVELOPMENT FUND.] (a) 10.4 cents per ton for distributions in 1993 and 15.4 cents per ton for distributions in 1994, 1995, and 1996 shall be paid to the taconite economic development fund. No distribution shall be made under this paragraph in any year in which total industry production falls below 30 million tons.

(b) An amount equal to 50 percent of the tax under section 298.24 for concentrate sold in the form of pellet chips and fines not exceeding 1/4 inch in size and not including crushed pellets shall be paid to the taconite economic development fund. The amount paid shall not exceed \$700,000 annually for all companies. If the initial amount to be paid to the fund exceeds this amount,

each company's payment shall be prorated so the total does not exceed \$700,000.

Sec. 5. Minnesota Statutes 1992, section 298.28, is amended by adding a subdivision to read:

Subd. 11a. [PRORATED DISTRIBUTIONS.] For production years 1994 through 1999, distributions under this section that are based on a number of cents per ton explicitly provided in this section shall be reduced on a pro rata basis to reflect the reduction in tax proceeds as a result of the tax rate reduction applied to direct reduced ore under section 298.24, subdivision 1, paragraph (f).

Sec. 6. Minnesota Statutes 1992, section 298.296, subdivision 2, is amended to read:

Subd. 2. [EXPENDITURE OF FUNDS.] Before January 1, 2002, funds may be expended on projects and for administration of the trust fund only from the net interest, earnings, and dividends arising from the investment of the trust at any time, including net interest, earnings, and dividends that have arisen prior to July 13, 1982, plus \$10,000,000 made available for use in fiscal year 1983, except that any amount required to be paid out of the trust fund to provide the property tax relief specified in Laws 1977, chapter 423, article X, section 4, and to make school bond payments and payments to recipients of taconite production tax proceeds pursuant to section 298.225, may be taken from the corpus of the trust. Additionally, upon recommendation by the board, up to \$10,000,000 from the corpus of the trust may be made available for use as provided in subdivision 4. On and after January 1, 2002, funds may be expended on projects and for administration from any assets of the trust. Annual administrative costs, not including detailed engineering expenses for the projects, shall not exceed five percent of the net interest, dividends, and earnings arising from the trust in the preceding fiscal year.

Principal and interest received in repayment of loans made pursuant to this section, and earnings on other investments made under section 298.292, subdivision 2, clause (4), shall be deposited in the state treasury and credited to the trust. These receipts are appropriated to the board for the purposes of sections 298.291 to 298.298.

Sec. 7. Minnesota Statutes 1992, section 298.296, is amended by adding a subdivision to read:

Subd. 4. [TEMPORARY LOAN AUTHORITY.] The board may recommend that up to \$10,000,000 from the corpus of the trust may be used for loans as provided in this subdivision. The money would be available for loans for construction and equipping of facilities constituting (1) a value added iron products plant, which may be either a new plant or a facility incorporated into an existing plant that produces iron upgraded to a minimum of 75 percent iron content or any iron alloy with a total minimum metallic content of 90 percent; or (2) a new mine or minerals processing plant for any mineral subject to the net proceeds tax imposed under section 298.015. A loan under this subdivision may not exceed \$5,000,000 for any facility. The authority to make loans under this subdivision terminates December 31, 1995.

Sec. 8. [EFFECTIVE DATE.]

Section 1 is effective for sales after June 30, 1994, provided that no refunds will be paid under section 1 until after June 30, 1995.

ARTICLE 4

BOARD OF GOVERNMENT INNOVATION AND COOPERATION

Section 1. Minnesota Statutes 1993 Supplement, section 465.795, subdivision 7, is amended to read:

Subd. 7. [SCOPE.] As used in sections 465.795 to 465.799 and sections ~~465.80~~ 465.801 to 465.87, the terms defined in this section have the meanings given them.

Sec. 2. Minnesota Statutes 1993 Supplement, section 465.796, subdivision 2, is amended to read:

Subd. 2. [DUTIES OF BOARD.] The board shall:

(1) accept applications from local government units for waivers of administrative rules and temporary, limited exemptions from enforcement of procedural requirements in state law as provided in section 465.797, and determine whether to approve, modify, or reject the application;

(2) accept applications for grants to local government units and related organizations proposing to design models or plans for innovative service delivery and management as provided in section 465.798 and determine whether to approve, modify, or reject the application;

(3) accept applications from local government units for financial assistance to enable them to plan for cooperative efforts as provided in section 465.799, and determine whether to approve, modify, or reject the application;

(4) accept applications from eligible local government units for service-sharing grants as provided in section ~~465.80~~ 465.801, and determine whether to approve, modify, or reject the application;

(5) accept applications from counties, cities, and towns proposing to combine under sections 465.81 to 465.87, and determine whether to approve or disapprove the application; and

(6) make recommendations to the legislature regarding the elimination of state mandates that inhibit local government efficiency, innovation, and cooperation.

The board may purchase services from the metropolitan council in reviewing requests for waivers and grant applications.

Sec. 3. Minnesota Statutes 1993 Supplement, section 465.797, subdivision 1, is amended to read:

Subdivision 1. [GENERALLY.] (a) Except as provided in paragraph (b), a local government unit may request the board of government innovation and cooperation to grant a waiver from one or more administrative rules or a temporary, limited exemption from enforcement of state procedural laws governing delivery of services by the local government unit. Two or more local government units may submit a joint application for a waiver or exemption under this section if they propose to cooperate in providing a service or program that is subject to the rule or law. ~~Before submitting an application to the board, the governing body of the local government unit must approve the waiver or exemption request by resolution at a meeting required to be public under section 471.705. A local government unit or two or more~~

units acting jointly may apply for a waiver or exemption on behalf of a nonprofit organization providing services to clients whose costs are paid by the unit or units. A waiver or exemption granted to a nonprofit organization under this section applies to services provided to all the organization's clients.

(b) A school district that is granted a variance from rules of the state board of education under section 121.11, subdivision 12, need not apply to the board for a waiver of those rules under this section. A school district may not seek a waiver of rules under this section if the state board of education has authority to grant a variance to the rules under section 121.11, subdivision 12. This paragraph does not preclude a school district from being included in a cooperative effort with another local government unit under this section.

Sec. 4. Minnesota Statutes 1993 Supplement, section 465.797, subdivision 2, is amended to read:

Subd. 2. [APPLICATION.] A local government unit requesting a waiver of a rule or exemption from enforcement of a law under this section shall present a written application to the board. The application must include:

- (1) identification of the service or program at issue;
- (2) identification of the administrative rule or the law imposing a procedural requirement with respect to which the waiver or exemption is sought; *and*
- (3) a description of the improved service outcome sought, including an explanation of the effect of the waiver or exemption in accomplishing that outcome;
- (4) a description of the means by which the attainment of the outcome will be measured; *and*
- (5) ~~if the waiver or exemption is proposed by a single local government unit, a description of the consideration given to intergovernmental cooperation in providing this service, and an explanation of why the local government unit has elected to proceed independently.~~

A copy of the application must be provided by the requesting local government unit to the exclusive representative of its employees as certified under section 179A.12 *to represent employees who provide the service or program affected by the requested waiver or exemption.*

Sec. 5. Minnesota Statutes 1993 Supplement, section 465.797, subdivision 3, is amended to read:

Subd. 3. [REVIEW PROCESS.] (a) Upon receipt of an application from a local government unit, the board shall review the application. The board shall ~~dismiss or request modification of an application within 60 days of its receipt if it finds that (1) the application does not meet the requirements of subdivision 2, or (2) the application should not be granted because it clearly~~ proposes a waiver of rules or exemption from enforcement of laws that would result in due process violations, violations of federal law or the state or federal constitution, or the loss of services to people who are entitled to them.

(b) *The board shall determine whether a law from which an exemption for enforcement is sought is a procedural law, specifying how a local government unit is to achieve an outcome, rather than a substantive law prescribing the outcome or otherwise establishing policy. In making its determination, the board shall consider whether the law specifies such requirements as:*

(1) *who must deliver a service;*

(2) *where the service must be delivered;*

(3) *to whom and in what form reports regarding the service must be made;*
and

(4) *how long or how often the service must be made available to a given recipient.*

(c) If the commissioner of finance, the commissioner of administration, or the state auditor has jurisdiction over a rule or law affected by an application, the chief administrative law judge, as soon as practicable after receipt of the application, shall designate a third administrative law judge to serve as a member of the board in place of that official while the board is deciding whether to grant the waiver or exemption.

*(d) If the application is submitted by a local government unit in the metropolitan area or the unit requests a waiver of a rule or temporary, limited exemptions from enforcement of a procedural law over which the metropolitan council or a metropolitan agency has jurisdiction, the board shall also transmit a copy of the application to the council for review and comment. The council shall report its comments to the board within 60 days of the date the application was transmitted to the council. The council may point out any resources or technical assistance it may be able to provide a local government submitting a request under this section. **If it does not dismiss***

*(e) Within 15 days after receipt of the application, the board shall transmit a copy of it to the commissioner of each agency having jurisdiction over a rule or law from which a waiver or exemption is sought. The agency may mail a notice that it has received an application for a waiver or exemption to all persons who have registered with the agency under section 14.14, subdivision 1a, identifying the rule or law from which a waiver or exemption is requested. If no agency has jurisdiction over the rule or law, the board shall transmit a copy of the application to the attorney general. ~~If the commissioner of finance, the commissioner of administration, or the state auditor has jurisdiction over the rule or law, the chief administrative law judge shall appoint a second administrative law judge to serve as a member of the board in the place of that official for purposes of determining whether to grant the waiver or exemption.~~ The agency shall inform the board of its agreement with or objection to and grounds for objection to the waiver or exemption request within 60 days of the date when the application was transmitted to it. *An agency's failure to do so is considered agreement to the waiver or exemption. The board shall decide whether to grant a waiver or exemption at its next regularly scheduled meeting following its receipt of an agency's response or the end of the 60-day response period. If consideration of an application is not concluded at that meeting, the matter may be carried over to the next meeting of the board.* Interested persons may submit written comments to the board on the waiver or exemption request ~~within 60 days of the board's receipt of up to the time of its vote on the application. If the agency fails to inform the board of its conclusion with respect to the application within 60 days of its receipt, the agency is deemed to have agreed to the waiver or exemption.~~*

(f) If the exclusive representative of the affected employees of the requesting local government unit objects to the waiver or exemption request it may inform the board of the objection to and the grounds for the objection

to the waiver or exemption request within 60 days of the receipt of the application.

Sec. 6. Minnesota Statutes 1993 Supplement, section 465.797, subdivision 4, is amended to read:

Subd. 4. [HEARING.] If the agency or the exclusive representative does not agree with the waiver or exemption request, the board shall set a date for a hearing on the application, ~~which may be no earlier than 90 days after the date when the application was transmitted to the agency.~~ The hearing must be conducted informally at a meeting of the board. Persons representing the local government unit shall present their case for the waiver or exemption, and persons representing the agency shall explain the agency's objection to it. Members of the board may request additional information from either party. The board may also request, either before or at the hearing, information or comments from representatives of business, labor, local governments, state agencies, consultants, and members of the public. If necessary, the hearing may be continued at a subsequent board meeting. A waiver or exemption must be granted by a vote of a majority of the board members. The board may modify the terms of the waiver or exemption request in arriving at the agreement required under subdivision 5.

Sec. 7. Minnesota Statutes 1993 Supplement, section 465.797, subdivision 5, is amended to read:

Subd. 5. [CONDITIONS OF AGREEMENTS.] If the board grants a request for a waiver or exemption, the board and the local government unit shall enter into an agreement providing for the delivery of the service or program that is the subject of the application. The agreement must specify desired outcomes and the means of measurement by which the board will determine whether the outcomes specified in the agreement have been met. The agreement must specify the duration of the waiver or exemption, which may be for no less than two years and no more than four years, subject to renewal if both parties agree. *The board may reconsider or renegotiate the agreement if the rule or law affected by the waiver or exemption is amended or repealed during the term of the original agreement.* A waiver of a rule under this section has the effect of a variance granted by an agency under section 14.05, subdivision 4. A local unit of government that is granted an exemption from enforcement of a procedural requirement in state law under this section is exempt from that law for the duration of the exemption. The board may require periodic reports from the local government unit, or conduct investigations of the service or program.

Sec. 8. Minnesota Statutes 1993 Supplement, section 465.798, is amended to read:

465.798 [SERVICE BUDGET MANAGEMENT MODEL GRANTS.]

One or more local units of governments, an association of local governments, the metropolitan council, ~~or an organization a local unit of government~~ acting in conjunction with ~~a local unit of government~~ *an organization or a state agency, or an organization established by two or more local units of government under a joint powers agreement* may apply to the board of government innovation and management for a grant to be used to develop models for innovative service budget management. *A copy of the application must be provided by the units to the exclusive representatives certified under*

section 179A.12 to represent employees who provide the service or program affected by the application.

Proposed models may provide options to local governments, neighborhood or community organizations, or individuals for managing budgets for service delivery. A copy of the work product for which the grant was provided must be furnished to the board upon completion, and the board may disseminate it to other local units of government or interested groups. If the board finds that the model was not completed or implemented according to the terms of the grant agreement, it may require the grantee to repay all or a portion of the grant. *The board shall award grants on the basis of each qualified applicant's score under a scoring system devised by the board.* The amount of a grant under this section ~~shall~~ may not exceed \$50,000.

Sec. 9. Minnesota Statutes 1993 Supplement, section 465.799, is amended to read:

465.799 [COOPERATION PLANNING GRANTS.]

Two or more local government units; *an association of local governments; a local unit of government acting in conjunction with the metropolitan council, an organization, or a state agency; or an organization formed by two or more local units of government under a joint powers agreement* may apply to the board of government innovation and cooperation for a grant to be used to develop a plan for intergovernmental cooperation in providing services. **The grant application must include the following information:**

(1) **the identity of the local government units proposing to enter into the planning process;**

(2) **a description of the services to be studied and the outcomes sought from the cooperative venture; and**

(3) **a description of the proposed planning process, including an estimate of its costs, identification of the individuals or entities who will participate in the planning process, and an explanation of the need for a grant to the extent that the cost cannot be paid out of the existing resources of the local government unit. A copy of the application must be submitted by the applicants to the exclusive representatives certified under section 179A.12 to represent employees who provide the service or program affected by the application.**

The plan may include model contracts or agreements to be used to implement the plan. A copy of the work product for which the grant was provided must be furnished to the board upon completion, *and the board may disseminate it to other local units of government or interested groups.* If the board finds that the grantee has failed to implement the plan *according to the terms of the agreement,* it may require the grantee to repay all or a portion of the grant. *The board shall award grants on the basis of each qualified applicant's score under a scoring system devised by the board.* The amount of a grant under this section ~~shall~~ may not exceed \$50,000.

Sec. 10. [465.801] [SERVICE SHARING GRANTS.]

Two or more local units of government; an association of local governments; a local unit of government acting in conjunction with the metropolitan council, an organization, or a state agency; or an organization established by two or more local units of government under a joint powers agreement may apply to the board of government innovation and cooperation for a grant to

be used to meet the start-up costs of providing shared services or functions. Agreements solely to make joint purchases are not sufficient to qualify under this section. A copy of the application must be provided by the applicants to the exclusive representatives certified under section 179A.12 to represent employees who provide the service or program affected by the application.

The proposal must include plans fully to integrate a service or function provided by two or more local government units. A copy of the work product for which the grant was provided must be furnished to the board upon completion, and the board may disseminate it to other local units of government or interested groups. If the board finds that the grantee has failed to implement the plan according to the terms of the agreement, it may require the grantee to repay all or a portion of the grant. The board shall award grants on the basis of each qualified applicant's score under a scoring system devised by the board. The amount of a grant under this section may not exceed \$50,000.

Sec. 11. [465.802] [GRANT CRITERIA.]

In deciding whether to award a grant under section 465.798, 465.799, or 465.801, the board shall consider such criteria as:

- (1) the uniqueness of the proposal;*
- (2) the number of local units of government or other organizations directly participating in the proposal and the potential of the proposal to benefit other local units of government interested in replicating the proposed project;*
- (3) the amount of resources dedicated to the proposal by the applicant, including in-kind contributions of resources, with due consideration for the relative ability of each applicant to use its own resources;*
- (4) the demonstrated level of commitment of the applicant to ensuring the success of the proposal;*
- (5) the degree of risk the applicant is willing to assume in implementing the proposal;*
- (6) a cost-benefit analysis of the proposal; and*
- (7) the involvement of the clients of the affected services in the planning process.*

Sec. 12. [APPROPRIATION.]

\$2,300,000 is appropriated to the board of government innovation and cooperation to implement and administer the programs of the board in fiscal year 1995.

Sec. 13. [REPEALER.]

Minnesota Statutes 1992, section 465.80, subdivision 3, is repealed. Minnesota Statutes 1993 Supplement, section 465.80, subdivisions 1, 2, 4, and 5, are repealed.

ARTICLE 5

PROPERTY TAX

Section 1. [17.4999] [STORAGE, HANDLING, AND DISPOSAL OF FISH MANURE.]

Fish manure from aquatic farm operations:

(1) *is subject to the same requirements under state law and rules as other animal manures; and*

(2) *if managed in a pond system, may be applied as a manipulated manure under chapter 18C if certified by the commissioner.*

Sec. 2. Minnesota Statutes 1992, section 97A.135, subdivision 3, is amended to read:

Subd. 3. [COOPERATIVE FARMING AGREEMENTS.] On any public hunting, game refuge, ~~or~~ wildlife management area, *or scientific and natural area lands*, the commissioner may enter into written cooperative farming agreements ~~with nearby farmers~~ on a sharecrop basis, without competitive bidding, for the purpose of ~~establishing or maintaining wildlife food or cover for habitat purposes and plant management.~~ *Cooperative farming agreements may also be used to allow pasturing of livestock.* The agreements may provide for the bartering of a share of any crop, ~~not exceeding \$1,500 in value and produced from these lands, for services such as weed control, planting, cultivation, or other wildlife habitat practices or products that will enhance or benefit the management of state lands for plant and animal species.~~ *Cooperative farming agreements pursuant to this section shall not be considered leases for tax purposes under section 272.01, subdivision 2, or 273.19.*

Sec. 3. Minnesota Statutes 1992, section 271.06, subdivision 7, is amended to read:

Subd. 7. [RULES.] ~~(a)~~ *Except as provided in section 278.05, subdivision 6,* the rules of evidence and civil procedure for the district court of Minnesota shall govern the procedures in the tax court, where practicable. The tax court may adopt rules under chapter 14. The rules in effect on January 1, 1989, apply until superseded.

~~(b) Notwithstanding paragraph (a), information, including income and expense figures, verified net rentable areas, and anticipated income and expenses, for income-producing property which is not provided to the county assessor at least 45 days before any hearing under this chapter, is not admissible except if necessary to prevent undue hardship or when the failure to provide it was due to the unavailability of the evidence at that time.~~

~~(c) Notwithstanding paragraph (a) and provided that the information as contained in paragraph (b) is timely submitted to the county assessor, the county assessor shall furnish the petitioner at least five days before the hearing under this chapter with the property's appraisal, if any, which will be presented to the court at the hearing. The petitioner shall furnish to the county assessor at least five days before the hearing under this chapter with the property's appraisal, if any, which will be presented to the court at the hearing. An appraisal of the petitioner's property done by or for the county or by or for the petitioner shall not be admissible as evidence if the provisions within this paragraph are not met.~~

Sec. 4. Minnesota Statutes 1993 Supplement, section 273.11, subdivision 16, is amended to read:

Subd. 16. [VALUATION EXCLUSION FOR CERTAIN IMPROVEMENTS.] Improvements to homestead property made before January 2, 2003, shall be fully or partially excluded from the value of the property for

assessment purposes provided that the house is at least 35 years old at the time of the improvement. *The age of a residence is the number of years that the residence has existed at its present site.* In the case of an owner-occupied duplex or triplex, the improvement is eligible regardless of which portion of the property was improved.

If the property lies in a jurisdiction which is subject to a building permit process, a building permit must have been issued ~~covering~~ *prior to commencement of the improvement.* If the property lies in a jurisdiction which is not subject to a building permit process, ~~the~~ *an application must be made to the assessor prior to commencement of the improvement.* Any improvement must add at least \$1,000 to the value of the property *to be eligible for exclusion under this subdivision.* Only improvements to the structure which is the residence of the qualifying homesteader or ~~the~~ *construction of or improvements to no more than one two-car garage per residence* qualify for the provisions of this subdivision. *If an improvement was begun between January 2, 1992, and January 2, 1993, any value added from that improvement for the January 1994 and subsequent assessments shall qualify for exclusion under this subdivision provided that a building permit was obtained for the improvement between January 2, 1992, and January 2, 1993.* Whenever a building permit is issued for property currently classified as homestead, the issuing jurisdiction shall notify the assessor of the possibility of valuation exclusion under this subdivision. The assessor may require an application process and documentation of the age of the house from the owner, if unknown. *If an application is required by the county or the local taxing jurisdiction in which the property is located, the application may be filed subsequent to the date of the building permit provided that the application is filed prior to the next assessment date.* *After the adjournment of the 1994 county board of equalization meetings, no exclusion may be granted for an improvement by a local board of review or county board of equalization unless a building permit was issued or application was completed prior to the commencement of the improvement. No abatement of the taxes for qualifying improvements may be granted by a county board unless a building permit was issued or application completed prior to commencement of the improvement.*

The assessor shall note the qualifying value of each improvement on the property's record, and the sum of those amounts shall be subtracted from the value of the property in each year for ten years after the improvement has been made, at which time an amount equal to 20 percent of the qualifying value shall be added back in each of the five subsequent assessment years. The valuation exclusion shall terminate whenever (1) the property is sold, or (2) the property is reclassified to a class which does not qualify for treatment under this subdivision. *Improvements made by an occupant who is the purchaser of the property under a conditional purchase contract do not qualify under this subdivision unless the seller of the property is a governmental entity. The qualifying value of the property shall be computed based upon the increase from that structure's market value as of January 2 preceding the acquisition of the property by the governmental entity.*

The total qualifying value for a homestead may not exceed \$50,000. The total qualifying value for a homestead with a house that is less than 70 years old may not exceed \$25,000. The term "qualifying value" means the increase in estimated market value resulting from the improvement if the improvement occurs when the house is at least 70 years old, or one-half of the increase in estimated market value resulting from the improvement otherwise. The

\$25,000 and \$50,000 maximum qualifying value under this section subdivision may result from up to three separate improvements to the homestead. *If more than three improvements are made to the qualifying property, the taxpayer may choose which three improvements are eligible, provided that after the choice has been made and valuation attributable to the improvement has been excluded from taxation, no change can be made.*

If 50 percent or more of the square footage of a structure is voluntarily razed or removed, the valuation increase attributable to any subsequent improvements to the remaining structure does not qualify for the exclusion under this subdivision. If a structure is unintentionally or accidentally destroyed by a natural disaster, the property is eligible for an exclusion under this subdivision provided that the structure was not completely destroyed. The qualifying value on property destroyed by a natural disaster shall be computed based upon the increase from that structure's market value as determined on January 2 of the year in which the disaster occurred. A property receiving benefits under the homestead disaster provisions under section 273.123 is not disqualified from receiving an exclusion under this subdivision. If any combination of improvements made to a structure after January 1, 1993, increase the size of the structure by 100 percent or more, the valuation increase attributable to the portion of the improvement that causes the structure's size to exceed 100 percent does not qualify for exclusion under this subdivision.

Sec. 5. Minnesota Statutes 1992, section 273.11, is amended by adding a subdivision to read:

Subd. 18. [DISCLOSURE OF VALUATION EXCLUSION.] No seller of real property shall sell or offer for sale property that, for purposes of property taxation, has an exclusion from market value for home improvements under section 273.11, subdivision 16, without disclosing to the buyer the existence of the excluded valuation and informing the buyer that the exclusion will end upon the sale of the property and that the property's estimated market value for property tax purposes will increase accordingly.

Sec. 6. Minnesota Statutes 1993 Supplement, section 273.124, subdivision 1, is amended to read:

Subdivision 1. [GENERAL RULE.] (a) 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.

Property of a trustee, beneficiary, or grantor of a trust is not disqualified from receiving homestead benefits if the homestead requirements under this chapter are satisfied.

The assessor shall require proof, as provided in subdivision 13, of the facts upon which classification as a homestead may be determined. Notwithstanding any other law, the assessor may at any time require a homestead application to be filed in order to verify that any property classified as a homestead continues to be eligible for homestead status.

When there is a name change or a transfer of homestead property, the assessor may reclassify the property in the next assessment unless a homestead application is filed to verify that the property continues to qualify for homestead classification.

(b) 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.

(c) Residential real estate that is occupied and used for purposes of a homestead by a relative of the owner is a homestead but only to the extent of the homestead treatment that would be provided if the related owner occupied the property. For purposes of this paragraph, "relative" means a parent, stepparent, child, stepchild, spouse, grandparent, grandchild, brother, sister, uncle, or aunt. This relationship may be by blood or marriage. Property that was classified as seasonal recreational residential property at the time when treatment under this paragraph would first apply shall continue to be classified as seasonal recreational residential property for the first four assessment years beginning after the date when the relative of the owner occupies the property as a homestead; this delay also applies to property that, in the absence of this paragraph, would have been classified as seasonal recreational residential property at the time when the residence was constructed. Neither the related occupant nor the owner of the property may claim a property tax refund under chapter 290A for a homestead occupied by a relative. In the case of a residence located on agricultural land, only the house, garage, and immediately surrounding one acre of land shall be classified as a homestead under this paragraph, except as provided in paragraph (d).

(d) Agricultural property that is occupied and used for purposes of a homestead by a relative of the owner, is a homestead, only to the extent of the homestead treatment that would be provided if the related owner occupied the property, and only if all of the following criteria are met:

(1) the relative who is occupying the agricultural property is a son or daughter, *father, or mother* of the owner of the agricultural property *or a son or daughter of the spouse of the owner of the agricultural property,*

(2) the owner of the agricultural property must be a Minnesota resident,

(3) the owner of the agricultural property is not eligible to receive homestead treatment on any other agricultural property in Minnesota, and

(4) the owner of the agricultural property is limited to only one agricultural homestead per family under this paragraph.

For purposes of this paragraph, "agricultural property" means the house, garage, other farm buildings and structures, and agricultural land.

Application must be made to the assessor by the owner of the agricultural property to receive homestead benefits under this paragraph. The assessor may

require the necessary proof that the requirements under this paragraph have been met.

Sec. 7. Minnesota Statutes 1993 Supplement, section 273.13, subdivision 23, is amended to read:

Subd. 23. [CLASS 2.] (a) Class 2a property is agricultural land including any improvements that is homesteaded. The market value of the house and garage and immediately surrounding one acre of land has the same class rates as class 1a property under subdivision 22. The value of the remaining land including improvements up to \$115,000 has a net class rate of .45 percent of market value and a gross class rate of 1.75 percent of market value. The remaining value of class 2a property over \$115,000 of market value that does not exceed 320 acres has a net class rate of one percent of market value, and a gross class rate of 2.25 percent of market value. The remaining property over the \$115,000 market value in excess of 320 acres has a class rate of 1.5 percent of market value, and a gross class rate of 2.25 percent of market value.

(b) Class 2b property is (1) real estate, rural in character and used exclusively for growing trees for timber, lumber, and wood and wood products; (2) real estate that is not improved with a structure and is used exclusively for growing trees for timber, lumber, and wood and wood products, if the owner has participated or is participating in a cost-sharing program for afforestation, reforestation, or timber stand improvement on that particular property, administered or coordinated by the commissioner of natural resources; ~~or~~ (3) real estate that is nonhomestead agricultural land; *or* (4) *a landing area or public access area of a privately owned public use airport*. Class 2b property has a net class rate of 1.5 percent of market value, and a gross class rate of 2.25 percent of market value.

(c) Agricultural land as used in this section means contiguous acreage of ten acres or more, primarily used during the preceding year for agricultural purposes. Agricultural use may include pasture, timber, waste, unusable wild land, and land included in state or federal farm programs. "Agricultural purposes" as used in this section means the raising or cultivation of agricultural products.

(d) Real estate of less than ten acres used principally for raising or cultivating agricultural products, shall be considered as agricultural land, if it is not used primarily for residential purposes.

(e) The term "agricultural products" as used in this subdivision includes:

(1) livestock, dairy animals, dairy products, poultry and poultry products, fur-bearing animals, horticultural and nursery stock described in sections 18.44 to 18.61, fruit of all kinds, vegetables, forage, grains, bees, and apiary products by the owner;

(2) fish bred for sale and consumption if the fish breeding occurs on land zoned for agricultural use;

(3) the commercial boarding of horses if the boarding is done in conjunction with raising or cultivating agricultural products as defined in clause (1); and

(4) property which is owned and operated by nonprofit organizations used for equestrian activities, excluding racing.

(f) If a parcel used for agricultural purposes is also used for commercial or industrial purposes, including but not limited to:

- (1) wholesale and retail sales;
- (2) processing of raw agricultural products or other goods;
- (3) warehousing or storage of processed goods; and
- (4) office facilities for the support of the activities enumerated in clauses (1), (2), and (3),

the assessor shall classify the part of the parcel used for agricultural purposes as class 1b, 2a, or 2b, whichever is appropriate, and the remainder in the class appropriate to its use. The grading, sorting, and packaging of raw agricultural products for first sale is considered an agricultural purpose. A greenhouse or other building where horticultural or nursery products are grown that is also used for the conduct of retail sales must be classified as agricultural if it is primarily used for the growing of horticultural or nursery products from seed, cuttings, or roots and occasionally as a showroom for the retail sale of those products. Use of a greenhouse or building only for the display of already grown horticultural or nursery products does not qualify as an agricultural purpose.

The assessor shall determine and list separately on the records the market value of the homestead dwelling and the one acre of land on which that dwelling is located. If any farm buildings or structures are located on this homesteaded acre of land, their market value shall not be included in this separate determination.

(g) To qualify for classification under paragraph (b), clause (4), a privately owned public use airport must be licensed as a public airport under section 360.018. For purposes of paragraph (b), clause (4), "landing area" means that part of a privately owned public use airport properly cleared, regularly maintained, and made available to the public for use by aircraft and includes runways, taxi-ways, aprons, and sites upon which are situated landing or navigational aids. A landing area also includes land underlying both the primary surface and the approach surfaces that comply with all of the following:

(i) the land is properly cleared and regularly maintained for the primary purposes of the landing, taking off, and taxiing of aircraft; but that portion of the land that contains facilities for servicing, repair, or maintenance of aircraft is not included as a landing area;

(ii) the land is part of the airport property; and

(iii) the land is not used for commercial or residential purposes.

The land contained in a landing area under paragraph (b), clause (4), must be described and certified by the commissioner of transportation. The certification is effective until it is modified, or until the airport or landing area no longer meets the requirements of paragraph (b), clause (4). For purposes of paragraph (b), clause (4), "public access area" means property used as an aircraft parking ramp, apron, or storage hangar, or an arrival and departure building in connection with the airport.

Sec. 8. Minnesota Statutes 1993 Supplement, section 278.01, subdivision 1, is amended to read:

Subdivision 1. [DETERMINATION OF VALIDITY.] Any person having personal property, or any estate, right, title, or interest in or lien upon any parcel of land, who claims that such property has been partially, unfairly, or unequally assessed in comparison with other property in the (1) city, or (2) county, or (3) in the case of a county containing a city of the first class, the portion of the county excluding the first class city, or that the parcel has been assessed at a valuation greater than its real or actual value, or that the tax levied against the same is illegal, in whole or in part, or has been paid, or that the property is exempt from the tax so levied, may have the validity of the claim, defense, or objection determined by the district court of the county in which the tax is levied or by the tax court by serving one copy of a petition for such determination upon the county auditor, one copy on the county attorney, one copy on the county treasurer, and three copies on the county assessor. The county assessor shall immediately forward one copy of the petition to the appropriate governmental authority in a home rule charter or statutory city or town in which the property is located if that city or town employs its own certified assessor. A copy of the petition shall also be forwarded by the assessor to the school board of the school district in which the property is located.

In counties where the office of county treasurer has been combined with the office of county auditor, the county may elect to require the petitioner to serve the number of copies as determined by the county. The county assessor shall immediately forward one copy of the petition to the appropriate governmental authority in a home rule charter or statutory city or town in which the property is located if that city or town employs its own certified assessor. A list of petitioned properties, including the name of the petitioner, the identification number of the property, and the estimated market value, shall be sent on or before the first day of July by the county auditor/treasurer to the school board of the school district in which the property is located.

For all counties, the petitioner must file the copies with proof of service, in the office of the court administrator of the district court before ~~the 16th day of May~~ *March 15* of the year in which the tax becomes payable. A petition for determination under this section may be transferred by the district court to the tax court. An appeal may also be taken to the tax court under chapter 271 at any time following receipt of the valuation notice required by section 273.121 but prior to ~~May 16~~ *March 15* of the year in which the taxes are payable.

Sec. 9. Minnesota Statutes 1992, section 278.05, subdivision 6, is amended to read:

Subd. 6. [*DISMISSAL OF PETITION; EXCLUSION OF CERTAIN EVIDENCE.*] (a) Information, including income and expense figures, verified net rentable areas, and anticipated income and expenses, for income-producing property ~~which is not must be provided to the county assessor at least 45 days before any hearing within 60 days after the petition has been filed under this chapter, is not admissible except if necessary to prevent undue hardship or when. Failure to provide the information required in this paragraph shall result in the dismissal of the petition, unless the failure to provide it was due to the unavailability of the evidence at that time.~~

(b) Provided that the information as contained in paragraph (a) is timely submitted to the county assessor, the county assessor shall furnish the petitioner at least five days before the hearing under this chapter with the property's appraisal, if any, which will be presented to the court at the hearing.

The petitioner shall furnish to the county assessor at least five days before the hearing under this chapter with the property's appraisal, if any, which will be presented to the court at the hearing. An appraisal of the petitioner's property done by or for the county ~~or by or for the petitioner~~ shall not be admissible as evidence if the *county assessor does not comply with the provisions within in this paragraph are not met*. *The petition shall be dismissed if the petitioner does not comply with the provisions in this paragraph.*

Sec. 10. Minnesota Statutes 1993 Supplement, section 383A.75, subdivision 3, is amended to read:

Subd. 3. [DUTIES.] The committee is authorized to and shall meet from time to time to make appropriate recommendations for the efficient and effective use of property tax dollars raised by the jurisdictions for programs, buildings, and operations. In addition, the committee shall:

(1) identify trends and factors likely to be driving budget outcomes over the next five years with recommendations for how the jurisdictions should manage those trends and factors to increase efficiency and effectiveness;

(2) agree, by ~~August~~ *September 1* of each year, on the appropriate level of overall property tax levy for the three jurisdictions and publicly report such to the governing bodies of each jurisdiction for ratification or modification by resolution;

(3) plan for the joint truth-in-taxation hearings under section 275.065, subdivision 8; and

(4) identify, by December 31 of each year, areas of the budget to be targeted in the coming year for joint review to improve services or achieve efficiencies.

In carrying out its duties, the committee shall consult with public employees of each jurisdiction and with other stakeholders of the city, county, and school district, as appropriate.

Sec. 11. Laws 1981, chapter 281, section 1, is amended to read:

Section 1. [GREENWAY JOINT RECREATION BOARD TAX.]

The Greenway joint recreation board may levy a tax ~~not to exceed 3.5 mills~~ on the ~~value of~~ property situated in the territory of Independent School District No. 316 in accordance with this act. Property in territory in the school district may be made subject to the tax permitted by this act by the agreement of the governing body or town board of the city or town where it is located. The agreement may be by resolution of a governing body or town board or by a joint powers agreement pursuant to section 471.59. If levied, the tax is in addition to all other taxes on the property subject to it permitted to be levied for park and recreation purposes by the cities and towns other than for the support of the joint recreation board. It shall be disregarded in the calculation of all other mill rate or per capita tax levy limitations imposed by law or charter upon them. A city or town may withdraw its agreement to future taxes by notice to the recreation board and the county auditor unless provided otherwise by a joint powers agreement. The tax shall be collected by the Itasca county auditor and treasurer and paid directly to the Greenway joint recreation board.

Sec. 12. [ITASCA COUNTY TOWNS; CEMETERY ASSOCIATION.]

Notwithstanding Minnesota Statutes, section 471.24, each town which is a member of the Lakeview Cemetery Association, operated by the town of Iron Range, is authorized to levy a tax and make an appropriation not to exceed \$15,000 annually to the association for cemetery purposes.

Sec. 13. [PILOT PROJECT FOR INFORMATION ON SQUARE FOOTAGE OF PROPERTY.]

The commissioner of revenue shall coordinate a pilot project with the counties of Hennepin and Blue Earth. The primary purpose is to collect, by legal classification of real property, information on the total square footage of land and structures within the respective counties by taxing jurisdiction. The square footage shall be identified separately for land and for structures.

By February 15, 1995, the commissioner shall provide a report to the tax committee of the house of representatives and the committee on taxes and tax laws of the senate. Besides reporting the basic data, the report shall discuss the feasibility of developing a statewide system of property taxation in which a property's tax base would be determined by its square footage.

Sec. 14. [REPEALER.]

Minnesota Statutes 1993 Supplement, section 82.19, subdivision 9, is repealed.

Sec. 15. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment and applies to licensed aquatic farms in operation on or after that date.

Sections 3 to 5 are effective for petitions relating to property taxes payable in 1995 and thereafter.

Sections 6, 8, 9, 11, and 12 are effective for taxes levied in 1994, payable in 1995, and thereafter.

Sections 7 and 14 are effective July 1, 1994.

ARTICLE 6

PROPERTY TAX REFUND

Section 1. Minnesota Statutes 1992, section 270B.12, is amended by adding a subdivision to read:

Subd. 10. [PROPERTY TAX REFUNDS.] The commissioner may disclose to a county auditor and treasurer, and to their designated agents or employees, the property tax refund amounts for each parcel of homestead property in the county as determined by the commissioner under chapter 290A.

Sec. 2. Minnesota Statutes 1992, section 270B.12, is amended by adding a subdivision to read:

Subd. 11. [SOCIAL SECURITY NUMBERS.] For purposes of determining and administering homestead status and property tax refunds, the commissioner may disclose to a county auditor, county treasurer, county assessor, the county recorder or registrar of deeds and their designated agents or employees, and those officials may disclose to each other and to the

commissioner, the parcel identification number and the names and social security numbers of the owners of homestead property and their spouses.

Sec. 3. Minnesota Statutes 1993 Supplement, section 273.124, subdivision 1, is amended to read:

Subdivision 1. [GENERAL RULE.] (a) 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, as provided in subdivision 13, of the facts upon which classification as a homestead may be determined. Notwithstanding any other law, the assessor may at any time require a homestead application to be filed in order to verify that any property classified as a homestead continues to be eligible for homestead status.

When there is a name change or a transfer of homestead property, the assessor may reclassify the property in the next assessment unless a homestead application is filed to verify that the property continues to qualify for homestead classification.

(b) 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.

(c) Residential real estate that is occupied and used for purposes of a homestead by a relative of the owner is a homestead but only to the extent of the homestead treatment that would be provided if the related owner occupied the property. For purposes of this paragraph, "relative" means a parent, stepparent, child, stepchild, spouse, grandparent, grandchild, brother, sister, uncle, or aunt. This relationship may be by blood or marriage. Property that was classified as seasonal recreational residential property at the time when treatment under this paragraph would first apply shall continue to be classified as seasonal recreational residential property for the first four assessment years beginning after the date when the relative of the owner occupies the property as a homestead; this delay also applies to property that, in the absence of this paragraph, would have been classified as seasonal recreational residential property at the time when the residence was constructed. Neither the related occupant nor the owner of the property may claim a property tax refund under chapter 290A for a homestead occupied by a relative. In the case of a residence located on agricultural land, only the house, garage, and immedi-

ately surrounding one acre of land shall be classified as a homestead under this paragraph, except as provided in paragraph (d).

(d) Agricultural property that is occupied and used for purposes of a homestead by a relative of the owner, is a homestead, only to the extent of the homestead treatment that would be provided if the related owner occupied the property, and only if all of the following criteria are met:

(1) the relative who is occupying the agricultural property is a son or daughter of the owner of the agricultural property,

(2) the owner of the agricultural property must be a Minnesota resident,

(3) the owner of the agricultural property is not eligible to receive homestead treatment on any other agricultural property in Minnesota, and

(4) the owner of the agricultural property is limited to only one agricultural homestead per family under this paragraph.

For purposes of this paragraph, "agricultural property" means the house, garage, other farm buildings and structures, and agricultural land.

Application must be made to the assessor by the owner of the agricultural property to receive homestead benefits under this paragraph. The assessor may require the necessary proof that the requirements under this paragraph have been met.

(e) In the case of property owned by a property owner who is married, the assessor must not deny homestead treatment in whole or in part if only one of the spouses occupies the property and the other spouse is absent due to: (1) marriage dissolution proceedings, (2) legal separation, (3) employment or self-employment in another location as provided under subdivision 13, or (4) residence in a nursing home or boarding care facility.

Sec. 4. Minnesota Statutes 1993 Supplement, section 273.124, subdivision 13, is amended to read:

Subd. 13. [HOMESTEAD APPLICATION.] (a) A person who meets the homestead requirements under subdivision 1 must file a homestead application with the county assessor to initially obtain homestead classification.

(b) On or before January 2, ~~1993~~ 1995, each county assessor shall mail a homestead application to the owner of each parcel of property within the county which was classified as homestead for the ~~1992~~ 1994 assessment year. The format and contents of a uniform homestead application shall be prescribed by the commissioner of revenue. The commissioner shall consult with the chairs of the house and senate tax committees on the contents of the homestead application form. The application must clearly inform the taxpayer that this application must be signed by all owners who occupy the property, *by all the owners' spouses if the spouses occupy the property*, or by the qualifying relative, and returned to the county assessor in order for the property to continue receiving homestead treatment. The envelope containing the homestead application shall clearly identify its contents and alert the taxpayer of its necessary immediate response.

(c) Every property owner applying for homestead classification must furnish to the county assessor the social security number of each occupant who is listed as an owner of the property on the ~~homestead application deed of record~~, and the name and address of each owner who does not occupy the

property, and the name and social security number of each owner's spouse who occupies the property. If a property owner occupies a homestead property owner's spouse may not claim another property as a homestead unless the property owner and the property owner's spouse file with the assessor an affidavit or other proof required by the assessor stating that the property owner's spouse does not occupy the homestead because marriage dissolution proceedings are pending, the spouses are legally separated, or the spouse's employment or self-employment location requires the spouse to have a separate homestead. The assessor may require proof of employment or self-employment and employment or self-employment location, or proof of dissolution proceedings or legal separation.

If the social security number or affidavit or other proof is not provided, the county assessor shall classify the property as nonhomestead.

The social security numbers or affidavits or other proofs of the property owners and spouses are private data on individuals as defined by section 13.02, subdivision 12, but, notwithstanding that section, the private data may be disclosed to the commissioner of revenue.

(d) If residential real estate is occupied and used for purposes of a homestead by a relative of the owner and qualifies for a homestead under subdivision 1, paragraph (c), in order for the property to receive homestead status, a homestead application must be filed with the assessor. The social security number of each relative occupying the property and the social security number of each owner who is related to an occupant of the property shall be required on the homestead application filed under this subdivision. If a different relative of the owner subsequently occupies the property, the owner of the property must notify the assessor within 30 days of the change in occupancy. The social security number of a relative occupying the property is private data on individuals as defined by section 13.02, subdivision 12, but may be disclosed to the commissioner of revenue.

(e) The homestead application shall also notify the property owners that the application filed under this section will not be mailed annually and that if the property is granted homestead status for the 1993 1995 assessment, or any assessment year thereafter, that same property shall remain classified as homestead until the property is sold or transferred to another person, or the owners or the relatives no longer use the property as their homestead. Upon the sale or transfer of the homestead property, a certificate of value must be timely filed with the county auditor as provided under section 272.115. Failure to notify the assessor within 30 days that the property has been sold, transferred, or that the owner or the relative is no longer occupying the property as a homestead, shall result in the penalty provided under this subdivision and the property will lose its current homestead status.

(f) If the homestead application is not returned within 30 days, the county will send a second application to the present owners of record. The notice of proposed property taxes prepared under section 275.065, subdivision 3, shall reflect the property's classification. ~~Beginning with assessment year 1993 for all properties,~~ If a homestead application has not been filed with the county by December 15, the assessor shall classify the property as nonhomestead for the current assessment year for taxes payable in the following year, provided that the owner may be entitled to receive the homestead classification by proper application under section 375.192.

(g) At the request of the commissioner, each county must give the commissioner a list that includes the name and social security number of each property owner *and the property owner's spouse occupying the property*, or relative of a property owner, applying for homestead classification under this subdivision. The commissioner shall use the information provided on the lists as appropriate under the law, including for the detection of improper claims by owners, or relatives of owners, under chapter 290A.

(h) If, in comparing the lists supplied by the counties, the commissioner finds that a property owner is claiming more than one homestead, the commissioner shall notify the appropriate counties. Within 90 days of the notification, the county assessor shall investigate to determine if the homestead classification was properly claimed. If the property owner does not qualify, the county assessor shall notify the county auditor who will determine the amount of homestead benefits that had been improperly allowed. For the purpose of this section, "homestead benefits" means the tax reduction resulting from the classification as a homestead under section 273.13, the taconite homestead credit under section 273.135, *and the supplemental homestead credit under section 273.1391, and the property tax refunds deducted on the property tax statement under chapter 290A.*

The county auditor shall send a notice to the owners of the affected property, demanding reimbursement of the homestead benefits plus a penalty equal to 100 percent of the homestead benefits. The property owners may appeal the county's determination by filing a notice of appeal with the Minnesota tax court within 60 days of the date of the notice from the county. If the amount of homestead benefits and penalty is not paid within 60 days, and if no appeal has been filed, the county auditor shall certify the amount of taxes and penalty to the succeeding year's tax list to be collected as part of the property taxes.

(i) Any amount of homestead benefits recovered by the county from the property owner shall be distributed to the county, city or town, and school district where the property is located in the same proportion that each taxing district's levy was to the total of the three taxing districts' levy for the current year. *Any amount recovered attributable to property tax refunds reimbursed to the county by the state shall be paid to the commissioner of revenue for deposit in the fund from which it was paid.* Any amount recovered attributable to taconite homestead credit shall be transmitted to the St. Louis county auditor to be deposited in the taconite property tax relief account. The total amount of penalty collected must be deposited in the county general fund.

(j) If a property owner has applied for more than one homestead and the county assessors cannot determine which property should be classified as homestead, the county assessors will refer the information to the commissioner. The commissioner shall make the determination and notify the counties within 60 days.

(k) In addition to lists of homestead properties, the commissioner may ask the counties to furnish lists of all properties and the record owners.

Sec. 5. Minnesota Statutes 1993 Supplement, section 275.065, subdivision 3, is amended to read:

Subd. 3. [NOTICE OF PROPOSED PROPERTY TAXES.] (a) The county auditor shall prepare and the county treasurer shall deliver after November 10 and on or before November 24 each year, by first class mail to each taxpayer

at the address listed on the county's current year's assessment roll, a notice of proposed property taxes and, in the case of a town, final property taxes.

(b) The commissioner of revenue shall prescribe the form of the notice.

(c) The notice must inform taxpayers that it contains the amount of property taxes each taxing authority other than a town proposes to collect for taxes payable the following year and, for a town, the amount of its final levy. It must clearly state that each taxing authority, including regional library districts established under section 134.201, and including the metropolitan taxing districts as defined in paragraph (i), but excluding all other special taxing districts and towns, will hold a public meeting to receive public testimony on the proposed budget and proposed or final property tax levy, or, in case of a school district, on the current budget and proposed property tax levy. It must clearly state the time and place of each taxing authority's meeting and an address where comments will be received by mail. For 1993, the notice must clearly state that each taxing authority holding a public meeting will describe the increases or decreases of the total budget, including employee and independent contractor compensation in the prior year, current year, and the proposed budget year.

(d) The notice must state for each parcel:

(1) the market value of the property as determined under section 273.11, and used for computing property taxes payable in the following year and for taxes payable in the current year; and, in the case of residential property, whether the property is classified as homestead or nonhomestead. The notice must clearly inform taxpayers of the years to which the market values apply and that the values are final values;

(2) by county, city or town, school district excess referenda levy, remaining school district levy, regional library district, if in existence, the total of the metropolitan special taxing districts as defined in paragraph (i) and the sum of the remaining all special taxing districts, and as a total of the taxing authorities, including all special taxing districts, the proposed or, for a town, final net tax on the property for taxes payable the following year, *not including the property tax refunds under chapter 290A*, and the actual tax for taxes payable the current year, *not including the property tax refunds under chapter 290A*. *In the case of the city of Minneapolis, the levy for the Minneapolis library board and the levy for Minneapolis park and recreation shall be listed separately from the remaining amount of the city's levy.* In the case of a parcel where tax increment or the fiscal disparities areawide tax applies, the proposed tax levy on the captured value or the proposed tax levy on the tax capacity subject to the areawide tax must each be stated separately and not included in the sum of the special taxing districts; and

(3) the increase or decrease in the amounts in clause (2) from taxes payable in the current year to proposed or, for a town, final taxes payable the following year, expressed as a dollar amount and as a percentage.

(e) *For homesteads, other than manufactured homes described in section 273.125, subdivision 8, paragraph (c), the notice must clearly state that the final tax for taxes payable in the current year and the proposed tax for taxes payable the following year do not include the property tax refunds under chapter 290A for which the owner was or may be eligible. It must state that, if the property owner is eligible for the property tax refunds, the property tax refunds will be computed for taxes payable the following year, that the refunds*

will be shown as a deduction on the property tax statement for the second payment, and that the refunds will reduce the proposed tax shown on the notice.

The notice must clearly state that the proposed or final taxes do not include the following *and that these items may increase the proposed tax shown on the notice:*

- (1) special assessments;
 - (2) levies approved by the voters after the date the proposed taxes are certified, including bond referenda, school district levy referenda, and levy limit increase referenda;
 - (3) amounts necessary to pay cleanup or other costs due to a natural disaster occurring after the date the proposed taxes are certified;
 - (4) amounts necessary to pay tort judgments against the taxing authority that become final after the date the proposed taxes are certified;
 - (5) any additional amount levied in lieu of a local sales and use tax, unless this amount is included in the proposed or final taxes; and
 - (6) the contamination tax imposed on properties which received market value reductions for contamination.
- (f) Except as provided in subdivision 7, failure of the county auditor to prepare or the county treasurer to deliver the notice as required in this section does not invalidate the proposed or final tax levy or the taxes payable pursuant to the tax levy.

(g) If the notice the taxpayer receives under this section lists the property as nonhomestead and the homeowner provides satisfactory documentation to the county assessor that the property is owned and has been used as the owner's homestead prior to June 1 of that year, the assessor shall reclassify the property to homestead for taxes payable in the following year.

(h) In the case of class 4 residential property used as a residence for lease or rental periods of 30 days or more, the taxpayer must either:

- (1) mail or deliver a copy of the notice of proposed property taxes to each tenant, renter, or lessee; or
- (2) post a copy of the notice in a conspicuous place on the premises of the property.

(i) For purposes of this subdivision, subdivisions 5a and 6, "metropolitan special taxing districts" means the following taxing districts in the seven-county metropolitan area that levy a property tax for any of the specified purposes listed below:

- (1) metropolitan council under section 473.132, 473.167, 473.249, 473.325, 473.521, 473.547, or 473.834;
- (2) metropolitan airports commission under section 473.667, 473.671, or 473.672;
- (3) regional transit board under section 473.446; and
- (4) metropolitan mosquito control commission under section 473.711.

For purposes of this section, any levies made by the regional rail authorities in the county of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, or Washington under chapter 398A shall be included with the appropriate county's levy and shall be discussed at that county's public hearing.

The notice must be mailed or posted by the taxpayer by November 27 or within three days of receipt of the notice, whichever is later. A taxpayer may notify the county treasurer of the address of the taxpayer, agent, caretaker, or manager of the premises to which the notice must be mailed in order to fulfill the requirements of this paragraph.

Sec. 6. [276.012] [ADMINISTRATION OF PROPERTY TAX REFUND.]

On or before July 1 each year, the commissioner of revenue shall give the county auditor the property tax refund amount for each parcel of homestead property that qualifies for a refund on the property tax statement for taxes payable in the current year. The county auditor shall certify these amounts to the county treasurer who shall reflect the amounts as a property tax deduction on the property tax statements for the second half payment under section 276.04. The deduction is the sum of the amounts for which the property qualifies under section 290A.04, subdivisions 2 and 2h.

Sec. 7. Minnesota Statutes 1993 Supplement, section 276.04, subdivision 2, is amended to read:

Subd. 2. [CONTENTS OF TAX STATEMENTS.] (a) The treasurer shall provide for the printing of the tax statements. The commissioner of revenue shall prescribe the form of the property tax statement and its contents. *For homestead property, the statement must contain the parcel identification number.* The statement must contain a tabulated statement of the dollar amount due to each taxing authority from the parcel of real property for which a particular tax statement is prepared. The dollar amounts due the county, township or municipality, ~~the total of the metropolitan special taxing districts as defined in section 275.065, subdivision 3, paragraph (i),~~ school district excess referenda levy, remaining school district levy, and the total of other voter approved referenda levies based on market value under section 275.61 must be separately stated. The amounts due all ~~other~~ special taxing districts, if any, may be aggregated. The amount of the tax on contamination value imposed under sections 270.91 to 270.98, if any, must also be separately stated. The dollar amounts, including the dollar amount of any special assessments, may be rounded to the nearest even whole dollar. For purposes of this section whole odd-numbered dollars may be adjusted to the next higher even-numbered dollar. The statement shall include the following sentence, printed in upper case letters in boldface print: "THE STATE OF MINNESOTA DOES NOT RECEIVE ANY PROPERTY TAX REVENUES. THE STATE OF MINNESOTA REDUCES YOUR PROPERTY TAX BY PAYING CREDITS AND REIMBURSEMENTS TO LOCAL UNITS OF GOVERNMENT."

For homestead property other than manufactured homes described in section 273.125, subdivision 8, paragraph (c), a property tax statement shall be mailed separately for each payment. The tax statement for the first half payment must state that one-half of the tax shown is due on or before May 15. It must state that a statement for the rest of the tax due will be mailed by August 31 and that payment will be due on or before October 15. It must state that the second half statement will show the property tax refunds under chapter 290A as a deduction for the second half tax, if the taxpayer is eligible

for property tax refunds, and that the payment due on or before October 15 will be equal to or less than the May 15 payment.

(b) The property tax statements for manufactured homes and sectional structures taxed as personal property shall contain the same information that is required on the tax statements for real property.

(c) Real and personal property tax statements must contain the following information in the order given in this paragraph. The information must contain the current year tax information in the right column with the corresponding information for the previous year in a column on the left:

(1) the property's estimated market value under section 273.11, subdivision 1;

(2) the property's taxable market value after reductions under sections 273.11, subdivisions 1a and 16;

(3) the property's gross tax, calculated by multiplying the property's gross tax capacity times the total local tax rate and adding to the result the sum of the aids enumerated in clause (3);

(4) a total of the following aids:

(i) education aids payable under chapters 124 and 124A;

(ii) local government aids for cities, towns, and counties under chapter 477A; and

(iii) disparity reduction aid under section 273.1398;

(5) for homestead residential and agricultural properties, the homestead and agricultural credit aid apportioned to the property. This amount is obtained by multiplying the total local tax rate by the difference between the property's gross and net tax capacities under section 273.13. This amount must be separately stated and identified as "homestead and agricultural credit." For purposes of comparison with the previous year's amount for the statement for taxes payable in 1990, the statement must show the homestead credit for taxes payable in 1989 under section 273.13, and the agricultural credit under section 273.132 for taxes payable in 1989;

(6) any credits received under sections 273.119; 273.123; 273.135; 273.1391; 273.1398, subdivision 4; 469.171; and 473H.10, except that the amount of credit received under section 273.135 must be separately stated and identified as "taconite tax relief"; and

(7) *for the second half statement for eligible homestead properties, the property tax refunds for which the taxpayer qualifies under chapter 290A shown as a deduction on the statement; and*

(8) the net tax payable in the manner required in paragraph (a).

(d) The commissioner of revenue shall certify to the county auditor the actual or estimated aids enumerated in clauses (3) and (4) that local governments will receive in the following year. ~~In the case of a county containing a city of the first class, for taxes levied in 1991, and for all counties for taxes levied in 1992 and thereafter,~~ The commissioner must certify this amount by September 1.

Sec. 8. Minnesota Statutes 1992, section 276.04, subdivision 3, is amended to read:

Subd. 3. [MAILING OF TAX STATEMENTS.] (a) The county treasurer shall mail to taxpayers statements of their personal property taxes due not later than April 15 for property taxes payable in 1990 and March 31 thereafter, except in the case of manufactured homes and sectional structures taxed as personal property.

(b) For homestead property other than manufactured homes described in section 273.125, subdivision 8, paragraph (c), statements of the first half payment of real property taxes due shall on or before May 15 must be mailed not later than April 15 for property taxes payable in 1990 and by March 31 thereafter, and statements of the second half payment of real property taxes due on or before October 31 must be mailed by August 31. For all other real property, statements of the real property taxes due must be mailed by March 31.

(c) The validity of the tax shall not be affected by failure of the treasurer to mail the a statement.

(d) The taxpayer is defined as the owner who is responsible for the payment of the tax.

Sec. 9. Minnesota Statutes 1992, section 276.09, is amended to read:

276.09 [SETTLEMENT BETWEEN AUDITOR AND TREASURER.]

On the later of May 20 of each year or 26 calendar days after the postmark date on the envelopes containing real or personal property tax statements, the county treasurer shall make full settlement with the county auditor of all receipts collected for all purposes, from the date of the last settlement up to and including each day mentioned. The county auditor shall, within 30 days after the settlement, send an abstract of it to the state auditor in the form prescribed by the state auditor. At the settlement the treasurer shall make complete returns of the receipts on the current tax list, showing the amount collected on account of the several funds included in the list.

Settlement of receipts from the later of May 20 or the actual settlement date to December 31 of each year must be made as provided in section 276.111.

For purposes of this section, "receipts" includes all tax payments received by the county treasurer on or before the settlement date and all property tax refunds paid to the county treasurer under chapter 290A.

Sec. 10. Minnesota Statutes 1992, section 276.10, is amended to read:

276.10 [APPORTIONMENT AND DISTRIBUTION OF FUNDS.]

On the settlement day determined in section 276.09 for each year, the county auditor and county treasurer shall distribute all undistributed funds in the treasury and property tax refunds paid under chapter 290A. The funds must be apportioned as provided by law, and credited to the state, town, city, school district, special district and each county fund. Within 20 days after the distribution is completed, the county auditor shall report to the state auditor in the form prescribed by the state auditor. The county auditor shall issue a

warrant for the payment of money in the county treasury to the credit of the state, town, city, school district, or special districts on application of the persons entitled to receive the payment. The county auditor may apply the local tax rate from the year before the year of distribution when apportioning and distributing delinquent tax proceeds, if the composition of the previous year's local tax rate between taxing districts is not significantly different from the local tax rate that existed for the year of the delinquency.

Sec. 11. Minnesota Statutes 1992, section 276.111, is amended to read:

276.111 [DISTRIBUTIONS AND FINAL YEAR-END SETTLEMENT.]

Within seven business days after October 15, the county treasurer shall pay to the school districts 50 percent of the estimated collections *and property tax refund receipts* arising from taxes levied by and belonging to the school district from the settlement day determined in section 276.09 to October 20. The remaining 50 percent of the estimated tax collections *and property tax refund receipts* must be paid to the school district within the next seven business days. Within ten business days after November 15, the county treasurer shall pay to the school district 100 percent of the estimated collections *and property tax refund receipts* arising from taxes levied by and belonging to the school districts from October 20 to November 20.

Within ten business days after November 15, the county treasurer shall pay to each taxing district, except any school district, 100 percent of the estimated collections *and property tax refund receipts* arising from taxes levied by and belonging to each taxing district from the settlement day determined in section 276.09 to November 20.

On or before January 5, the county treasurer shall make full settlement with the county auditor of all receipts collected, *including property tax refund receipts*, from the settlement day determined in section 276.09 to December 31. After subtracting any tax distributions that have been made to the taxing districts in October and November, the treasurer shall pay to each of the taxing districts on or before January 25, the balance of the tax amounts *and property tax refund receipts* collected on behalf of each taxing district. Interest accrues at an annual rate of eight percent and must be paid to the taxing district if this final settlement amount is not paid by January 25. Interest must be paid upon appropriation from the general revenue fund of the county. If not paid, it may be recovered by the taxing district in a civil action.

For purposes of this section, "property tax refund receipts" means property tax refunds paid by the commissioner of revenue to the county treasurer under chapter 290A.

Sec. 12. Minnesota Statutes 1992, section 290A.04, subdivision 2, is amended to read:

Subd. 2. [HOMEOWNERS.] A claimant whose property taxes payable are in excess of the percentage of the household income stated below shall pay an amount equal to the percent of income shown for the appropriate household income level along with the percent to be paid by the claimant of the remaining amount of property taxes payable. The state refund equals the amount of property taxes payable that remain, up to the state refund amount shown below.

Household Income	Percent of Income	Percent Paid by Claimant	Maximum State Refund
\$0 to 999	1.2 percent	22 percent	\$400 \$500
1,000 to 1,999	1.3 percent	24 23 percent	\$400 \$500
2,000 to 2,999	1.4 percent	26 24 percent	\$400 \$500
3,000 to 3,999	1.6 percent	28 25 percent	\$400 \$500
4,000 to 4,999	1.7 percent	30 26 percent	\$400 \$500
5,000 to 5,999	1.9 percent	33 27 percent	\$400 \$500
6,000 to 6,999	1.9 percent	35 28 percent	\$400 \$500
7,000 to 7,999	2.1 percent	38 29 percent	\$400 \$500
8,000 to 8,999	2.2 percent	40 30 percent	\$400 \$500
9,000 to 9,999	2.3 percent	42 31 percent	\$400 \$500
10,000 to 10,999	2.4 percent	45 33 percent	\$400 \$500
11,000 to 11,999	2.5 percent	48 33 percent	\$400 \$500
12,000 to 13,999	2.6 percent	48 33 percent	\$400 \$500
14,000 to 14,999	2.8 percent	48 33 percent	\$400 \$500
15,000 to 15,999	3.0 percent	50 33 percent	\$400 \$500
16,000 to 16,999	3.2 percent	50 33 percent	\$400 \$500
17,000 to 20,999	3.3 percent	50 33 percent	\$400 \$500
21,000 to 23,999	3.4 percent	50 35 percent	\$400 \$500
24,000 to 24,999	3.5 percent	50 35 percent	\$400 \$500
25,000 to 27,999	3.5 percent	50 35 percent	\$400 \$500
28,000 to 29,999	3.5 percent	50 35 percent	\$400 \$500
30,000 to 34,999	3.5 percent	55 38 percent	\$400 \$500
35,000 to 39,999	3.7 percent	55 45 percent	\$400 \$500
40,000 to 56,999	4.0 percent	55 percent	\$400
40,000 to 54,000	4.0 percent	50 percent	\$500
55,000 to 55,999	4.0 percent	55 percent	\$500
56,000 to 56,999	4.0 percent	55 percent	\$400
57,000 to 57,999	4.0 percent	55 percent	\$300
58,000 to 58,999	4.0 percent	55 percent	\$200
59,000 to 59,999	4.0 percent	55 percent	\$100
60,000 to 60,999	4.0 percent	55 percent	\$0

The payment made to a claimant shall be the amount of the state refund calculated under this subdivision. No payment is allowed if the claimant's household income is \$60,000 or more.

Sec. 13. Minnesota Statutes 1993 Supplement, section 290A.04, subdivision 2h, is amended to read:

Subd. 2h. (a) If the gross property taxes payable on a homestead increase more than 12 percent over the net property taxes payable in the prior year on the same property that is owned and occupied by the same owner on January 2 of both years, and the amount of that increase is \$80 or more for taxes payable in 1993, and \$100 or more for taxes payable in 1994, 1995, and 1996, a claimant who is a homeowner shall be allowed an additional refund equal to 75 percent of the amount of the increase over the greater of 12 percent of the prior year's net property taxes payable or \$80 for taxes payable in 1993, and 75 percent of the amount of the increase over the greater of 12 percent of the prior year's net property taxes payable or \$100 for taxes payable in 1994, 1995, and 1996. This subdivision shall not apply to any increase in the gross property taxes payable attributable to improvements made to the homestead after the assessment date for the prior year's taxes.

The maximum refund allowed under this subdivision is \$1,500 for taxes payable in 1994 and \$750 for taxes payable in 1995 and 1996.

(b) For purposes of this subdivision, the following terms have the meanings given:

(1) "Net property taxes payable" means property taxes payable minus refund amounts for which the claimant qualifies pursuant to subdivision 2 and this subdivision.

(2) "Gross property taxes" means net property taxes payable determined without regard to the refund allowed under this subdivision.

(c) In addition to the other proofs required by this chapter, each claimant under this subdivision shall file with the property tax refund return a copy of the property tax statement for taxes payable in the preceding year or other documents required by the commissioner.

On or before December 1, 1993, 1994, and 1995, the commissioner shall estimate the cost of making the payments provided by this subdivision for taxes payable in the following year. Notwithstanding the open appropriation provision of section 290A.23, if the estimated total refund claims for taxes payable in 1994, 1995, and 1996 exceed \$5,500,000, for each of the three years the commissioner shall increase the \$100 amount of tax increase which must occur before a taxpayer qualifies for a refund, and increase by an equal amount the \$100 threshold used in determining the amount of the refund, so that the estimated total refund claims do not exceed \$5,500,000 for taxes payable in 1994, for taxes payable in 1995, or for taxes payable in 1996.

The determinations of the revised thresholds by the commissioner are not rules subject to chapter 14.

Sec. 14. [290A.065] [PROPERTY TAXES PAYABLE; FILING TIME LIMIT; LATE FILING.]

Subdivision 1. [FILING TIME LIMIT.] A claim for a property tax refund based on property taxes payable, other than for a manufactured home as described in section 273.125, subdivision 8, paragraph (c), shall be filed with the department of revenue on or before May 15 of the year in which the property taxes are due and payable.

Subd. 2. [LATE FILING.] Claims may be filed after May 15 but the amount of refund shall be reduced by \$10. Claims filed after May 15 shall be paid by the commissioner, and not shown as a deduction on the property tax statement.

Subd. 3. [ABATEMENT.] The commissioner may abate the penalty in the case of sickness, absence, or other disability, when the first half property tax statements are not mailed by March 31, or when in the commissioner's judgment other good cause exists.

Subd. 4. [NOTICE.] The individual income tax instructions and return and the property tax refund instructions and return shall clearly notify taxpayers of the time limit, penalty, and abatement provisions under this section.

Sec. 15. Minnesota Statutes 1992, section 290A.07, is amended to read:

290A.07 [TIME FOR PAYMENT.]

Subdivision 1. Allowable claims filed pursuant to the provisions of this

chapter shall be paid by the commissioner ~~from the general fund~~ as provided in this section.

Subd. 2a. A claimant who is a renter or a homeowner who occupies a manufactured home, as defined in section ~~274.19~~ 273.125, subdivision 8, paragraph (c), or who files a claim for property taxes payable with the commissioner after May 15, shall receive full payment after August 1 and before August 15 or 60 days after receipt of the application, whichever is later.

Subd. 3. A claimant not included in subdivision 2a shall receive full payment after ~~September 15~~ and before ~~September 30~~ as a deduction on the claimant's property tax statement for the second half taxes payable by October 15 as provided in section 276.04. If the property tax refund exceeds the second half tax payment, the commissioner shall pay the balance of the refund to the claimant after August 1 and before August 15.

On or before October 15 the commissioner shall pay the amount of the property tax refunds deducted from the property tax statements in the county to the county treasurer for settlement and distribution under sections 276.09 to 276.111.

Sec. 16. [1994 PROPOSED PROPERTY TAX NOTICE.]

The notice of proposed property taxes mailed to taxpayers in 1994, for taxes payable in 1995, under Minnesota Statutes, section 275.065, subdivision 3, must notify property owners that the social security numbers of both spouses, if both spouses occupy the property, must be furnished to the county assessor in order to receive homestead benefits under Minnesota Statutes, section 273.13, subdivision 22 or 23. The notice must state that all property owners must submit a new homestead application in 1995 that includes the social security number of the spouse, or the affidavit or proof required under Minnesota Statutes, section 273.124, subdivision 1, paragraph (e). The notice required by this section may be contained in a separate insert.

Sec. 17. [SOCIAL SECURITY INFORMATION FURNISHED TO COUNTY ASSESSORS.]

On or before July 1, 1994, the department of revenue shall furnish county assessors a list of the social security numbers of all owners and the owners' spouses for each parcel of homestead property in the county. A social security number provided under this section is private data on individuals as defined by Minnesota Statutes, section 13.02, subdivision 12, but, notwithstanding that section, the private data may be disclosed as provided in Minnesota Statutes, section 270B.12, subdivision 11.

Sec. 18. [APPROPRIATIONS; COUNTY GRANTS.]

§..... is appropriated to the commissioner of revenue for fiscal year 1995, for grants to counties to reimburse them for programming, form design, data entry, and computer hardware costs directly attributable to compliance with this article. Each county auditor shall estimate the expenses and notify the commissioner of revenue in the time and manner required by the commissioner. The commissioner shall review the cost estimates and may correct them, return them to the county for changes, or request additional information or documentation. The grants must be awarded by the commissioner to each county in proportion to the county's expenses as finally determined by the commissioner.

Sec. 19. [EFFECTIVE DATE.]

Sections 1 and 2 are effective the day following final enactment. Sections 3 to 11, 14, and 15 are effective for property taxes levied in 1995, payable in 1996, and thereafter. Sections 12 and 13 are effective for taxes payable in 1995.

ARTICLE 7

LOCAL GOVERNMENT AIDS

Section 1. [LOCAL GOVERNMENT AID; STATEMENT OF PURPOSE.]

The purpose of local government aid is to provide property tax relief, and to reduce disparities among cities in property tax burdens that are due to differences in taxable property wealth and municipal overburden. Because some cities have property tax bases that are insufficient to meet the needs of their citizens for police, fire, and other basic city services, local government aid is needed so that adequate levels of needed city services can be provided by all cities at reasonable tax rates.

Sec. 2. Minnesota Statutes 1992, section 256E.06, subdivision 5, is amended to read:

Subd. 5. [COMMUNITY SOCIAL SERVICE LEVY.] In each calendar year, for taxes payable the following year, a county board shall levy upon all taxable property in the county a tax for community social services at least equal to the amount determined in subdivisions 1 and 2. Money for community social services provided to a county by a municipal levy may, for the purposes of this section, be counted as partial fulfillment of the local levy requirement. All money available to counties pursuant to this section may be used by counties to match federal money. *It is the intention of the legislature that the aid paid to counties under this section be used to provide property tax relief within the county.*

Sec. 3. Minnesota Statutes 1992, section 256E.06, is amended by adding a subdivision to read:

Subd. 13. [APPROPRIATION.] *In fiscal years 1996 and thereafter, there is appropriated from the general fund to the commissioner of human services for payment of aid under this section the amount appropriated in the previous year before any increases under section 16A.711, subdivision 5, multiplied by the greater of one or one plus the percentage increase of the implicit price deflator for state and local government purchases of goods and services prepared by the bureau of economic analysis of the United States Department of Commerce for the 12-month period ending March 31 of the previous year; provided that the percentage increase used in this subdivision shall be no less than three percent and no greater than five percent.*

Notwithstanding subdivisions 1 and 2, the increased appropriation available in fiscal year 1996 and thereafter must be used to increase each county's aid proportionately over the aid received in calendar year 1994. For calendar year 1995 only, each county's aid will be adjusted to reflect the increase that is required to occur in the second half of the calendar year.

The amount appropriated for aid to be paid under this section is considered to be held in trust for the recipients.

Sec. 4. Minnesota Statutes 1992, section 273.138, is amended by adding a subdivision to read:

Subd. 7. [ANNUAL APPROPRIATION.] A sum sufficient to make the payments required by this section to school districts is annually appropriated from the general fund to the commissioner of education. A sum sufficient to make the payments required by this section to counties is annually appropriated from the general fund to the commissioner of revenue.

Sec. 5. Minnesota Statutes 1992, section 273.1398, is amended by adding a subdivision to read:

Subd. 8. [APPROPRIATION.] An amount sufficient to pay the aids and credits provided under this section for school districts, intermediate school districts, or any group of school districts levying as a single taxing entity, is annually appropriated from the general fund to the commissioner of education. An amount sufficient to pay the aids and credits provided under this section for counties, cities, towns, and special taxing districts is annually appropriated from the general fund to the commissioner of revenue. A jurisdiction's aid amount may be increased or decreased based on any prior year adjustments for homestead credit or other property tax credit or aid programs.

The amount appropriated for aid to be paid under this section is considered to be held in trust for the recipients.

Sec. 6. Minnesota Statutes 1993 Supplement, section 273.166 is amended by adding a subdivision to read:

Subd. 5. [APPROPRIATION.] There is annually appropriated from the general fund to the commissioner of education a sum sufficient to pay the aids provided under this section for school districts, intermediate school districts, or any group of school districts levying as a single taxing entity. There is annually appropriated from the general fund to the commissioner of revenue a sum sufficient to pay the aids provided under this section to counties, cities, towns, and special taxing districts.

Sec. 7. Minnesota Statutes 1993 Supplement, section 275.065, subdivision 3, is amended to read:

Subd. 3. [NOTICE OF PROPOSED PROPERTY TAXES.] (a) The county auditor shall prepare and the county treasurer shall deliver after November 10 and on or before November 24 each year, by first class mail to each taxpayer at the address listed on the county's current year's assessment roll, a notice of proposed property taxes and, in the case of a town, final property taxes.

(b) The commissioner of revenue shall prescribe the form of the notice.

(c) The notice must inform taxpayers that it contains the amount of property taxes each taxing authority other than a town proposes to collect for taxes payable the following year and, for a town, the amount of its final levy. It must clearly state that each taxing authority, including regional library districts established under section 134.201, and including the metropolitan taxing districts as defined in paragraph (i), but excluding all other special taxing districts and towns, will hold a public meeting to receive public testimony on the proposed budget and proposed or final property tax levy, or, in case of a school district, on the current budget and proposed property tax levy. It must clearly state the time and place of each taxing authority's meeting and an

address where comments will be received by mail. For 1993, the notice must clearly state that each taxing authority holding a public meeting will describe the increases or decreases of the total budget, including employee and independent contractor compensation in the prior year, current year, and the proposed budget year.

(d) The notice must state for each parcel:

(1) the market value of the property as determined under section 273.11, and used for computing property taxes payable in the following year and for taxes payable in the current year; and, in the case of residential property, whether the property is classified as homestead or nonhomestead. The notice must clearly inform taxpayers of the years to which the market values apply and that the values are final values;

(2) by county, city or town, school district excess referenda levy, remaining school district levy, regional library district, if in existence, the total of the metropolitan special taxing districts as defined in paragraph (i) and the sum of the remaining special taxing districts, and as a total of the taxing authorities, including all special taxing districts, the proposed or, for a town, final net tax on the property for taxes payable the following year and the actual tax for taxes payable the current year. In the case of the city of Minneapolis, the levy for the Minneapolis library board and the levy for Minneapolis park and recreation shall be listed separately from the remaining amount of the city's levy. In the case of a parcel where tax increment or the fiscal disparities areawide tax applies, the proposed tax levy on the captured value or the proposed tax levy on the tax capacity subject to the areawide tax must each be stated separately and not included in the sum of the special taxing districts; and

(3) the increase or decrease in the amounts in clause (2) from taxes payable in the current year to proposed or, for a town, final taxes payable the following year, expressed as a dollar amount and as a percentage.

(e) The notice must clearly state that the proposed or final taxes do not include the following:

(1) special assessments;

(2) levies approved by the voters after the date the proposed taxes are certified, including bond referenda, school district levy referenda, and levy limit increase referenda;

(3) amounts necessary to pay cleanup or other costs due to a natural disaster occurring after the date the proposed taxes are certified;

(4) amounts necessary to pay tort judgments against the taxing authority that become final after the date the proposed taxes are certified; *and*

(5) ~~any additional amount levied in lieu of a local sales and use tax, unless this amount is included in the proposed or final taxes; and~~

~~(6) the contamination tax imposed on properties which received market value reductions for contamination.~~

(f) Except as provided in subdivision 7, failure of the county auditor to prepare or the county treasurer to deliver the notice as required in this section does not invalidate the proposed or final tax levy or the taxes payable pursuant to the tax levy.

(g) If the notice the taxpayer receives under this section lists the property as nonhomestead and the homeowner provides satisfactory documentation to the county assessor that the property is owned and has been used as the owner's homestead prior to June 1 of that year, the assessor shall reclassify the property to homestead for taxes payable in the following year.

(h) In the case of class 4 residential property used as a residence for lease or rental periods of 30 days or more, the taxpayer must either:

(1) mail or deliver a copy of the notice of proposed property taxes to each tenant, renter, or lessee; or

(2) post a copy of the notice in a conspicuous place on the premises of the property.

(i) For purposes of this subdivision, subdivisions 5a and 6, "metropolitan special taxing districts" means the following taxing districts in the seven-county metropolitan area that levy a property tax for any of the specified purposes listed below:

(1) metropolitan council under section 473.132, 473.167, 473.249, 473.325, 473.521, 473.547, or 473.834;

(2) metropolitan airports commission under section 473.667, 473.671, or 473.672;

(3) regional transit board under section 473.446; and

(4) metropolitan mosquito control commission under section 473.711.

For purposes of this section, any levies made by the regional rail authorities in the county of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, or Washington under chapter 398A shall be included with the appropriate county's levy and shall be discussed at that county's public hearing.

The notice must be mailed or posted by the taxpayer by November 27 or within three days of receipt of the notice, whichever is later. A taxpayer may notify the county treasurer of the address of the taxpayer, agent, caretaker, or manager of the premises to which the notice must be mailed in order to fulfill the requirements of this paragraph.

Sec. 8. Minnesota Statutes 1993 Supplement, section 290A.04, subdivision 2h, is amended to read:

Subd. 2h. (a) If the gross property taxes payable on a homestead increase more than 12 percent over the net property taxes payable in the prior year on the same property that is owned and occupied by the same owner on January 2 of both years, and the amount of that increase is \$80 or more for taxes payable in 1993, and \$100 or more for taxes payable in 1994, 1995, and 1996, a claimant who is a homeowner shall be allowed an additional refund equal to 75 percent of the amount of the increase over the greater of 12 percent of the prior year's net property taxes payable or \$80 for taxes payable in 1993, and 75 percent of the amount of the increase over the greater of 12 percent of the prior year's net property taxes payable or \$100 for taxes payable in 1994, 1995, and 1996. This subdivision shall not apply to any increase in the gross property taxes payable attributable to improvements made to the homestead after the assessment date for the prior year's taxes.

The maximum refund allowed under this subdivision is \$1,500.

(b) For purposes of this subdivision, the following terms have the meanings given:

(1) "Net property taxes payable" means property taxes payable minus refund amounts for which the claimant qualifies pursuant to subdivision 2 and this subdivision.

(2) "Gross property taxes" means net property taxes payable determined without regard to the refund allowed under this subdivision.

(c) In addition to the other proofs required by this chapter, each claimant under this subdivision shall file with the property tax refund return a copy of the property tax statement for taxes payable in the preceding year or other documents required by the commissioner.

On or before December 1, 1993, 1994, and 1995, the commissioner shall estimate the cost of making the payments provided by this subdivision for taxes payable in the following year. Notwithstanding the open appropriation provision of section ~~290A.23~~ 290A.231, if the estimated total refund claims for taxes payable in 1994, 1995, and 1996 exceed \$5,500,000, for each of the three years the commissioner shall increase the \$100 amount of tax increase which must occur before a taxpayer qualifies for a refund, and increase by an equal amount the \$100 threshold used in determining the amount of the refund, so that the estimated total refund claims do not exceed \$5,500,000 for taxes payable in 1994, for taxes payable in 1995, or for taxes payable in 1996.

The determinations of the revised thresholds by the commissioner are not rules subject to chapter 14.

Sec. 9. [290A.231] [ANNUAL APPROPRIATION.]

There is annually appropriated from the general fund to the commissioner of revenue the amount necessary to make the payments required by this chapter.

Sec. 10. Minnesota Statutes 1992, section 297A.02, is amended to read:

297A.02 [IMPOSITION OF TAX.]

Subdivision 1. [GENERALLY.] Except as otherwise provided in this chapter, there is imposed an excise tax of ~~six~~ 6.5 percent of the gross receipts from sales at retail made by any person in this state.

Subd. 2. [MACHINERY AND EQUIPMENT.] Notwithstanding the provisions of subdivision 1, the rate of the excise tax imposed upon sales of special tooling is ~~four~~ 4.5 percent and upon sales of farm machinery and aquaculture production equipment is ~~two~~ 2.5 percent.

Subd. 3. [LIQUOR AND BEER SALES.] Notwithstanding the provisions of subdivision 1, the rate of the excise tax imposed upon sales of intoxicating liquor, as defined in section 340A.101, subdivision 14, and 3.2 percent malt liquor, as defined in section 340A.101, subdivision 19, shall be ~~8.5~~ nine percent. The 3.2 percent malt liquor is subject to taxation under this subdivision only when sold at an on-sale or off-sale municipal liquor store or other establishment licensed to sell any type of intoxicating liquor.

Subd. 4. [MANUFACTURED HOUSING.] Notwithstanding the provisions of subdivision 1, for sales at retail of manufactured homes used for residential

purposes the excise tax is imposed upon 65 percent of the sales price of the home.

Sec. 11. Minnesota Statutes 1992, section 297A.44, subdivision 1, is amended to read:

Subdivision 1. (a) Except as provided in paragraphs (b), (c), and (d), ~~and subdivision 4~~, all revenues, including interest and penalties, derived from the excise and use taxes imposed by sections 297A.01 to 297A.44 shall be deposited by the commissioner in the state treasury and credited to the general fund.

(b) All excise and use taxes derived from sales and use of property and services purchased for the construction and operation of an agricultural resource project, from and after the date on which a conditional commitment for a loan guaranty for the project is made pursuant to section 41A.04, subdivision 3, shall be deposited in the Minnesota agricultural and economic account in the special revenue fund. The commissioner of finance shall certify to the commissioner the date on which the project received the conditional commitment. The amount deposited in the loan guaranty account shall be reduced by any refunds and by the costs incurred by the department of revenue to administer and enforce the assessment and collection of the taxes.

(c) All revenues, including interest and penalties, derived from the excise and use taxes imposed on sales and purchases included in section 297A.01, subdivision 3, paragraphs (d) and (l), clauses (1) and (2), must be deposited by the commissioner in the state treasury, and credited as follows:

(1) first to the general obligation special tax bond debt service account in each fiscal year the amount required by section 16A.661, subdivision 3, paragraph (b); and

(2) after the requirements of clause (1) have been met, the balance must be credited to the general fund.

(d) The revenues, including interest and penalties, derived from the taxes imposed on solid waste collection services as described in section 297A.45, except for the tax imposed under section 297A.021, shall be deposited by the commissioner in the state treasury and credited to the general fund to be used for funding solid waste reduction and recycling programs.

Sec. 12. Minnesota Statutes 1992, section 477A.012, subdivision 6, is amended to read:

Subd. 6. [AID OFFSET FOR 1992 COURT AND PUBLIC DEFENDER COSTS.] (a) There shall be deducted from the payment to a county under this section an amount equal to the cost of jury fees and, in the case of a county located in the third or sixth judicial district, of public defense services in juvenile and misdemeanor cases, to the extent those costs are assumed by the state for 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 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 jury fees during the fiscal year beginning on July 1, 1992.

(c) 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 district of the cost of the state-financed public defense services in juvenile and misdemeanor cases in the third or sixth judicial district during the fiscal year beginning on July 1, 1992.

(d) One-half of the amount computed under paragraphs (b) and (c) 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. ~~No payments shall be made from the local government trust fund to the general fund for county aid reductions under subdivisions 3, 4, and 6.~~

Sec. 13. [477A.0122] [FAMILY PRESERVATION AID.]

Subdivision 1. [PURPOSE.] The purpose of family preservation aid is to reduce the rate of increase in the costs of out-of-home placement of children and concomitant increases in county property taxes. Funds appropriated under this section must be used to fund family preservation programs.

Subd. 2. [DEFINITIONS.] For purposes of this section, the following definitions apply:

(a) "Children in out-of-home placement" means the total unduplicated number of children in out-of-home care as reported pursuant to section 275.0725.

(b) "Family preservation programs" means family-based services, families first services, parent and child education programs, and day treatment services provided in cooperation with a school district or other programs as defined by the commissioner of human services.

(c) "Income maintenance caseload" means average monthly number of AFDC cases for the year.

By July 1, 1994, the commissioner of human services shall certify to the commissioner of revenue the number of children in out-of-home placement in 1991 and 1992 for each county and the income maintenance caseload for each county for the most recent year available. By July 1 of each subsequent year, the commissioner of human services shall certify to the commissioner of revenue the income maintenance caseload for each county for the most recent year available.

Subd. 3. [AID DISTRIBUTION; CALENDAR YEAR 1995.] For aid paid in calendar year 1995 only, one-half of the aid amount shall be paid to each county in the same proportion that the county's number of children in out-of-home placement is to the number of children in out-of-home placement for all counties within the state for 1991 and 1992, and one-half of the aid amount shall be paid to each county in the same proportion that the county's income maintenance caseload is to the income maintenance caseload for all counties within the state.

Subd. 4. [AID DISTRIBUTION; CALENDAR YEAR 1996 AND THEREAFTER.] For aid paid in calendar year 1996 and thereafter, each county shall receive the same proportion of the total aid it received in the prior year, multiplied by one plus the percentage change in the county's share of the statewide income maintenance caseload.

Subd. 5. [PAYMENT.] The commissioner of revenue shall pay the amounts determined under this section as provided in section 477A.015.

Subd. 6. [REPORT.] On or before March 15 of the year following the year in which the distributions under this section are received, each county shall file with the commissioner of revenue and commissioner of human services a report on prior year expenditures for out-of-home placement and family preservation, including expenditures under this section.

Sec. 14. Minnesota Statutes 1993 Supplement, section 477A.013, subdivision 8, is amended to read:

Subd. 8. [CITY AID INCREASE.] (a) In calendar year 1994 and subsequent years, the aid increase for a city is equal to the need increase percentage multiplied by the difference between (1) the city's revenue need multiplied by its population, and (2) the city's net tax capacity multiplied by the tax effort rate. The need increase percentage must be the same for all cities and must be calculated by the department of revenue so that the total of the aid under subdivision 9 equals the total amount available for aid under section 477A.03, subdivision 1a. Notwithstanding the prior sentence, in 1995 only for cities which in 1992 or 1993 transferred an amount from governmental funds to their sewer and water fund in an amount greater than their net levy for taxes payable in the year in which the transfer occurred, their need increase percentage shall be double that applicable to other cities. The applicable need increase percentages must be calculated by the department of revenue so the total of the aid under subdivision 9 equals the total amount available for aid under section 477A.03, subdivision 1a.

(b) The percentage aid increase for a first class city in calendar year 1994 and thereafter must not exceed the percentage increase in the sum of that calendar year 1994 year's city aids under this section compared to the sum of the city aid base for all cities in the previous calendar year. The aid increase for any other city in 1994 must not exceed five percent of the city's net levy for taxes payable in 1993.

(c) The aid increase in calendar year 1995 and subsequent years for any city except a first-class city must not exceed the sum of (1) ten percent of the city's net levy for the year prior to the aid distribution plus (2) its city aid base multiplied by the base reduction percentage, provided that in 1995 only for cities which in 1992 or 1993 transferred an amount for governmental funds to their sewer and water fund in an amount greater than their net levy for taxes payable in the year in which the transfer occurred, the aid increase must not exceed 20 percent of the city's net levy for the year prior to the aid distribution.

Sec. 15. Minnesota Statutes 1993 Supplement, section 477A.013, subdivision 9, is amended to read:

Subd. 9. [CITY AID DISTRIBUTION.] In calendar year 1994 1995 and thereafter, each city shall receive an aid distribution equal to the sum of (1) the city aid increase under subdivision 8, and (2) its city aid base multiplied by a percentage equal to 100 minus the base reduction percentage for the year prior to the aid distribution as certified under section 477A.014, subdivision 1.

Sec. 16. Minnesota Statutes 1992, section 477A.014, subdivision 5, is amended to read:

Subd. 5. [DEDUCTION FROM AID PAYMENTS.] The commissioner of revenue shall deduct the amounts certified under subdivision 4 from the aid payments to be made to appropriate local units of government in the next aid payment year. ~~Amounts must be transferred from the local government trust fund to the general fund.~~

Sec. 17. Minnesota Statutes 1993 Supplement, section 477A.03, is amended by adding a subdivision to read:

Subd. 1a. [ANNUAL APPROPRIATION.] A sum sufficient to discharge the duties imposed by sections 477A.011 to 477A.014 is annually appropriated from the general fund to the commissioner of revenue. For aid payable in 1995 and thereafter, the total aid paid to cities under section 477A.013, subdivision 9, is the amount paid in the previous year before any increases or reductions under sections 16A.711, subdivision 5, and 477A.0132 multiplied by the greater of one or one plus the percentage increase of the implicit price deflator for state and local government purchases of goods and services prepared by the bureau of economic analysis of the United States Department of Commerce for the 12-month period ending March 31 of the previous year; provided that the percentage increase used in this subdivision shall be no less than three percent and no greater than five percent. For aid payable in 1995, the total aid paid to counties under section 477A.0121 is \$9,701,000. For 1996 and subsequent years, the amount for payments under section 477A.0121 is the amount paid in the previous year multiplied by the greater of one or one plus the percentage increase of the implicit price deflator for state and local government purchases of goods and services prepared by the bureau of economic analysis of the United States Department of Commerce for the 12-month period ending March 31 of the previous year; provided that the percentage increase used in this subdivision shall be no less than three percent and no greater than five percent. For aid payable in 1995, the total aid paid to counties under section 477A.0122 is \$1,500,000. For 1996 and subsequent years, the amount for payments under section 477A.0122 is the amount paid in the previous year multiplied by the greater of one or one plus the percentage increase of the implicit price deflator for state and local government purchases of goods and services prepared by the bureau of economic analysis of the United States Department of Commerce for the 12-month period ending March 31 of the previous year; provided that the percentage increase used in this subdivision shall be no less than three percent and no greater than five percent.

The amount appropriated for aid to be paid under this section is considered to be held in trust for the recipients.

Sec. 18. [ELIMINATION OF LOCAL GOVERNMENT TRUST FUND.]

The local government trust fund is eliminated as a separate fund in the state treasury as of July 1, 1995. Any money in the local government trust fund on that date is transferred to the general fund.

Sec. 19. [APPROPRIATION; LOCAL GOVERNMENT TRUST FUND-DEFICIENCY.]

A sum sufficient to eliminate any deficit in the local government trust fund for the biennium ending June 30, 1995, which absent this appropriation would require an aid reduction under Minnesota Statutes, section 16A.711, subdivision 5, is appropriated from the general fund to the local government trust fund. The appropriation cannot exceed \$29,455,000.

Sec. 20. [REPEALER.]

Minnesota Statutes 1992, sections 3.862; 16A.711; 273.1381; 273.1398, subdivision 7; 297A.021; 297A.44, subdivision 4; 297B.09, subdivision 3; and 477A.0132; Minnesota Statutes 1993 Supplement, sections 16A.712; 256E.06, subdivision 12; 273.166, subdivision 4; 290A.23; and 477A.03, subdivision 1; Laws 1973, chapter 650, article 24, section 6, are repealed.

Sec. 21. [EFFECTIVE DATE.]

Section 19 is effective July 1, 1994. The remainder of this article is effective July 1, 1995, provided that sections 10, 11, 18, and 20 are effective only upon enactment of sections 3 to 6, 8, 9, and 17.

ARTICLE 8

TAX INCREMENT FINANCING; LOCAL ECONOMIC
DEVELOPMENT

Section 1. Minnesota Statutes 1993 Supplement, section 116J.556, is amended to read:

116J.556 [LOCAL MATCH REQUIREMENT.]

(a) In order to qualify for a grant under sections 116J.551 to 116J.557, the municipality must pay for at least one-half of the project costs as a local match. The municipality shall pay an amount of the project costs equal to at least 18 percent of the cleanup costs from the municipality's general fund, a property tax levy for that purpose, or other unrestricted money available to the municipality (excluding tax increments). These unrestricted moneys may be spent for project costs, other than cleanup costs, and qualify for the local match payment equal to 18 percent of cleanup costs. The rest of the local match may be paid with tax increments or any other money available to the municipality.

(b) If the development authority establishes a tax increment financing district or hazardous substance subdistrict on the site to pay for part of the local match requirement, the district or subdistrict is not subject to the state aid reductions under section 273.1399. In order to qualify for the exemption from the state aid reductions, the municipality must elect, by resolution, on or before the request for certification is filed that all tax increments from the district or subdistrict will be used exclusively to pay (1) for project costs for the site and (2) administrative costs for the district or subdistrict. The district or subdistrict must be decertified when an amount of tax increments equal to no more than three times the costs of implementing the response action plan for the site and the administrative costs for the district or subdistrict have been received, after deducting the amount of the state grant.

Sec. 2. Minnesota Statutes 1993 Supplement, section 270.91, subdivision 4, is amended to read:

Subd. 4. [TAX RATES AFTER PLAN APPROVAL.] (a) The tax imposed under this subdivision applies for the first assessment year that begins after one of the following occurs:

(1) a response action plan for the property has been approved by the commissioner of the pollution control agency or by the commissioner of

agriculture for an agricultural chemical release or incident subject to chapter 18D and work under the plan has begun; or

(2) the contaminants are asbestos and the property owner has in place an abatement plan for enclosure, removal, or encapsulation of the asbestos ~~or a proactive, in-place management program pursuant to the rules, requirements, and formal policies of the United States environmental protection agency.~~ To qualify under this clause, the property owner must (1) have entered into a binding contract with a licensed contractor for completion of the work, *or* (2) have obtained a license from the commissioner of health and begun the work, *or* (3) ~~implemented a proactive, in-place management program pursuant to the rules, requirements, and formal policies of the United States environmental protection agency.~~ An abatement plan must provide for completion of the work within a reasonable time period, as determined by the assessors. ~~An asbestos management program must cover a period of time and require such proactive practices as are required by the rules, requirements, and formal policies of the United States environmental protection agency.~~

(b) To qualify under paragraph (a), the property owner must provide the assessor with a copy of: (1) the approved response action plan; *or* (2) a copy of the asbestos abatement plan and contract for completion of the work or the owner's license to perform the work; *or* (3) ~~a copy of the approved asbestos management program.~~ The property owner also must file with the assessor an affidavit indicating when work under the response action plan or asbestos abatement plan began.

(c) The tax imposed under this subdivision equals 50 percent of the class rate for the property under section 273.13, multiplied by the contamination value of the property.

(d) The tax imposed under this subdivision equals 12.5 percent of the class rate for the property under section 273.13, multiplied by the contamination value of the property. The tax under this paragraph applies if one of the following conditions is satisfied:

(1) the contaminants are subject to chapter 115B and neither the owner nor the operator of the taxable real property in the assessment year is a responsible person under chapter 115B;

(2) the contaminants are subject to chapter 18D and neither the owner nor the operator of the taxable real property in the assessment year is a responsible party under chapter 18D;

(3) ~~the contaminants are asbestos and neither the owner nor the operator of the taxable real property in the assessment year is required to undertake asbestos-related work, but is implementing a proactive in-place management program.~~

Sec. 3. Minnesota Statutes 1993 Supplement, section 270.94, is amended to read:

270.94 [EXEMPTIONS.]

(a) The tax imposed by sections 270.91 to 270.98 does not apply to the contamination value of a parcel of property attributable to contaminants that were addressed by a response action plan for the property, if the commissioner of the pollution control agency, or the commissioner of agriculture for a release subject to chapter 18D, has determined that all the requirements of the

plan have been satisfied. This exemption applies beginning for the first assessment year after the commissioner of the pollution control agency, or the commissioner of agriculture determines that the implementation of a response action plan has been completed. To qualify under this paragraph, the property owner must provide the assessor with a copy of the determination by the commissioner of the pollution control agency or the commissioner of agriculture of the completion of the response action plan.

(b) The tax imposed by sections 270.91 to 270.98 does not apply to the contamination value of a parcel that is attributable to asbestos, if:

(1) the work has been completed under an asbestos abatement plan or the property owner is implementing a proactive in-place asbestos management program consistent with the rules, requirements, and formal policies of the United States Environmental Protection Agency; and

(2) the property owner provides the assessor with an affidavit stating the work under the abatement plan has been completed, or the asbestos management plan is being implemented, and any other evidence or information the assessor requests.

Sec. 4. Minnesota Statutes 1993 Supplement, 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 net tax capacity" means the following amounts:

(1) the captured net tax capacity of a new or the expanded part of an existing economic development *district other than a qualified manufacturing district or a soils condition tax increment financing district, other than a qualified manufacturing district other than an exempt soils condition district*, for which certification was requested after April 30, 1990;

(2) the captured net tax capacity of a qualified manufacturing district, multiplied by the following percentage based on the number of years that have elapsed since the assessment year of the original net tax capacity. In no case may the final amounts be less than zero or greater than the total captured net tax capacity of the district:

Number of Years	Percentage
1	0
2	20
3	40
4	60
5	80
6 or more	100;

(3) the captured net tax capacity of a new or the expanded part of an existing tax increment financing district, ~~other than a qualified housing district, qualified hazardous substance subdistrict, or an economic development or soils condition district~~, for which certification was requested after April 30, 1990, *other than a district described in clause (1) or (2), or exempt under subdivisions 6 to 11* multiplied by the following percentage based on the number of years that have elapsed since the assessment year of the original net

tax capacity. In no case may the final amounts be less than zero or greater than the total captured net 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 net tax capacity resulting from the reduction in the subdistrict's or site's original net tax capacity.

(b) The terms defined in section 469.174 have the meanings given in that section.

(c) "Qualified manufacturing district" means an economic development district that qualifies under section 469.176, subdivision 4c, paragraph (a), without regard to clauses (2) and (5), for which certification was requested after June 30, 1991, located in a home rule charter or statutory city that has a population under 10,000 according to the last federal census.

(d) "Qualified housing district" means a housing district for a residential rental project or projects in which the only properties receiving assistance from revenues derived from tax increments from the district meet all of the requirements for a low-income housing credit under section 42 of the Internal Revenue Code of 1986, as amended through December 31, 1992, regardless of whether the project actually receives a low-income housing credit.

(e) "Qualified hazardous substance subdistrict" means a hazardous substance subdistrict in which the municipality has made an election to make an alternative local contribution as provided under section 469.175, subdivision 1a.

Sec. 5. Minnesota Statutes 1992, section 273.1399, is amended by adding a subdivision to read:

Subd. 7. [QUALIFIED HOUSING DISTRICTS.] The provisions of this section do not apply to a qualified housing district, which is a housing district for a residential rental project or projects in which the only properties

receiving assistance from revenues derived from tax increments from the district meet all of the requirements for a low-income housing credit under section 42 of the Internal Revenue Code of 1986, as amended through December 31, 1992, regardless of whether the project actually receives a low-income housing credit. This subdivision applies to districts for which certification was requested after August 1, 1993.

Sec. 6. Minnesota Statutes 1992, section 273.1399, is amended by adding a subdivision to read:

Subd. 8. [EXEMPT SOILS CONDITION DISTRICTS.] The provisions of this section do not apply to an exempt soils condition district, which is a soils condition district that was created for the purpose of remediating a site that contains hazardous substances, pollution, or contaminants including petroleum products. This subdivision applies to districts for which certification was requested after June 30, 1994.

Sec. 7. Minnesota Statutes 1992, section 273.1399, is amended by adding a subdivision to read:

Subd. 9. [HAZARDOUS SUBSTANCE SUBDISTRICTS.] The provisions of this section do not apply to hazardous substance subdistricts created under section 469.175, subdivision 7, for which certification was requested after August 1, 1993.

Sec. 8. Minnesota Statutes 1992, section 273.1399, is amended by adding a subdivision to read:

Subd. 10. [REDEVELOPMENT DISTRICTS.] The provisions of this section do not apply to redevelopment districts as defined in section 469.174, subdivision 10, for which certification, was requested after April 30, 1990.

Sec. 9. Minnesota Statutes 1992, section 273.1399, is amended by adding a subdivision to read:

Subd. 11. [ECONOMIC DEVELOPMENT DISTRICTS.] The provisions of this section do not apply to redevelopment districts as defined in section 469.174, subdivision 12, for which certification was requested after June 30, 1994.

Sec. 10. Minnesota Statutes 1992, section 469.004, subdivision 1a, is amended to read:

Subd. 1a. [RAMSEY COUNTY AUTHORITY.] Ramsey county may exercise the powers of a housing and redevelopment authority. Before the commencement of a project by Ramsey county acting as a housing and redevelopment authority, the governing body of the municipality in which the project is to be located shall, by majority vote, approve the project as recommended by the authority. The authority granted to Ramsey county under this subdivision and subdivision 4 terminates June 30, 1994, providing that obligations incurred by the county before that date shall remain in effect according to their terms. A resolution of the county board may provide that the board will constitute the county housing and redevelopment authority.

Sec. 11. [469.0775] [MANKATO; PORT AUTHORITY.]

The governing body of the city of Mankato may exercise all the powers of a port authority provided by sections 469.048 to 469.068.

Sec. 12. Minnesota Statutes 1993 Supplement, section 469.174, subdivision 19, is amended to read:

Subd. 19. [SOILS CONDITION DISTRICT.] (a) "Soils condition district" means a type of tax increment financing district consisting of a project, or portions of a project, within which the authority finds by resolution that the following conditions exist:

(1) unusual terrain, the presence of hazardous substances, pollution or contaminants, or soil deficiencies for 80 percent of the acreage in the district require substantial filling, grading, removal or remedial action, or other physical preparation for use; *contamination due to the presence of petroleum products in the soil qualifies under this clause if no public funds other than those to be made available under the tax increment financing plan are available for cleanup of the site;*

(2) the estimated cost of the physical preparation under clause (1), but excluding costs directly related to roads as defined in section 160.01 and local improvements as described in sections 429.021, subdivision 1, clauses (1) to (7), (11), and (12), and 430.01, exceeds 75 percent of the fair market value of the land before completion of the preparation.

The requirements of clause (2) need not be satisfied, if each parcel of property in the district either satisfies the requirements of clause (2) or the estimated costs of the proposed removal or remedial action exceeds \$2 per square foot for the area of the parcel.

(b) An area does not qualify as a soils condition district if it contains a wetland, as defined in section 103G.005, unless the development agreement prohibits draining, filling, or other alteration of the wetland or other binding legal assurances for preservation of the wetland are provided.

(c) If the district is located in the metropolitan area, the proposed development of the district in the tax increment financing plan must be consistent with the municipality's land use plan adopted in accordance with sections 473.851 to 473.872 and reviewed by the metropolitan council under section 473.175. If the district is located outside of the metropolitan area, the proposed development of the district must be consistent with the municipality's comprehensive municipal plan.

Sec. 13. Minnesota Statutes 1993 Supplement, section 469.176, subdivision 1b, is amended to read:

Subd. 1b. [DURATION LIMITS; TERMS.] (a) No tax increment shall in any event be paid to the authority

(1) after 25 years from date of receipt by the authority of the first tax increment for a mined underground space development district,

(2) after 15 years after receipt by the authority of the first increment for a renewal and renovation district,

(3) after 12 years from approval of the tax increment financing plan for a soils condition district,

(4) after nine years from the date of the receipt, or 11 years from approval of the tax increment financing plan, whichever is less, for an economic development district; *or, for economic development districts for which*

certification is requested after June 30, 1994, after 25 years from date of receipt by the authority of the first increment,

(5) for a housing district or a redevelopment district, after 20 years from the date of receipt by the authority of the first tax increment by the authority pursuant to section 469.175, subdivision 1, paragraph (b); or, if no provision is made under section 469.175, subdivision 1, paragraph (b), after 25 years from the date of receipt by the authority of the first increment.

(b) For purposes of determining a duration limit under this subdivision or subdivision 1e that is based on the receipt of an increment, any increments from taxes payable in the year in which the district terminates shall be paid to the authority. This paragraph does not affect a duration limit calculated from the date of approval of the tax increment financing plan or based on the recovery of costs or to a duration limit under subdivision 1c. This paragraph does not supersede the restrictions on payment of delinquent taxes in subdivision 1f.

Sec. 14. Minnesota Statutes 1993 Supplement, section 469.176, subdivision 4c; is amended to read:

Subd. 4c. [ECONOMIC DEVELOPMENT DISTRICTS.] ~~(a)~~ Revenue derived from tax increment from an economic development district may not be used to provide improvements, loans, subsidies, grants, interest rate subsidies, or assistance in any form to developments consisting of buildings and ancillary facilities, if more than 15 percent of the buildings and facilities (determined on the basis of square footage) are used for a purpose other than:

(1) the manufacturing or production of tangible personal property, including processing resulting in the change in condition of the property;

(2) warehousing, storage, and distribution of tangible personal property, excluding retail sales;

(3) research and development related to the activities listed in clause (1) or (2);

(4) telemarketing if that activity is the exclusive use of the property;

(5) tourism facilities; or

(6) space necessary for and related to the activities listed in clauses (1) to (5).

~~(b) Notwithstanding the provisions of this subdivision, revenue derived from tax increment from an economic development district may be used to provide improvements, loans, subsidies, grants, interest rate subsidies, or assistance in any form for up to 5,000 square feet of commercial and retail facilities within the municipal jurisdiction of a home rule charter or statutory city that has a population of 5,000 or less. The 5,000 square feet limitation is cumulative and applies to all facilities in all the economic development districts within the municipal jurisdiction.~~

Sec. 15. Minnesota Statutes 1992, 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 ~~42~~ 15 years after the date of the first interest rate reduction payment for the program, (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. 16. Minnesota Statutes 1992, section 469.1761, subdivision 1, is amended to read:

Subdivision 1. [REQUIREMENT IMPOSED.] In order for a tax increment financing district to qualify as a housing district, the income limitations provided in this section must be satisfied. The requirements imposed by this section apply to residential property receiving assistance financed with tax increments, including interest reduction, land transfers at less than the authority's cost of acquisition, utility service or connections, roads, or other subsidies. The provisions of this section do not apply (1) to interest reduction programs, provided that the duration of the district is limited to ~~42~~ 15 years from the collection of the first increment or (2) to districts located in a targeted area as defined in section 462C.02, subdivision 9, clause (e).

Sec. 17. [469.1811] [PROPERTY TAX EXEMPTION; AGRICULTURAL PROCESSING FACILITIES.]

Subdivision 1. [DEFINITIONS.] For purposes of this section:

(1) "Agricultural processing facility" means land, buildings, structures, fixtures, and improvements used or operated primarily for the processing or production of marketable products from agricultural crops, including waste and residues from agricultural crops, but not including livestock or livestock products, poultry or poultry products, or wood or wood products. As used in this subdivision, land is limited to land on which the buildings, structures, fixtures, and improvements are situated and the immediately surrounding land used for storage or other functions directly related to the processing or production, not including land used for the growing of agricultural crops.

(2) "Qualifying property" means taxable property: (i) that consists of an agricultural processing facility; and (ii) which requires an investment of at least \$100,000,000 before commencement of operation of the facility.

Subd. 2. [CITY MAY EXEMPT.] *The governing body of a home rule or statutory city may by resolution exempt qualifying property from property taxation. The exemption shall include the entire market value of the qualifying property as determined by the assessor, including the land and any improvements existing at the time the exemption is granted, any increases in the value of the land and improvements during the duration of the exemption, and the value of any improvements constructed or attached during the exemption period. The property tax exemption granted by the city may not exceed a ten-year period beginning with taxes payable the year following the year the exemption is granted. At the expiration of the exemption period, the facility shall be assessed and pay property taxes as otherwise provided by law.*

Subd. 3. [APPLICATION; HEARING.] A person proposing to construct an agricultural processing facility may apply for a property tax exemption to the city clerk of the city where the facility is proposed to be located. The application must contain a plan that includes a legal description of the real estate on which the exemption is sought, a description of the proposed facility, a detailed estimate of acquisition and construction costs, a construction time schedule, and any other information required by the city.

Before approving a tax exemption pursuant to this section, the governing body of the city must hold a public hearing. The municipal clerk or auditor shall publish a notice in the official newspaper of the time and place of a hearing to be held by the governing body on the application, not less than 30 days after the notice is published. The notice shall state that the applicant, local government officials, and any taxpayer of the municipality may be heard or may present their views in writing at or before the hearing. The hearing may be adjourned from time to time, but the governing body shall take action on the application by resolution within 30 days after the hearing ends. If disapproved, the reasons shall be set forth in the resolution.

Subd. 4. [CONDITIONS; REVOCATION.] (a) The governing body of the city may set conditions to its approval or continuation of a tax exemption under this section. The conditions may include construction specifications; time limits for construction; traffic, parking, safety, or environmental requirements; requirements as to the type and number of jobs to be created; valuation or assessment requirements after the exemption expires; or any other conditions reasonably required by the city to safeguard the public welfare.

(b) If the city proposes to revoke its approval of a tax exemption granted under this section, it must notify the owner of the property and give the person an opportunity to be heard. The city must give the person 30 days' notice before holding the hearing. A revocation by the city must be made by resolution and must state the findings on which the revocation is based.

Sec. 18. [CITY OF MINNEAPOLIS; SEWARD SOUTH URBAN RENEWAL AREA.]

The Minneapolis community development agency may establish an economic development tax increment financing district under Minnesota Statutes, sections 469.174 to 469.178, for the retention and expansion of a private educational campus located within a certain area of Seward South urban renewal area which was incorporated into the urban renewal area pursuant to a modification no. 9 which was adopted by the city of Minneapolis as of April 12, 1985. The district established under this section is not subject to the limitations of Minnesota Statutes, section 469.176, subdivision 4c. The proceeds of the levy by Hennepin county on captured net tax capacity within the district established under this section will be paid to Hennepin county unless the Hennepin county board approves the implementation of tax increment financing with respect to the county's levy within and for the purposes of the district.

Sec. 19. [CITY OF MINNEAPOLIS; NORTH WASHINGTON INDUSTRIAL PARK REDEVELOPMENT PROJECT.]

Subdivision 1. [AUTHORIZATION; SPECIAL RULES.] (a) A hazardous substance subdistrict may be established by the Minneapolis community development agency and the city of Minneapolis within the North Washington

industrial park redevelopment project in the city of Minneapolis. The district would be subject to the provisions of this section.

(b) In addition to the uses of tax increment revenues authorized in Minnesota Statutes, section 469.176, subdivision 4e, the city of Minneapolis or the Minneapolis community development agency may use tax increment revenues derived from the hazardous substance subdistrict to acquire property within the hazardous substance subdistrict.

(c) At any time on or after approval of the tax increment financing plan for the hazardous substance subdistrict, the Minneapolis community development agency may elect to designate any tax increment revenues from the hazardous substance subdistrict to be tax increment revenues generated solely from the hazardous substance subdistrict.

(d) A parcel described in the tax increment financing plan or plan amendment may be designated and certified for inclusion in the hazardous substance subdistrict without approval of a development action response plan.

(e) Minnesota Statutes, section 273.1399, does not apply to the hazardous substance subdistrict.

(f) In addition to the uses of tax increment revenues authorized in Minnesota Statutes, sections 469.174 to 469.179, the Minneapolis community development agency may use tax increment revenues to provide job training or job training grants to businesses located or to be located at the jobs park within the North Washington industrial park.

Subd. 2. [EXEMPTION FROM SALES TAX.] The purchase of capital equipment to be located and used on real property within the hazardous substance subdistrict established in the North Washington industrial park redevelopment project is exempt from the sales and use taxes imposed under Minnesota Statutes, sections 297A.01 to 297A.44. As used in this subdivision, "capital equipment" has the meaning given in Minnesota Statutes, section 297A.01, subdivision 16, except that replacement equipment would be exempt under this provision.

Sec. 20. [BENTON COUNTY; ECONOMIC DEVELOPMENT AUTHORITY; ESTABLISHMENT AND POWERS.]

The board of county commissioners of Benton county may establish an economic development authority in the manner provided in Minnesota Statutes, sections 469.090 to 469.1081, and may impose limits on the authority enumerated in Minnesota Statutes, section 469.092. The economic development authority has all of the powers and duties granted to or imposed upon economic development authorities under Minnesota Statutes, sections 469.090 to 469.1081. The county economic development authority may create and define the boundaries of economic development districts at any place or places within the county. A project may not be commenced by the authority until it has been approved by (1) a majority of the overall economic development committee created by action of the county board on December 15, 1987, (2) a majority of the members of that committee who represent cities on the committee, and (3) in the case of a project that is to be located within the corporate limits of a city, a majority of the governing body of the city. Minnesota Statutes, section 469.174, subdivision 10, and the contiguity requirement specified under Minnesota Statutes, section 469.101, subdivision

I, do not apply to limit the areas that may be designated as county economic development districts.

Sec. 21. [COUNTY; POWERS OF A CITY.]

If an economic development authority is established as provided in section 20, the county may exercise all of the powers relating to an economic development authority granted to a city under Minnesota Statutes, sections 469.090 to 469.1081, or other law, including the power to levy a tax to support the activities of the authority.

Sec. 22. [BROOKLYN PARK; ECONOMIC DEVELOPMENT DISTRICT.]

Subdivision 1. [ESTABLISHMENT.] The city of Brooklyn Park may establish an economic development tax increment financing district in which 15 percent of the revenue generated from tax increment in any year is deposited in the housing development account of the authority and expended according to the tax increment financing plan.

Subd. 2. [ELIGIBLE ACTIVITIES.] The authority must identify in the plan the housing activities that will be assisted by the housing development account. Housing activities may include rehabilitation, acquisition, demolition, and financing of new or existing single family or multifamily housing. Housing activities listed in the plan need not be located within the district or project area but must be activities that meet the requirements of a qualified housing district or Minnesota Statutes, section 469.1761, subdivision 2.

Subd. 3. [HOUSING ACCOUNT.] Tax increment to be expended for housing activities under this section must be segregated by the authority into a special account on its official books and records. The account may also receive funds from other public and private sources.

Subd. 4. [EXEMPTION.] The district established under this act is exempt from the provisions of Minnesota Statutes, section 273.1399.

Sec. 23. [DULUTH; BONDS; IMPROVEMENTS TO THE DULUTH ENTERTAINMENT CONVENTION CENTER.]

The Duluth city council may issue general obligation bonds, in one or more series, in an aggregate principal amount not to exceed \$4,000,000 to finance improvements to the Duluth entertainment convention center. The issuance of the bonds is subject to Minnesota Statutes, chapter 475, except that no election is required to authorize issuance of the bonds.

Sec. 24. [CITY OF EAGAN; SPECIAL SERVICE DISTRICT.]

Subdivision 1. [DEFINITIONS.] For the purposes of this section, the terms defined in this subdivision have the meanings given them.

(a) "City" means the city of Eagan.

(b) "Special services" means:

(1) the promotion and management of a special service district as a trade or shopping area with the ability to provide the following special services within the boundaries of the district to be rendered or contracted for by the city;

(2) providing of signage identifying the overall retail area;

(3) preparation, mowing, maintenance, and repair of landscaping on public right-of-way;

(4) installation, maintenance, and repair of street and pedestrian lighting in excess of the city standard;

(5) installation, maintenance, and repair of public parking facilities;

(6) provision and coordination of public safety services in excess of the city standard;

(7) repair, maintenance, operation, rerouting, and replacement of existing public improvements, and those authorized by Minnesota Statutes, section 429.021, within the boundaries of the special service district established under subdivision 2; and

(8) administration, coordination, and preparation of studies and designs for the defined special services.

Special services do not include services that are ordinarily provided throughout the city from ordinary revenues of the city unless an increased level of service is provided in the special service district.

Subd. 2. [ESTABLISHMENT OF SPECIAL SERVICE DISTRICT.] The governing body of the city of Eagan may adopt ordinances establishing special service districts as follows:

Beginning at the centerline intersection point of Silver Bell Road and Beau-De-Rue Drive, then south along the centerline of Beau-De-Rue Drive approximately 660 feet to the south right-of-way line of Gold Trail, then southeasterly along said right-of-way approximately 100 feet to the east line of Leibel Addition, then south along said east line approximately 190 feet, then westerly along the south line of Leibel Addition approximately 290 feet to the centerline of Beau-De-Rue Drive, then southwesterly along said centerline approximately 430 feet to the centerline point of Beau-De-Rue Drive and Rahn Road, then southeasterly along the centerline of Rahn Road 410 feet to the extended south line of Parcel 010-10, then southwesterly along said south line approximately 770 feet to its intersection with the west line of Parcel 031-10, then south along said west line approximately 780 feet to the north line of Outlot A of Cedar Grove No. 3, then west along said north line approximately 1,595 feet to the west line of the NE 1/4 of Section 19, then north along said west line approximately 1,150 feet to the extended south line of MnDOT Right-of-Way Plat No. 19-6, then northeasterly along said south line approximately 2,795 feet to its intersection with the southwest line of MnDOT Right-of-Way Plat No. 19-8, then easterly along said southwest line approximately 330 feet to the NE corner of the NE 1/4 of Section 19, then north along the east line of the MnDOT Right-of-Way Plat No. 19-8, approximately 190 feet to the northwest corner of Parcel 120-54, then northeast approximately 185 feet to the north corner of said parcel, then southeast approximately 176 feet to the northeast corner of said parcel, then south approximately 192 feet to the centerline of Silver Bell Road, then west approximately 260 feet to the point of beginning at the centerline intersection of Silver Bell Road and Beau-De-Rue Drive, also including Lot 1, Block 1, Silver Bell Center Addition.

Minnesota Statutes, chapter 428A, applies to the establishment and operation

of special service districts in the city, except to the extent otherwise specified in this section.

Sec. 25. [HOPKINS HOUSING IMPROVEMENT AREA; DEFINITIONS.]

Subdivision 1. [APPLICABILITY.] As used in sections 25 to 34, the terms defined in this section have the meanings given them.

Subd. 2. [CITY.] "City" means the city of Hopkins.

Subd. 3. [ENABLING ORDINANCE.] "Enabling ordinance" means the ordinance adopted by the city council establishing the housing improvement area.

Subd. 4. [HOUSING IMPROVEMENTS.] "Housing improvements" has the meaning given in the city's enabling ordinance. Housing improvements may include improvements to common elements of a condominium.

Subd. 5. [HOUSING IMPROVEMENT AREA.] "Housing improvement area" means a defined area within the city where housing improvements are made or constructed and the costs of the improvements are paid in whole or in part from fees imposed within the area.

Subd. 6. [HOUSING UNIT.] "Housing unit" means real property and improvements thereon consisting of a one-dwelling unit, or an apartment as described in Minnesota Statutes, chapter 515 or 515A, that is occupied by a person or family for use as a residence.

Sec. 26. [PETITION REQUIRED.]

No action may be taken under sections 27 and 28 unless owners of 25 percent or more of the housing units that would be subject to fees in the proposed housing improvement area file a petition requesting a public hearing on the proposed action with the city clerk. No action may be taken under section 28 to impose a fee unless owners of 25 percent or more of the housing units subject to the proposed fee file a petition requesting a public hearing on the proposed fee with the city clerk.

Sec. 27. [ESTABLISHMENT OF HOUSING IMPROVEMENT AREA.]

Subdivision 1. [ORDINANCE.] The governing body of the city may adopt an ordinance establishing a housing improvement area. The ordinance must specifically describe the portion of the city to be included in the area, the basis for the imposition of the fees, and the number of years the fee will be in effect. In addition, the ordinance must include findings that without the housing improvement area, the proposed improvements could not be made by the condominium associations or housing unit owners, and the designation is needed to maintain and preserve the housing units within the housing improvement area. The ordinance may not be adopted until a public hearing has been held regarding the ordinance. The ordinance may be amended by the governing body of the city, provided the governing body complies with the public hearing notice provisions of subdivision 2.

Subd. 2. [PUBLIC HEARING.] The notice of public hearing must include the time and place of hearing, a map showing the boundaries of the proposed area, and a statement that all persons owning housing units in the proposed area that would be subject to a fee for housing improvements will be given an opportunity to be heard at the hearing. Notice of the hearing must be given by

publication in the official newspaper of the city. The public hearing must be held at least seven days after the publication. Not less than ten days before the hearing, notice must also be mailed to the owner of each housing unit within the proposed area. For the purpose of giving mailed notice, owners are those shown on the records of the county auditor. Other records may be used to supply the necessary information. At the public hearing a person owning property in the proposed housing improvement area may testify on any issues relevant to the proposed area. The hearing may be adjourned from time to time. The ordinance establishing the area may be adopted at any time within six months after the date of the conclusion of the hearing by a vote of the majority of the governing body of the city.

Subd. 3. [PROPOSED HOUSING IMPROVEMENTS.] At the public hearing held under subdivision 2, the city shall provide a preliminary listing of the housing improvements to be made in the area. The listing shall identify those improvements, if any, that are proposed to be made to all or a portion of the common elements of a condominium. The listing shall also identify those housing units that have completed the proposed housing improvements and are proposed to be exempted from a portion of the fee. In preparing the list the city shall consult with the residents of the area and the condominium associations.

Subd. 4. [BENEFIT; OBJECTION.] Before the ordinance is adopted or at the hearing at which it is to be adopted, the owner of a housing unit in the proposed housing improvement area may file a written objection with the city clerk asserting that the owner's property should not be included in the area or should not be subjected to a fee and objecting to the inclusion of the housing unit in the area, for the reason that the property would not benefit from the improvements.

The governing body shall make a determination of the objection within 60 days of its filing. Pending its determination, the governing body may delay adoption of the ordinance or it may adopt the ordinance with a reservation that the landowner's property may be excluded from the housing improvement area or fee when the determination is made.

Subd. 5. [APPEAL TO DISTRICT COURT.] Within 30 days after the determination of the objection, any person aggrieved, who is not precluded by failure to object before or at the hearing, or whose failure to object is due to a reasonable cause, may appeal to the district court by serving a notice upon the mayor or city clerk. The notice shall be filed with the court administrator of the district court within ten days after its service. The city clerk shall furnish the appellant a certified copy of the findings and determination of the governing body. The court may affirm the action objected to or, if the appellant's objections have merit, modify or cancel it. If the appellant does not prevail upon the appeal, the costs incurred are taxed to the appellant by the court and judgment entered for them. All objections are deemed waived unless presented on appeal.

Sec. 28. [IMPROVEMENT FEES AUTHORITY; NOTICE AND HEARING.]

Subdivision 1. [AUTHORITY.] Fees may be imposed by the city on the housing units within the housing improvement area at a rate, term, or amount sufficient to produce revenue required to provide housing improvements in the area. The fee can be imposed on the basis of the tax capacity of the housing unit; or the total amount of square footage of the housing unit, or a method

determined by the council and specified in the resolution. Before the imposition of the fees, a hearing must be held and notice must be published in the official newspaper at least seven days before the hearing and shall be mailed at least seven days before the hearing to any housing unit owner subject to a fee. For purposes of this section, the notice must also include:

- (1) a statement that all interested persons will be given an opportunity to be heard at the hearing regarding a proposed housing improvement fee;
- (2) the estimated cost of improvements including administrative costs to be paid for in whole or in part by the fee imposed under the ordinance;
- (3) the amount to be charged against the particular property;
- (4) the right of the property owner to prepay the entire fee;
- (5) the number of years the fee will be in effect; and
- (6) a statement that the petition requirements of section 26 have either been met or do not apply to the proposed fee;

Within six months of the public hearing, the city may adopt a resolution imposing a fee within the area not exceeding the amount expressed in the notice issued under this section.

Prior to adoption of the resolution approving the fee, the condominium associations located in the housing improvement area shall submit to the city a financial plan prepared by an independent third party, acceptable to the city and associations, that provides for the associations to finance maintenance and operation of the common elements in the condominium and a long-range plan to conduct and finance capital improvements.

Subd. 2. [LEVY LIMIT.] Fees imposed under this section are not included in the calculation of levies or limits on levies imposed under any law or charter.

Sec. 29. [COLLECTION OF FEES.]

The city may provide for the collection of the housing improvement fees according to the terms of Minnesota Statutes, section 428A.05.

Sec. 30. [BONDS.]

At any time after a contract for the construction of all or part of an improvement authorized under sections 25 to 34 has been entered into or the work has been ordered, the governing body of the city may issue obligations in the amount it deems necessary to defray in whole or in part the expense incurred and estimated to be incurred in making the improvement, including every item of cost from inception to completion and all fees and expenses incurred in connection with the improvement or the financing.

The obligations are payable primarily out of the proceeds of the fees imposed under section 28, or from any other special assessments or revenues available to be pledged for their payment under charter or statutory authority, or from two or more of those sources. The governing body may, by resolution adopted prior to the sale of obligations, pledge the full faith, credit, and taxing power of the city to assure payment of the principal and interest if the proceeds of the fees in the area are insufficient to pay the principal and interest. The obligations must be issued in accordance with Minnesota Statutes, chapter 475, except that an election is not required, and the amount

of the obligations are not included in determination of the net debt of the city under the provisions of any law or charter limiting debt.

Sec. 31. [ADVISORY BOARD.]

The governing body of the city may create and appoint an advisory board for the housing improvement area in the city to advise the governing body in connection with the planning and construction of housing improvements. In appointing the board, the council shall consider for membership, members of condominium associations located in the housing improvement area. The advisory board shall make recommendations to the governing body to provide improvements or impose fees within the housing improvement area. Before the adoption of a proposal by the governing body to provide improvements within the housing improvement area, the advisory board of the housing improvement area shall have an opportunity to review and comment upon the proposal.

Sec. 32. [VETO POWERS OF OWNERS.]

Subdivision 1. [NOTICE OF RIGHT TO FILE OBJECTIONS.] The effective date of any ordinance or resolution adopted under sections 27 and 28 must be at least 45 days after it is adopted. Within five days after adoption of the ordinance or resolution, a summary of the ordinance or resolution shall be mailed to the owner of each housing unit included in the housing improvement area. The mailing shall include a notice that owners subject to a fee have a right to veto the ordinance or resolution by filing the required number of objections with the city clerk before the effective date of the ordinance or resolution and that a copy of the ordinance or resolution is on file with the city clerk for public inspection.

Subd. 2. [REQUIREMENTS FOR VETO.] If owners of 35 percent or more of the housing units in the area subject to the fee file an objection to the ordinance adopted by the city under section 27 with the city clerk before the effective date of the ordinance, the ordinance does not become effective. If owners of 35 percent or more of the housing units' tax capacity subject to the fee under section 28 file an objection with the city clerk before the effective date of the resolution, the resolution does not become effective.

Sec. 33. [ANNUAL REPORTS.]

Each condominium association located within the housing improvement area must, by August 15 annually, submit a copy of its audited financial statements to the city. The city may also, as part of the enabling ordinance, require the submission of other relevant information from the associations.

Sec. 34. [SPECIAL ASSESSMENTS.]

Within a housing improvement area, the governing body of the city may, in addition to the fee authorized in section 28, special assess housing improvements to benefited property. The governing body of the city may by ordinance adopt regulations consistent with this section.

Sec. 35. [MAHNOMEN COUNTY BONDING.]

Subdivision 1. [AUTHORIZATION; PURPOSES.] The county of Mahnomen may issue its general obligation bonds in a principal amount not to exceed \$800,000 to (1) fund or refund certain existing warrants and loans of the county incurred in connection with its ownership and operation of the Mahnomen County and Village Hospital, Nursing Home, and Clinic, and (2)

provide working capital for the Mahnommen County and Village Hospital, Nursing Home, and Clinic.

Subd. 2. [EXISTING LAW.] The bonds shall be issued according to Minnesota Statutes; chapter 475, except that (1) the bonds shall not constitute net debt within the meaning of Minnesota Statutes, section 475.53, or a debt of the county within the meaning of any other statutory provision, and (2) Minnesota Statutes, section 475.58, does not apply.

Subd. 3. [EFFECTIVE DATE.] This section is effective the day following final enactment, upon compliance by the Mahnommen county board with Minnesota Statutes, section 645.021.

Sec. 36. [METROPOLITAN COUNCIL HOUSING BOND CREDIT ENHANCEMENT PROGRAM; FINDINGS.]

The legislature finds that public ownership of qualified housing development projects can be beneficial, because lower debt service and operating costs tend to result in more affordable rents for the elderly and low- or moderate-income households. The legislature finds that local governmental units often face financial challenges in attempting to meet their citizens' housing needs and that the financial responsibility for providing safe, quality, affordable housing to the elderly and low- or moderate-income households should be shared by the entire metropolitan area. The legislature has determined that the establishment of a housing bond credit enhancement program administered by the metropolitan council will provide an incentive for all metropolitan area local government units to promote and provide appropriate affordable housing opportunities to the elderly and low- or moderate-income households.

Sec. 37. [473.197] [HOUSING BOND CREDIT ENHANCEMENT PROGRAM.]

Subdivision 1. [AUTHORIZATION.] The metropolitan council may establish a housing bond credit enhancement program as provided in this section. The council may pledge its full faith and credit and taxing powers to the payment of bonds issued under section 469.034 for qualified housing development projects in the metropolitan area, as provided in this section. A "qualified housing development project" has the meaning given in section 469.034, subdivision 2, paragraph (e), except that the metropolitan council is substituted for "general jurisdiction governmental unit" in clause (3).

Subd. 2. [PROJECT SELECTION.] Before pledging its full faith and credit, the council must establish criteria for selecting qualified housing development projects for the credit enhancement program. The council may award preferences for qualified housing development projects that meet criteria for preferences established by the council. The council must establish the criteria in consultation with housing providers in the metropolitan area. The council shall consider the extent to which projects for the credit enhancement program are developed in collaboration with Minnesota Youth-Build under sections 268.361 to 268.367; or training for housing programs for homeless adults under Laws 1992, chapter 376, article 6; or other employment training programs.

Subd. 3. [LIMITATION.] The aggregate principal amount of bonds that may be secured by a pledge of the council's full faith and credit under this section may not exceed \$20,000,000. The bonds must be payable from

revenues derived from the project or projects financed under the credit enhancement program, or from income of the authority or authorities that participate in the program, including earnings on any reserves established for the program. The council must find that the pledged revenues will equal or exceed 110 percent of the principal and interest due on the bonds.

Subd. 4. [DEBT RESERVE; LEVY.] To provide money to pay debt service on bonds issued under the credit enhancement program if pledged revenues are insufficient to pay debt service, the council must maintain a debt reserve fund in the manner and with the effect provided by section 475.66 for public debt service funds. To provide funds for the debt reserve fund, the council may use up to \$3,000,000 of the proceeds of solid waste bonds issued by the council under Minnesota Statutes 1990, section 473.831. To provide additional funds for the debt reserve fund, the council may levy a tax on all taxable property in the metropolitan area. The council must levy the tax if the amount in the debt reserve fund is insufficient to cure any deficiency in the debt service fund established for the bonds. The tax authorized by this section does not affect the amount or rate of taxes that may be levied by the council for other purposes and is not subject to limit as to rate or amount.

Subd. 5. [AGREEMENTS.] The council and each authority that participates in the credit enhancement program may enter into agreements they determine to be necessary to implement the credit enhancement program. The agreements may extend over any period, notwithstanding any law to the contrary.

Subd. 6. [APPLICATION.] This section applies to the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

Sec. 38. [TWO HARBORS LODGING TAX.]

Notwithstanding Minnesota Statutes, section 477A.016, or other law, in addition to a tax authorized in Minnesota Statutes, section 469.190, the city of Two Harbors may impose, by ordinance, a tax of up to one percent on the gross receipts subject to the lodging tax under Minnesota Statutes, section 469.190. The proceeds of the tax shall be dedicated and used to provide preservation, display, and interpretation of the tug boat Edna G. The total tax imposed by the city under this section and under Minnesota Statutes, section 469.190, shall not exceed three percent.

Sec. 39. [RED WING TAX INCREMENT DISTRICT.]

Notwithstanding any restrictions otherwise applicable pursuant to Minnesota Statutes, section 469.176, subdivision 1c, the duration of the two city tax increment financing districts within Development Districts I and II, located within the city of Red Wing, may be extended by resolution of the Red Wing City Council to August 1, 2009.

Sec. 40. [REPEALER.]

Minnesota Statutes 1993 Supplement, section 469.175, subdivision 7a, is repealed.

Sec. 41. [EFFECTIVE DATE.]

Section 1 is effective for grants requested after June 30, 1994.

Sections 2 and 3 are effective for taxes levied in 1994, payable in 1995, and thereafter.

Sections 9 and 13 are effective for districts for which certification is requested after June 30, 1994.

Section 17 is effective the day following final enactment and applies to agricultural processing facilities for which construction is commenced after that date.

Sections 18 and 19 are each effective the day after the governing body of the city of Minneapolis complies with Minnesota Statutes, section 645.021, subdivision 3, for that provision.

Sections 11, 21, and 25 to 38 are effective the day following final enactment.

ARTICLE 9

CROSS LAKE AREA WATER AND SEWER BOARD

Section 1. [DEFINITIONS.]

Subdivision 1. For the purposes of this article, the terms defined in this section have the meanings given them.

Subd. 2. "Cross Lake area water and sanitary sewer district" and "district" mean the area over which the Cross Lake area water and sanitary sewer board has jurisdiction, including the towns of Pokegama and Chengwatana and Pine City in Pine county, but only that part within 1,000 feet of the high waterline of Cross Lake in those townships.

Subd. 3. "Water and sanitary sewer board" or "board" means the Cross Lake area water and sanitary sewer board established for the district as provided in subdivision 2.

Subd. 4. "Person" means an individual, partnership, corporation, limited liability company, cooperative, or other organization or entity, public or private.

Subd. 5. "Local governmental unit" or "governmental unit" means the towns of Pokegama, Chengwatana, and Pine City.

Subd. 6. "Acquisition" and "betterment" have the meanings given in Minnesota Statutes, chapter 475.

Subd. 7. "Agency" means the Minnesota pollution control agency created in Minnesota Statutes, chapter 116.

Subd. 8. "Sewage" means all liquid or water-carried waste products from whatever sources derived, together with any groundwater infiltration and surface water as may be present.

Subd. 9. "Pollution of water" and "sewer system" have the meanings given in Minnesota Statutes, section 115.01.

Subd. 10. "Treatment works" and "disposal system" have the meanings given in Minnesota Statutes, section 115.01.

Subd. 11. "Interceptor" means a sewer and its necessary appurtenances, including but not limited to mains, pumping stations, and sewage flow-regulating and -measuring stations, that is:

(1) designed for or used to conduct sewage originating in more than one local governmental unit;

(2) designed or used to conduct all or substantially all the sewage originating in a single local governmental unit from a point of collection in that unit to an interceptor or treatment works outside that unit; or

(3) determined by the board to be a major collector of sewage used or designed to serve a substantial area in the district.

Subd. 12. "District disposal system" means any and all interceptors or treatment works owned, constructed, or operated by the board unless designated by the board as local water and sanitary sewer facilities.

Subd. 13. "Municipality" means any home rule charter or statutory city or town.

Subd. 14. "Total costs of acquisition and betterment" and "costs of acquisition and betterment" mean all acquisition and betterment expenses permitted to be financed out of stopped bond proceeds issued in accordance with section 13, whether or not the expenses are in fact financed out of the bond proceeds.

Subd. 15. "Current costs of acquisition, betterment, and debt service" means interest and principal estimated to be due during the budget year on bonds issued to finance said acquisition and betterment and all other costs of acquisition and betterment estimated to be paid during the year from funds other than bond proceeds and federal or state grants.

Subd. 16. [RESIDENT.] "Resident" means the owner of a dwelling located in the district and receiving water or sewer service.

Sec. 2. [WATER AND SANITARY SEWER BOARD.]

Subdivision 1. [ESTABLISHMENT.] A water and sewer district is established for the towns of Pokegama, Chengwatana, and Pine City in Pine county, to be known as the Cross Lake area water and sanitary sewer district. The water and sewer district is under the control and management of the Cross Lake area water and sanitary sewer board. The board is established as a public corporation and political subdivision of the state with perpetual succession and all the rights, powers, privileges, immunities, and duties that may be validly granted to or imposed upon a municipal corporation, as provided in this article.

Subd. 2. [MEMBERS AND SELECTION.] The board is composed of seven members selected as follows: the town boards of the governmental units each shall meet to appoint two members of the water and sanitary sewer board and each board member has one vote. One member must be selected by the city of Pine City. The first terms must be as follows: two for one year, two for two years, and three for three years, fixed by lot at the district's first meeting. Thereafter, all terms are for three years.

Subd. 3. [TIME LIMITS FOR SELECTION.] The board members must be selected as provided in subdivision 2 within 60 days after this article becomes effective. The successor to each board member must be selected at any time within 60 days before the expiration of the member's term in the same manner as the predecessor was selected. A vacancy on the board must be filled within 60 days after it occurs.

Subd. 4. [VACANCIES.] If the office of a board member becomes vacant, the vacancy must be filled for the unexpired term in the manner provided for

selection of the member who vacated the office. The office is deemed vacant under the conditions specified in Minnesota Statutes, section 351.02.

Subd. 5. [REMOVAL.] A board member may be removed by the unanimous vote of the governing body appointing the member, with or without cause, or for malfeasance or nonfeasance in the performance of official duties as provided by Minnesota Statutes, sections 351.14 to 351.23.

Subd. 6. [QUALIFICATIONS.] One board member representing a town must be a resident of the district and the other member representing that town must be a resident of the township, and each may, but need not be, an elected public official.

Subd. 7. [CERTIFICATES OF SELECTION; OATH OF OFFICE.] A certificate of selection of every board member selected under subdivision 2 stating the term for which selected, must be made by the respective town clerks. The certificates, with the approval appended by other authority, if required, must be filed with the secretary of state. Counterparts thereof must be furnished to the board member and the secretary of the board. Each member shall qualify by taking and subscribing the oath of office prescribed by the Minnesota Constitution, article 5, section 8. The oath, duly certified by the official administering the same, must be filed with the secretary of state and the secretary of the board.

Subd. 8. [BOARD MEMBERS' COMPENSATION.] Each board member, except the chair, must be paid a per diem compensation of \$35 for meetings and for other services as are specifically authorized by the board, not to exceed \$1,000 in any one year. The chair must be paid a per diem compensation of \$45 for meetings and for other services specifically authorized by the board, not to exceed \$1,500 in any one year. All members of the board must be reimbursed for all reasonable and necessary expenses actually incurred in the performance of duties.

Sec. 3. [GENERAL PROVISIONS FOR ORGANIZATION AND OPERATION OF BOARD.]

Subdivision 1. [ORGANIZATION; OFFICERS; MEETINGS; SEAL.] After the selection and qualification of all board members, they shall meet to organize the board at the call of any two board members, upon seven days' notice by registered mail to the remaining board members, at a time and place within the district specified in the notice. A majority of the members shall constitute a quorum at that meeting and all other meetings of the board, but a lesser number may meet and adjourn from time to time and compel the attendance of absent members. At the first meeting the board shall select its officers and conduct other organizational business as may be necessary. Thereafter the board shall meet regularly at the time and place that the board designates by resolution. Special meetings may be held at any time upon call of the chair or any two members, upon written notice sent by mail to each member at least three days before the meeting, or upon other notice as the board by resolution may provide, or without notice if each member is present or files with the secretary a written consent to the meeting either before or after the meeting. Except as otherwise provided in this article, any action within the authority of the board may be taken by the affirmative vote of a majority of the board and may be taken by regular or adjourned regular meeting or at a duly held special meeting, but in any case only if a quorum is present. Meetings of the board must be open to the public. The board may adopt a seal, which must be officially and judicially noticed, to authenticate

instruments executed by its authority, but omission of the seal does not affect the validity of any instrument.

Subd. 2. [CHAIR.] The board shall elect a chair from its membership. The term of the first chair of the board shall expire on January 1, 1996, and the terms of successor chairs expire on January 1 of each succeeding year. The chair shall preside at all meetings of the board, if present, and shall perform all other duties and functions usually incumbent upon such an officer, and all administrative functions assigned to the chair by the board. The board shall elect a vice-chair from its membership to act for the chair during temporary absence or disability.

Subd. 3. [SECRETARY AND TREASURER.] The board shall select a person or persons who may, but need not be, a member or members of the board, to act as its secretary and treasurer. The secretary and treasurer shall hold office at the pleasure of the board, subject to the terms of any contract of employment that the board may enter into with the secretary or treasurer. The secretary shall record the minutes of all meetings of the board, and be the custodian of all books and records of the board except those that the board entrusts to the custody of a designated employee. The treasurer is the custodian of all money received by the board except as the board otherwise entrusts to the custody of a designated employee. The board may appoint a deputy to perform any and all functions of either the secretary or the treasurer. No secretary or treasurer who is not a member of the board or a deputy of either shall have any right to vote.

Subd. 4. [EXECUTIVE DIRECTOR.] The board shall appoint an executive director, selected solely upon the basis of training, experience, and other qualifications and who shall serve at the pleasure of the board and at a compensation to be determined by the board. The executive director need not be a resident of the district. The executive director may also be selected by the board to serve as either secretary or treasurer, or both, of the board. The executive director shall attend all meetings of the board, but shall not vote, and shall have the following powers and duties:

(1) to see that all resolutions, rules, regulations, or orders of the board are enforced;

(2) to appoint and remove, upon the basis of merit and fitness, all subordinate officers and regular employees of the board except the secretary and the treasurer and their deputies;

(3) to present to the board plans, studies, and other reports prepared for board purposes and recommend to the board for adoption the measures the executive director deems necessary to enforce or carry out the powers and the duties of the board, or the efficient administration of the affairs of the board;

(4) to keep the board fully advised as to its financial condition, and to prepare and submit to the board and to the governing bodies of the local governmental units, the board's annual budget and other financial information the board may request;

(5) to recommend to the board for adoption rules and regulations the executive director deems necessary for the efficient operation of the district disposal system; and

(6) to perform other duties prescribed by the board.

Subd. 5. [PUBLIC EMPLOYEES.] The executive director and other persons employed by the district are public employees and have all the rights and duties conferred on public employees under Minnesota Statutes, sections 179A.01 to 179A.25. The board may elect to have employees become members of either the public employees retirement association or the Minnesota state retirement system. The compensation and conditions of employment of the employees must be governed by rules applicable to state employees in the classified service and to the provisions of Minnesota Statutes, chapter 15A.

Subd. 6. [PROCEDURES.] The board shall adopt resolutions or bylaws establishing procedures for board action, personnel administration, keeping records, approving claims, authorizing or making disbursements, safekeeping funds, and auditing all financial operations of the board.

Subd. 7. [SURETY BONDS AND INSURANCE.] The board may procure surety bonds for its officers and employees, in amounts deemed necessary to ensure proper performance of their duties and proper accounting for funds in their custody. It may procure insurance against risks to property and liability of the board and its officers, agents, and employees for personal injuries or death and property damage and destruction, in amounts deemed necessary or desirable, with the force and effect stated in Minnesota Statutes, chapter 466.

Sec. 4. [GENERAL POWERS OF BOARD.]

Subdivision 1. [SCOPE.] The board has all powers necessary or convenient to discharge the duties imposed upon it by law. The powers include those specified in this section, but the express grant or enumeration of powers does not limit the generality or scope of the grant of powers contained in this subdivision.

Subd. 2. [SUIT.] The board may sue or be sued.

Subd. 3. [CONTRACT.] The board may enter into any contract necessary or proper for the exercise of its powers or the accomplishment of its purposes.

Subd. 4. [RULEMAKING.] The board may adopt rules relating to its responsibilities and may provide penalties for their violation, not exceeding the maximum that may be specified for a misdemeanor, and the cost of prosecution may be added to the penalties imposed. Any rule prescribing a penalty for violation must be published at least once in a newspaper having general circulation in the district. The violations may be prosecuted before any court in the district having jurisdiction of misdemeanors, and every court having misdemeanor jurisdiction has jurisdiction of the violations. Any constable or other peace officer of any governmental unit in the district may make arrests for violations committed anywhere in the district in like manner and with like effect as for violations of city ordinances or for statutory misdemeanors. Fines collected in cases arising under this subdivision must be deposited in the treasury of the board, or may be allocated between the board and the governmental unit in which the prosecution occurs on a basis as the board and the governmental unit agree.

Subd. 5. [GIFTS, GRANTS, LOANS.] The board may accept gifts, apply for and accept grants or loans of money or other property from the United States, the state, or any person for any of its purposes, enter into any agreement required in connection with them, and hold, use, and dispose of the money or property in accordance with the terms of the gift, grant, loan, or agreement relating to it. With respect to loans or grants of funds or real or

personal property or other assistance from any state or federal government or its agency or instrumentality, the board may contract to do and perform all acts and things required as a condition or consideration for the gift, grant, or loan pursuant to state or federal law or regulations, whether or not included among the powers expressly granted to the board in this article.

Subd. 6. [COOPERATIVE ACTION.] The board may act under Minnesota Statutes, section 471.59, or any other appropriate law providing for joint or cooperative action between governmental units.

Subd. 7. [STUDIES AND INVESTIGATIONS.] The board 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 the design, construction, and operation of the district disposal system.

Subd. 8. [EMPLOYEES, TERMS.] The board may employ on terms it deems advisable, persons or firms performing engineering, legal, or other services of a professional nature; require any employee to obtain and file with it an individual bond or fidelity insurance policy; and procure insurance in amounts it deems necessary against liability of the board or its officers or both, for personal injury or death and property damage or destruction, with the force and effect stated in Minnesota Statutes, chapter 466, and against risks of damage to or destruction of any of its facilities, equipment, or other property as it deems necessary.

Subd. 9. [PROPERTY RIGHTS, POWERS.] The board may acquire by purchase, lease, condemnation, gift, or grant, any real or personal property including positive and negative easements and water and air rights, and it may construct, enlarge, improve, replace, repair, maintain, and operate any interceptor, treatment works, or water facility determined to be necessary or convenient for the collection and disposal of sewage in the district. Any local governmental unit and the commissioners of transportation and natural resources are authorized to convey to or permit the use of any of the above-mentioned facilities owned or controlled by it, by the board, subject to the rights of the holders of any bonds issued with respect to those facilities, with or without compensation, without an election or approval by any other governmental unit or agency. All powers conferred by this subdivision may be exercised both within or without the district as may be necessary for the exercise by the board of its powers or the accomplishment of its purposes. The board may hold, lease, convey, or otherwise dispose of the above-mentioned property for its purposes upon the terms and in the manner it deems advisable. Unless otherwise provided, the right to acquire lands and property rights by condemnation may be exercised only in accordance with Minnesota Statutes, sections 171.011 to 171.232, and shall apply to any property or interest in the property owned by any local governmental unit. No property devoted to an actual public use at the time, or held to be devoted to such a use within a reasonable time, shall be so acquired unless a court of competent jurisdiction determines that the use proposed by the board is paramount to the existing use. Except in the case of property in actual public use, the board may take possession of any property on which condemnation proceedings have been commenced at any time after the issuance of a court order appointing commissioners for its condemnation.

Subd. 10. [RELATIONSHIP TO OTHER PROPERTIES.] The board may construct or maintain its systems or facilities in, along, on, under, over, or

through public waters, streets, bridges, viaducts, and other public rights-of-way without first obtaining a franchise from a county or municipality having jurisdiction over them. However, the facilities must be constructed and maintained in accordance with the ordinances and resolutions of the county or municipality relating to constructing, installing, and maintaining similar facilities on public properties and must not unnecessarily obstruct the public use of those rights-of-way.

Subd. 11. [DISPOSAL OF PROPERTY.] The board may sell, lease, or otherwise dispose of any real or personal property acquired by it which is no longer required for accomplishment of its purposes. The property may be sold in the manner provided by Minnesota Statutes, section 469.065, insofar as practical. The board may give notice of sale as it deems appropriate. When the board determines that any property or any part of the district disposal system acquired from a local governmental unit without compensation is no longer required but is required as a local facility by the governmental unit from which it was acquired, the board may by resolution transfer it to that governmental unit.

Subd. 12. [AGREEMENTS WITH OTHER GOVERNMENTAL UNITS.] The board may contract with the United States or any agency thereof, any state or agency thereof, or any regional public planning body in the state with jurisdiction over any part of the district, or any other municipal or public corporation, or governmental subdivision or agency or political subdivision in any state, for the joint use of any facility owned by the board or such entity, for the operation by that entity of any system or facility of the board, or for the performance on the board's behalf of any service, including but not limited to planning, on terms as may be agreed upon by the contracting parties. Unless designated by the board as a local water and sanitary sewer facility, any treatment works or interceptor jointly used, or operated on behalf of the board, as provided in this subdivision, is deemed to be operated by the board for purposes of including those facilities in the district disposal system.

Sec. 5. [COMPREHENSIVE PLAN.]

Subdivision 1. [BOARD PLAN AND PROGRAM.] The board shall adopt a comprehensive plan for the collection, treatment, and disposal of sewage in the district for a designated period the board deems proper and reasonable. The board shall prepare and adopt subsequent comprehensive plans for the collection, treatment, and disposal of sewage in the district for each succeeding designated period as the board deems proper and reasonable. The first plan, as modified by the board, and any subsequent plan shall take into account the preservation and best and most economic use of water and other natural resources in the area; the preservation, use, and potential for use of lands adjoining waters of the state to be used for the disposal of sewage; and the impact the disposal system will have on present and future land use in the area affected. The plans shall include the general location of needed interceptors and treatment works, a description of the area that is to be served by the various interceptors and treatment works, a long-range capital improvements program and any other details as the board deems appropriate. In developing the plans, the board shall consult with persons designated for the purpose by governing bodies of any governmental unit within the district to represent the entities and shall consider the data, resources, and input offered to the board by the entities and any planning agency acting on behalf of one or more of the entities. Each plan, when adopted, must be followed in the district and may be revised as often as the board deems necessary.

Subd. 2. [COMPREHENSIVE PLANS; HEARING.] Before adopting any subsequent comprehensive plan, the board shall hold a public hearing on the proposed plan at a time and place in the district that it selects. The hearing may be continued from time to time. Not less than 45 days before the hearing, the board shall publish notice of the hearing in a newspaper having general circulation in the district, stating the date, time, and place of the hearing, and the place where the proposed plan may be examined by any interested person. At the hearing, all interested persons must be permitted to present their views on the plan.

Subd. 3. [GOVERNMENTAL UNIT PLANS AND PROGRAMS; COORDINATION WITH BOARD'S RESPONSIBILITIES.] Once the board's plan is adopted, no construction project involving the construction of new sewers or other disposal facilities may be undertaken by the local governmental unit unless its governing body shall first find the project to be in accordance with the governmental unit's comprehensive plan and program as approved by the board. Before approval by the board of the comprehensive plan and program of any local governmental unit in the district, no water and sanitary sewer construction project may be undertaken by the governmental unit unless approval of the project is first secured from the board as to those features of the project affecting the board's responsibilities as determined by the board.

Sec. 6. [POWERS TO ISSUE OBLIGATIONS AND IMPOSE SPECIAL ASSESSMENTS.]

The Cross Lake area water and sanitary sewer board, in order to implement the powers granted under this article to establish, maintain, and administer the Cross Lake area water and sanitary sewer district, may issue obligations and impose special assessments against benefited property within the limits of the district benefited by facilities constructed under this article in the manner provided for local governments by Minnesota Statutes, chapter 429.

Sec. 7. [SYSTEM EXPANSION; APPLICATION TO CITIES.]

The authority of the water and sanitary sewer board to establish water or sewer or combined water and sewer systems under this section extends to areas within the Cross Lake area water and sanitary sewer district organized into cities when requested by resolution of the governing body of the affected city or when ordered by the Minnesota pollution control agency after notice and hearing. For the purpose of any petition filed or special assessment levied with respect to any system, the entire area to be served within a city must be treated as if it were owned by a single person, and the governing body shall exercise all the rights and be subject to all the duties of an owner of the area, and shall have power to provide for the payment of all special assessments and other charges imposed upon the area with respect to the system by the appropriation of money, the collection of service charges, or the levy of taxes, which shall be subject to no limitation of rate or amount.

Sec. 8. [SEWAGE COLLECTION AND DISPOSAL; POWERS.]

Subdivision 1. [POWERS.] In addition to all other powers conferred upon the board in this article, it has the powers specified in this section.

Subd. 2. [DISCHARGE OF TREATED SEWAGE.] The board may discharge the effluent from any treatment works operated by it into any waters of the state, subject to approval of the agency if required and in accordance

with any effluent or water quality standards lawfully adopted by the agency, any interstate agency, or any federal agency having jurisdiction.

Subd. 3. [UTILIZATION OF DISTRICT SYSTEM.] *The board may require any person or local governmental unit to provide for the discharge of any sewage, directly or indirectly, into the district disposal system, or to connect any disposal system or a part of it with the district disposal system wherever reasonable opportunity for connection is provided; may regulate the manner in which the connections are made; may require any person or local governmental unit discharging sewage into the disposal system to provide preliminary treatment for it; may prohibit the discharge into the district disposal system of any substance that it determines will or may be harmful to the system or any persons operating it; and may require any local governmental unit to discontinue the acquisition, betterment, or operation of any facility for the unit's disposal system wherever and so far as adequate service is or will be provided by the district disposal system.*

Subd. 4. [SYSTEM OF COST RECOVERY TO COMPLY WITH APPLICABLE REGULATIONS.] *Any charges, connection fees, or other cost-recovery techniques imposed on persons discharging sewage directly or indirectly into the district disposal system must comply with applicable state and federal law, including state and federal regulations governing grant applications.*

Sec. 9. [BUDGET.]

The board shall prepare and adopt, on or before October 1 in 1995 and each year thereafter, a budget showing for the following calendar year or other fiscal year determined by the board, sometimes referred to in this article as the budget year, estimated receipts of money from all sources, including but not limited to payments by each local governmental unit, federal or state grants, taxes on property, and funds on hand at the beginning of the year, and estimated expenditures for:

(1) *costs of operation, administration, and maintenance of the district disposal system;*

(2) *cost of acquisition and betterment of the district disposal system; and*

(3) *debt service, including principal and interest, on general obligation bonds and certificates issued pursuant to section 13, and any money judgments entered by a court of competent jurisdiction. Expenditures within these general categories, and any other categories as the board may from time to time determine, must be itemized in detail as the board prescribes. The board and its officers, agents, and employees shall not spend money for any purpose other than debt service without having set forth the expense in the budget nor in excess of the amount set forth in the budget for it. No obligation to make an expenditure of the above-mentioned type is enforceable except as the obligation of the person or persons incurring it. The board may amend the budget at any time by transferring from one purpose to another any sums except money for debt service and bond proceeds or by increasing expenditures in any amount by which actual cash receipts during the budget year exceed the total amounts designated in the original budget. The creation of any obligation under section 13 or the receipt of any federal or state grant is a sufficient budget designation of the proceeds for the purpose for which it is authorized, and of the tax or other revenue pledged to pay the obligation and interest on it, whether or not specifically included in any annual budget.*

Sec. 10. [ALLOCATION OF COSTS.]

Subdivision 1. [DEFINITION OF CURRENT COSTS.] *The estimated cost of administration, operation, maintenance, and debt service of the district disposal system to be paid by the board in each fiscal year and the estimated costs of acquisition and betterment of the system that are to be paid during the year from funds other than state or federal grants and bond proceeds and all other previously unallocated payments made by the board pursuant to this article to be allocated in the fiscal year are referred to as current costs and must be allocated by the board as provided in subdivision 2 in the budget for that year.*

Subd. 2. [METHOD OF ALLOCATION OF CURRENT COSTS.] *Current costs must be allocated in the district on an equitable basis as the board may determine by resolution to be in the best interests of the district. The adoption or revision of any method of allocation used by the board must be by the affirmative vote of at least two-thirds of the members of the board.*

Sec. 11. [TAX LEVIES.]

To accomplish any duty imposed on it the board may, in addition to the powers granted in this article and in any other law or charter, exercise the powers granted any municipality by Minnesota Statutes, chapters 117, 412, 429, 475, sections 115.46, 444.075, and 471.59, with respect to the area in the district. The board may levy taxes upon all taxable property in the district for all or a part of the amount payable to the board, pursuant to section 10, to be assessed and extended as a tax upon that taxable property by the county auditor for the next calendar year, free from any limitation of rate or amount imposed by law or charter. The tax must be collected and remitted in the same manner as other general taxes.

Sec. 12. [PUBLIC HEARING AND SPECIAL ASSESSMENTS.]

Subdivision 1. [PUBLIC HEARING REQUIREMENT ON SPECIFIC PROJECT.] *Before the board orders any project involving the acquisition or betterment of any interceptor or treatment works, all or a part of the cost of which will be allocated pursuant to section 10 as current costs, the board shall hold a public hearing on the proposed project. The hearing must be held following two publications in a newspaper having general circulation in the district, stating the time and place of the hearing, the general nature and location of the project, the estimated total cost of acquisition and betterment, that portion of costs estimated to be paid out of federal and state grants, and that portion of costs estimated to be allocated. The estimates must be best available at the time of the meeting and if costs exceed the estimate, the project cannot proceed until an additional public hearing is held, with notice as required at the initial meeting. The two publications must be a week apart and the hearing at least three days after the last publication. Not less than 45 days before the hearing, notice of the hearing must also be mailed to each clerk of all local governmental units in the district, but failure to give mailed notice or any defects in the notice does not invalidate the proceedings. The project may include all or part of one or more interceptors or treatment works. No hearing may be held on any project unless the project is within the area covered by the comprehensive plan adopted by the board pursuant to section 5 except that the hearing may be held simultaneously with a hearing on a comprehensive plan. A hearing is not required with respect to a project, no part of the costs of which are to be allocated as the current costs of acquisition, betterment, and debt service.*

Subd. 2. [NOTICE TO BENEFITED PROPERTY OWNERS.] If the board proposes to assess against benefited property within the district all or any part of the allocable costs of the project as provided in subdivision 5, the board shall, not less than ten days before the hearing provided for in subdivision 1, cause mailed notice of the hearing to be given to the owner of each parcel within the area proposed to be specially assessed and shall also give one week's published notice of the hearing. The notice of hearing must contain the same information provided in the notice published by the board pursuant to subdivision 1, and a description of the area proposed to be assessed. For the purpose of giving mailed notice, owners are those shown to be on the records of the county auditor or, in any county where tax statements are mailed by the county treasurer, on the records of the county treasurer; but other appropriate records may be used for this purpose. For properties that are tax exempt or subject to taxation on a gross earnings basis and not listed on the records of the county auditor or the county treasurer, the owners must be ascertained by any practicable means and mailed notice given them as herein provided. Failure to give mailed notice or any defects in the notice does not invalidate the proceedings of the board.

Subd. 3. [BOARD PROCEEDINGS PERTAINING TO HEARING.] Before adoption of the resolution calling for a hearing under this section, the board shall secure from the district engineer or some other competent person of the board's selection a report advising it in a preliminary way as to whether the proposed project is feasible and whether it should be made as proposed or in connection with some other project and the estimated costs of the project as recommended. No error or omission in the report invalidates the proceeding. The board may also take other steps before the hearing, as will in its judgment provide helpful information in determining the desirability and feasibility of the project, including but not limited to preparation of plans and specifications and advertisement for bids on them. The hearing may be adjourned from time to time and a resolution ordering the project may be adopted at any time within six months after the date of hearing. In ordering the project the board may reduce but not increase the extent of the project as stated in the notice of hearing and shall find that the project as ordered is in accordance with the comprehensive plan and program adopted by the board pursuant to section 5.

Subd. 4. [EMERGENCY ACTION.] If the board by resolution adopted by the affirmative vote of not less than two-thirds of its members determines that an emergency exists requiring the immediate purchase of materials or supplies or the making of emergency repairs, it may order the purchase of those supplies and materials and the making of the repairs before any hearing required under this section, provided that the board shall set as early a date as practicable for the hearing at the time it declares the emergency. All other provisions of this section must be followed in giving notice of and conducting the hearing. Nothing herein may be construed as preventing the board or its agents from purchasing maintenance supplies or incurring maintenance costs without regard to the requirements of this section.

Subd 5. [POWER OF THE BOARD TO SPECIALLY ASSESS.] The board may specially assess all or any part of the costs of acquisition and betterment as herein provided, of any project ordered pursuant to this section. The special assessments must be levied in accordance with the provisions of Minnesota Statutes, sections 429.051 to 429.081, except as otherwise provided in this subdivision. No other provisions of Minnesota Statutes, chapter 429, apply. For purposes of levying the special assessments, the hearing on the project

required in subdivision 1 serves as the hearing on the making of the original improvement provided for by Minnesota Statutes, section 429.051. The area assessed may be less than but may not exceed the area proposed to be assessed as stated in the notice of hearing on the project provided for in subdivision 2.

Sec. 13. [BONDS, CERTIFICATES, AND OTHER OBLIGATIONS.]

Subdivision 1. [BUDGET ANTICIPATION CERTIFICATES OF INDEBTEDNESS.] At any time after adoption of its annual budget and in anticipation of the collection of tax and other revenues estimated and set forth by the board in the budget, except in the case of deficiency taxes levied under this subdivision and taxes levied for the payment of certificates issued under subdivision 2, the board may, by resolution, authorize the issuance, negotiation, and sale, in accordance with subdivision 4 in the form and manner and upon terms it determines, of its negotiable general obligation certificates of indebtedness in aggregate principal amounts not exceeding 50 percent of the total amount of tax collections and other revenues, and maturing not later than three months after the close of the budget year in which issued. The proceeds of the sale of the certificates must be used solely for the purposes for which the tax collections and other revenues are to be expended pursuant to the budget.

All the tax collections and other revenues included in the budget for the budget year, after the expenditure of the tax collections and other revenues in accordance with the budget, must be irrevocably pledged and appropriated to a special fund to pay the principal and interest on the certificates when due. If for any reason the tax collections and other revenues are insufficient to pay the certificates and interest when due, the board shall levy a tax in the amount of the deficiency on all taxable property in the district and shall appropriate this amount when received to the special fund.

Subd. 2. [EMERGENCY CERTIFICATES OF INDEBTEDNESS.] If in any budget year the receipts of tax and other revenues should for some unforeseen cause become insufficient to pay the board's current expenses, or if any public emergency should subject it to the necessity of making extraordinary expenditures, the board may by resolution authorize the issuance, negotiation, and sale, in accordance with subdivision 4 in the form and manner and upon the terms and conditions it determines, of its negotiable general obligation certificates of indebtedness in an amount sufficient to meet the the deficiency. The board shall levy on all taxable property in the district a tax sufficient to pay the certificates and interest on the certificates and shall appropriate all collections of the tax to a special fund created for the payment of the certificates and the interest on them. Certificates issued under this subdivision mature not later than April 1 in the year following the year in which the tax is collectible.

Subd. 3. [GENERAL OBLIGATION BONDS.] The board may by resolution authorize the issuance of general obligation bonds for the acquisition or betterment of any part of the district disposal system, including but without limitation the payment of interest during construction and for a reasonable period thereafter, or for the refunding of outstanding bonds, certificates of indebtedness, or judgments. The board shall pledge its full faith and credit and taxing power for the payment of the bonds and shall provide for the issuance and sale and for the security of the bonds in the manner provided in Minnesota Statutes, chapter 475. The board has the same powers and duties as a

municipality issuing bonds under that law, except that no election is required and the debt limitations of Minnesota Statutes, chapter 475, do not apply to the bonds. The board may also pledge for the payment of the bonds and deduct from the amount of any tax levy required under Minnesota Statutes, section 475.61, subdivision 1, and any revenues receivable under any state and federal grants anticipated by the board and may covenant to refund the bonds if and when and to the extent that for any reason the revenues, together with other funds available and appropriated for that purpose, are not sufficient to pay all principal and interest due or about to become due, provided that the revenues have not been anticipated by the issuance of certificates under subdivision 1.

Subd. 4. [MANNER OF SALE AND ISSUANCE OF CERTIFICATES.] Certificates issued under subdivisions 1 and 2 may be issued and sold by negotiation, without public sale, and may be sold at a price equal to the percentage of the par value of the certificates, plus accrued interest, and bearing interest at the rate determined by the board. No election is required to authorize the issuance of the certificates. The certificates must bear the same rate of interest after maturity as before and the full faith and credit and taxing power of the board must be pledged to the payment of the certificates.

Sec. 14. [DEPOSITORIES.]

The board shall designate one or more national or state banks, or trust companies authorized to do a banking business, as official depositories for money of the board, and shall require the treasurer to deposit all or a part of the money in those institutions. The designation must be in writing and set forth all the terms and conditions upon which the deposits are made, and must be signed by the chair and treasurer and made a part of the minutes of the board. A designated bank or trust company shall qualify as a depository by furnishing a corporate surety bond or collateral in the amounts required by Minnesota Statutes, section 118.01. No bond or collateral is required to secure any deposit insofar as it is insured under federal law.

Sec. 15. [MONEY, ACCOUNTS, AND INVESTMENTS.]

Subdivision 1. [RECEIPT AND APPLICATION.] Money received by the board must be deposited or invested by the treasurer and disposed of as the board may direct in accordance with its budget; provided that any money that has been pledged or dedicated by the board to the payment of obligations or interest on the obligations or expenses incident thereto, or for any other specific purpose authorized by law, must be paid by the treasurer into the fund to which it has been pledged.

Subd. 2. [FUNDS AND ACCOUNTS.] (a) The board's treasurer shall establish funds and accounts as may be necessary or convenient to handle the receipts and disbursements of the board in an orderly fashion.

(b) The funds and accounts must be audited annually by a certified public accountant at the expense of the district.

Subd. 3. [DEPOSIT AND INVESTMENT.] The money on hand in those funds and accounts may be deposited in the official depositories of the board or invested as provided in this subdivision. Any amount not currently needed or required by law to be kept in cash on deposit may be invested in obligations authorized for the investment of municipal sinking funds by Minnesota

Statutes, section 475.66. The money may also be held under certificates of deposit issued by any official depository of the board.

Subd. 4. [BOND PROCEEDS.] The use of proceeds of all bonds issued by the board for the acquisition and betterment of the district disposal system, and the use, other than investment, of all money on hand in any sinking fund or funds of the board, is governed by the provisions of Minnesota Statutes, chapter 475, the provisions of this article, and the provisions of resolutions authorizing the issuance of the bonds. When received, the bond proceeds must be transferred to the treasurer of the board for safekeeping, investment, and payment of the costs for which they were issued.

Subd. 5. [AUDIT.] The board shall provide for and pay the cost of an independent annual audit of its official books and records by the state auditor or a public accountant authorized to perform that function under Minnesota Statutes, chapter 6.

Sec. 16. [SERVICE CONTRACTS WITH GOVERNMENTAL ENTITIES OUTSIDE THE JURISDICTION OF THE BOARD.]

(a) The board may contract with the United States or any agency of the federal government, any state or its agency, or any municipal or public corporation, governmental subdivision or agency or political subdivision in any state, outside the jurisdiction of the board, for furnishing services to those entities, including but not limited to planning for and the acquisition, betterment, operation, administration, and maintenance of any or all interceptors, treatment works, and local water and sanitary sewer facilities. The board may include as one of the terms of the contract that the entity must pay to the board an amount agreed upon as a reasonable estimate of the proportionate share properly allocable to the entity of costs of acquisition, betterment, and debt service previously allocated in the district. When payments are made by entities to the board, they must be applied in reduction of the total amount of costs thereafter allocated in the district, on an equitable basis as the board deems to be in the best interests of the district, applying so far as practicable and appropriate the criteria set forth in section 10, subdivision 2. A municipality in the state of Minnesota may enter into a contract and perform all acts and things required as a condition or consideration therefor consistent with the purposes of this article, whether or not included among the powers otherwise granted to the municipality by law or charter.

(b) The board shall contract with the city of Pine City, or another qualified entity to make necessary inspections on the district facilities, and to otherwise process or assist in processing any of the work of the district.

Sec. 17. [CONTRACTS FOR CONSTRUCTION, MATERIALS, SUPPLIES, AND EQUIPMENT.]

Subdivision 1. [PLANS AND SPECIFICATIONS.] When the board orders a project involving the acquisition or betterment of a part of the district disposal system, it shall cause plans and specifications of the project to be made, or if previously made, to be modified, if necessary, and to be approved by the agency if required, and after any required approval by the agency, one or more contracts for work and materials called for by the plans and specification may be awarded as provided in this section.

Subd. 2. [CONTRACTS IN EXCESS OF \$5,000.] No contract for construction work, or for the purchase of materials, supplies, or equipment, estimated to cost more than \$5,000 may be made by the board without publishing once in a newspaper having general circulation in the district and once in a trade paper or legal newspaper published in any city of the first class, not less than 14 days before the last day for submission of bids, notice that bids or proposals will be received. The notice must state the nature of the work or purchase, the terms and conditions upon which the contract is to be awarded, and the time and place where bids will be received, opened, and read publicly. After the bids have been duly received, opened, read publicly, and recorded, the board shall within a reasonable time award the contract to the lowest responsible bidder or it may reject all bids and readvertise. Each contract must be duly executed in writing and the party to whom the contract is awarded shall give sufficient bond or security to the board for the faithful performance of the contract as required by law. If the board by an affirmative vote of not less than two-thirds of its members declares that an emergency exists requiring the immediate purchase of materials or supplies or in making emergency repairs, at a cost estimated to be in excess of \$5,000, it shall not be necessary to advertise for bids.

Subd. 3. [CONTRACTS OR PURCHASES FOR \$5,000 OR LESS.] The board may, without advertising for bids, enter into any contract or purchase any materials, supplies, or equipment of the type referred to in subdivision 2, the cost of which is estimated to be \$5,000 or less, or it may authorize the executive director to enter into a contract on behalf of the board for that work or to make those purchases without prior approval of the board and without advertising for bids.

Subd. 4. [UNIFORM MUNICIPAL CONTRACTING LAW.] Except as otherwise provided in this section, Minnesota Statutes, section 471.345, shall apply.

Sec. 18. [PROPERTY EXEMPT FROM TAXATION.]

Any properties, real or personal; owned, leased, controlled, used, or occupied by the water and sanitary sewer board for any purpose under this article are declared to be acquired, owned, leased, controlled, used, and occupied for public, governmental, and municipal purposes, and are exempt from taxation by the state or any political subdivision of the state, provided that the properties are subject to special assessments levied by a political subdivision for a local improvement in amounts proportionate to and not exceeding the special benefit received by the properties from the improvement. No possible use of any properties in any manner different from their use as part of a disposal system at the time may be considered in determining the special benefit received by the properties. All assessments are subject to final approval by the board, whose determination of the benefits is conclusive upon the political subdivision levying the assessment. All bonds, certificates of indebtedness, or other obligations of the board, and the interest on them, are exempt from taxation by the state or any political subdivision of the state.

Sec. 19. [RELATION TO EXISTING LAWS.]

The provisions of this article must be given full effect notwithstanding the provisions of any law or charter inconsistent with this article. The powers conferred on the board under this article do not in any way diminish or supersede the powers conferred on the agency by Minnesota Statutes, chapters 115 to 116.

Sec. 20. [EFFECTIVE DATE.]

Subdivision 1. This article is effective as to the city of Pine City when approved by the Pine City council and upon compliance with Minnesota Statutes, section 645.021.

Subd. 2. This article is effective as to the towns of Pokegama, Chengwata, and Pine City when approved by the town boards of each town and upon compliance with Minnesota Statutes, section 645.021.

ARTICLE 10

CHISHOLM/HIBBING AIRPORT

Section 1. [DEFINITIONS.]

Subdivision 1. [SCOPE.] For the purpose of this article, the words and terms defined in this section have the meanings given them.

Subd. 2. [AERONAUTICS.] "Aeronautics" means the transportation by aircraft; the operation, construction, repair, or maintenance of aircraft, air equipment, power plants, and accessories; the design, establishment, construction, operation, improvement, repair, or maintenance of airports, restricted landing areas, or other air navigation facilities and construction; and powers incidental to these activities.

Subd. 3. [AIRPORT.] (a) "Airport" means any locality of land or water, including intermediate landing fields, that is used or intended to be used for the landing and take-off of aircraft, whether or not facilities have been provided for the shelter, servicing, or repair of aircraft, or for receiving or discharging passengers or cargo. The term also includes any facility used in, available for use in, or designed for use in air navigation or to aid air navigation, including without limitation landing areas; lights; any apparatus or equipment for disseminating weather information, for signaling, for radio-directional finding, or for radio or other electrical communication; and any other structure or mechanism having a similar purpose for guiding or controlling flight in the air or for the landing or take-off of aircraft. The term also includes without limitation access roads, park areas, and those lands contiguous or not as may be required for installations necessary for safe and efficient operation, buildings, structures, hangars, shops, and any personal property usually used in connection with operating airports, including specifically, but not exclusively, snow-removal or impacting equipment, fire and ambulance equipment, motor vehicles, and equipment for buildings, structures, hangars, and shops.

(b) Whenever the words "airport" or "airport facilities" are used in this article, they have the meaning given them in paragraph (a) and specifically include the Chisholm/Hibbing airport, including any land, buildings, or other appurtenances incidental and necessary to the operation of that airport, and any land, buildings, or other appurtenances that may be acquired in the future for those purposes by the authority.

Subd. 4. [AUTHORITY.] "Authority" means the Chisholm/Hibbing airport authority created under this article.

Subd. 5. [CITIES.] "Cities" means the city of Chisholm and the city of Hibbing, in and for which an airport authority is created under this article.

Subd. 6. [CITY COUNCILS; COUNCILS.] "City councils" or "councils" means the governing bodies of the city of Chisholm as established under the home rule charter of that city and the city of Hibbing, a statutory city.

Subd. 7. [DIRECTOR.] "Director" means a person appointed or otherwise selected as, and after qualification, acting as a member of the authority.

Subd. 8. [DIRECTORS.] "Directors" means a quorum of the members of the authority.

Subd. 9. [PERSON.] "Person" means an individual, firm, copartnership, corporation, company, limited liability company, association, joint stock association, or body politic; and includes its trustee, receiver, assignee, or other similar representative.

Sec. 2. [AIRPORT AUTHORITY CREATED.]

For the purposes set forth in this article, the Chisholm/Hibbing airport authority is created in and for the city of Chisholm and the city of Hibbing.

Sec. 3. [DIRECTORS.]

Subdivision 1. [APPOINTMENTS; GENERAL POWERS AUTHORIZED.] The members of the authority created under this article shall consist of six directors, three of whom shall be appointed to membership in the authority by the city council of the city of Chisholm and three of whom shall be appointed to membership in the authority by the city council of the city of Hibbing. The members of the authority may exercise the powers and perform the duties set forth in this article.

Subd. 2. [TERMS; TRANSITION.] The members of the Chisholm/Hibbing airport commission as of the day before the effective date of this article shall be the original directors of the authority and shall serve until the remainder of their term and until their respective successors are appointed and qualified. Subsequent terms of directors are for three years, and all terms must expire on December 31 of the appropriate year. Directors shall serve until their respective successors are appointed and qualified.

Subd. 3. [EXPENSE REIMBURSEMENTS.] Each director may be paid a per diem for attending monthly, executive, and special meetings. Each director shall be reimbursed for reasonable and authorized out-of-pocket expenses incurred in the fulfillment of their duties.

Subd. 4. [VACANCY.] When a vacancy occurs in the membership of the authority by means of resignation, death, removal from the city, or removal for failure or neglect to perform the duties of a director, the vacancy must be filled for the unexpired term in the same manner as the predecessor was appointed.

Subd. 5. [OATH.] Appointments and removals of the directors of the authority must be made by the respective city councils evidenced by resolution. An appointee who fails within ten days after notification of appointment to file with the city clerk of the appointing city the oath or affirmation to perform faithfully, honestly, and impartially the duties of office, is deemed to have refused the appointment, and another person must be appointed in the manner prescribed in this section.

Subd. 6. [INITIAL APPOINTMENTS.] Within 30 days after the effective date of this article, the original directors must be appointed as provided in subdivision 2. Upon filing the oath of office required by subdivision 5, each

director assumes all the rights, privileges, and powers of a director duly appointed as provided in this article.

Subd. 7. [ORGANIZING MEETING; QUORUM; RULES AND REGULATIONS.] Within 20 days after members of the authority have qualified for office, the authority shall meet and organize. The members shall adopt, and thereafter may amend, rules and regulations for the conduct of the authority as the authority deems in the public interest and most likely to advance, enhance, foster, and promote air transportation in the airports of the city of Chisholm and the city of Hibbing. The rules and regulations must at all times be consistent with this article. At this organizing meeting, and at all subsequent meetings of the authority, four directors constitutes a quorum for the transaction of business, and the affirmative vote of the majority of the directors present is required for the passage of any measure. The quorum must be present to act on any measure.

Subd. 8. [OFFICERS.] The directors shall elect from among their members a president, a vice-president, and a treasurer. They shall also elect a secretary, who may or may not be a director. No two offices may be held by one director. The officers shall have the duties and powers usually attendant upon the holders of those offices and other duties and powers not inconsistent with this article and as may be provided by the authority.

Subd. 9. [EXECUTIVE DIRECTOR.] As soon after the organization meeting as possible, the authority shall appoint an executive director to be the executive and operating officer of the authority. The executive director shall serve at the pleasure of the authority and receive compensation as may be fixed by it. The executive director must be experienced with aviation and meet the requirement of a written, authority-approved job description kept on file with the authority. Under the supervision of the authority, the executive director is responsible for the operation, management, and promotion of all activities with which the authority is charged, together with other duties as may be prescribed by the authority. The executive director has those powers necessary and incidental to the performance of duties, and other powers as may be granted by the authority.

Sec. 4. [FINANCIAL MATTERS.]

Subdivision 1. [TREASURER; BUDGET; ACCOUNTING; FINANCIAL STATEMENT.] The treasurer shall receive and retain custody of all money of the authority. That money is deemed public funds. The authority shall prepare an annual budget before the joint meeting of the city councils to approve the levy and a copy of the annual budget must be provided to the councils at the joint meeting. The treasurer shall disburse funds only in accordance with the annual budget of the authority and only upon written orders drawn against those funds, signed by the executive director and approved by the president of the authority, or in the president's absence, the vice-president of the authority or other employee of the authority as may be authorized or directed so to do. Each order must state the name of the payee and the nature of the claim for which the order is issued. The treasurer shall keep an account of all money received, showing the source of all receipts and the nature, purpose, and authority of all disbursements. At least four times each year, in the form to be determined by the directors, the authority shall file with the city clerks of the cities of Chisholm and Hibbing a financial statement from the authority, showing all receipts and disbursements, the nature and purposes of those

receipts and disbursements, the money on hand, the credits and assets of the authority, and its outstanding liability.

Subd. 2. [SPENDING POWER.] *Within the total budget approved as provided in subdivision 1, the authority has the exclusive power to receive, control, and order the expenditure of money in the control and management of the airport facilities of the authority.*

Subd. 3. [AUDIT.] *A complete examination and audit of all books and accounts of the authority must be done at least annually by a certified public accountant. One copy of the yearly audit must be filed with each city clerk as a public document.*

Sec. 5. [POWERS.]

Subdivision 1. [SUITS; CONTRACTS; EMINENT DOMAIN; OPERATION; ACCEPT GIFTS; LEVY AND TAX.] *Notwithstanding any law or charter or ordinance provision to the contrary, the following powers and duties are conferred upon the authority:*

- (1) *to sue and be sued;*
- (2) *to enter into and execute agreements, instruments, and other arrangements necessary, proper, and convenient to the exercise of its powers;*
- (3) *to acquire:*
 - (i) *by purchase, lease, or gift any personal property, franchises, easements, or other rights in its own name that may be necessary or proper for the operation of the Chisholm/Hibbing airport, or any airport facilities that may be acquired in the future;*
 - (ii) *real property for use as airport terminal facilities, maintenance facilities, parking facilities, runway or taxiway facilities with approval of the city councils; and*
 - (iii) *other facilities used or useful for operating the airport;*
- (4) *to acquire, construct, equip, improve, operate, and maintain airports and airport terminal facilities, maintenance facilities, runways and taxiways, parking areas, and other facilities useful for or related to operating an airport;*
- (5) *to lease to or contract with any person or operator for the use of any real or personal property under the authority's control; provided, however, that the authority does not have the power to make agreements for the sale of any real estate under its control without the approval by resolution of the city councils;*
- (6) *to accept gifts, grants, or loans of money or other property from the United States, the state, or any person or entity, and for those purposes may enter into any agreement required to do so, subject to prior notice to the city councils; and*
- (7) *to levy a tax on all taxable property, according to the total tax capacity in each city, in the city of Chisholm and in the city of Hibbing, to provide funds for the operation of the authority. A joint meeting of the city councils must be convened annually for the purpose of either adopting or rejecting the proposed levy. Each city council shall vote separately on the proposed levy. If the proposed levy is rejected by either city council, the authority shall revise*

the levy and resubmit the proposal for consideration by the city councils who shall either reject or approve the revised proposed levy. This procedure shall continue until a levy is approved by resolution of both city councils. No later than October 1 each year, the secretary of the authority shall certify to the auditor of St. Louis county the total levy approved by the city councils, accompanied by a certified copy of the resolution of each city approving the levy. The auditor shall add the total levy made by the authority to other tax levies of the county on taxable property in the cities of Chisholm and Hibbing for collection by the county auditor with other taxes. When collected, the county auditor shall make settlement of those taxes with the treasurer of the authority in the same manner as other taxes are distributed to political subdivisions.

Subd. 2. [MANAGEMENT CONTRACTS.] Notwithstanding other provisions of this article to the contrary, the authority is authorized, in lieu of directly operating the Chisholm/Hibbing airports or any part of them, to enter into management contracts with persons for managing the airports or any part of them, for a period of time, for purposes, and under any compensation and other terms and conditions as deemed advisable and proper by the authority. The agreement is subject to the approval by resolution of the city councils.

Sec. 6. [ADDITIONAL POWERS.]

The authority is authorized:

(1) when not in conflict with this article, to adopt and alter bylaws and rules and regulations that it deems necessary for conducting the business of the authority, for using and operating the Chisholm/Hibbing airports and the facilities of the authority, and for carrying out the objects of this article;

(2) to appoint the executive director, engineers and other consultants, accountants, attorneys, and other officers, agents, and employees as it deems necessary, who shall perform duties and receive compensation as the authority may determine and who are removable at the pleasure of the authority;

(3) to prescribe or provide for a policy or policies of insurance for the defense and indemnification of the cities of Chisholm and Hibbing and their officers and employees, and the authority's directors, executive director, and other employees against claims arising against them out of the performance of duty, whether the claims be groundless or otherwise, with premiums for any policies of insurance required by this article to be paid out of the funds of the authority;

(4) to authorize and direct the treasurer to invest, in the manner provided by law, any funds held in reserve, sinking funds, or any funds not required for immediate disbursement; and

(5) to fix, alter, change, and collect fees, rentals, and all other charges to be made for all services or facilities furnished by the authority to the public, to any persons, or to public or private agencies leasing any and all facilities at the Chisholm/Hibbing airports.

Sec. 7. [EXECUTIVE DIRECTOR.]

Subdivision 1. [CUSTODY OF MONEY COLLECTED DAILY.] The executive director of the authority is responsible for the custody and control

of all money received and collected from the daily operations of the Chisholm/Hibbing airports until that money is delivered to the treasurer and the executive director has obtained a receipt for it, or until the money is deposited in a bank account under the control of the treasurer.

Subd. 2. [INSURANCE.] In addition to other insurance provisions of this article, the executive director shall provide for insurance on any of the Chisholm/Hibbing airports' property, rights, revenue, workers' compensation, public liability, or any other risk or hazard arising from its activities; and the premiums for that insurance must be paid for out of funds of the Chisholm/Hibbing airport authority.

Sec. 8. [TAX-EXEMPT PROPERTY.]

Notwithstanding other law to the contrary, the property, money, and other assets of the authority, or revenues or other income of the authority, and all bonds or other obligations issued by the authority, with the approval of the city councils, and the interest on them, are exempt from all taxation, licensing, fees, or charges of any kind imposed by the state of Minnesota, or by any county, municipality, political subdivision, taxing district, or other public agency or body of the state.

Sec. 9. [REVENUE BONDS.]

Subdivision 1. [AUTHORITY TO ISSUE.] Notwithstanding any limitations imposed by law or by the charter of the city of Chisholm, the authority is authorized to issue negotiable revenue bonds for any one or more of its purposes. Revenue bonds under this section shall be issued in the amounts, times, and series to the authority determined by resolution. No election is necessary to authorize the issuance of the revenue bonds. Except as otherwise provided by this section, the maturities, any right of prior redemption, execution, paying agency, provision for interest, and other terms of the bonds, are subject to Minnesota Statutes, sections 475.54 and 475.56.

Subd. 2. [PLEGGED FROM REVENUES.] Revenue bonds issued under this section do not constitute a debt of the city of Chisholm or the city of Hibbing, and no tax levy may be compelled for their payment. The bonds are payable only from the revenues of the Chisholm/Hibbing airport pledged by the authority; to payment of principal of and interest on the bonds; and they must so recite. At or before the issuance of revenue bonds, the authority, by resolution, shall pledge and appropriate to the payment of principal and interest the net revenues of the Chisholm/Hibbing airports, or some part of those airports, after provision for reasonable and necessary expenses of operation and maintenance, as described and defined in the authorizing resolution.

Subd. 3. [RESOLUTION.] By the authorizing resolution, the authority may provide covenants for the protection of the bondholders relating to disposition of bond proceeds and revenues; their reserves and investment; construction, acquisition, repair, replacement, operation and insurance of the Chisholm/Hibbing airports facilities; accounting and reports; issuance of parity or subordinate lien bonds, rates and charges to be established or maintained; and other covenants the authority finds to be usual and reasonably necessary for the protection of the airport revenue bondholders.

Subd. 4. [DEFAULT.] The authority may also define the event or events of default and other requisites for suit by bondholders or their representatives,

conditions upon which any covenant may be amended. Any terms, covenants, or conditions of revenue bonds to be provided by resolution of the authority may be set forth in a trust indenture with a corporation having trust powers appointed by the authority, to represent and act for bondholders, to hold and disburse pledged revenues, and to perform other duties as may be provided in the trust indenture. However, the trust indenture must not confer or authorize any mortgage lien on the real or operating properties or general funds of the authority.

Subd. 5. [PUBLIC INSTRUMENTALITY.] Revenue bonds of the authority are deemed and must be treated as instrumentalities of the public government, agency; and as such, together with interest on the bonds, are exempt from taxation.

Sec. 10. [GENERAL OBLIGATION BONDS.]

Subdivision 1. [AUTHORITY TO ISSUE.] The authority may request the issuance of general obligation bonds to improve or construct, and equip, terminal facilities, maintenance and hangar facilities, runway or taxiway facilities, parking areas, or similar facilities used or useful in connection with the operation by the authority of the Chisholm/Hibbing airports, or any part of them.

Subd. 2. [RESOLUTION.] General obligation bonds under this section shall be issued in the amounts, at times, and in a series as the cities shall determine by joint resolution. Except as otherwise provided by this section, the maturities, any right of prior redemption, execution, paying agency, provision for interest, or other terms of the bonds, are subject to Minnesota Statutes, sections 475.54 and 475.56.

Subd. 3. [PLEGGED WITH TAXES.] General obligation bonds issued according to the total tax capacity in each city under this section constitute a debt of the city of Chisholm and the city of Hibbing for which the full faith and credit of the city is pledged. A tax levy must be compelled for their payment and the bonds must recite that.

Sec. 11. [PROPERTY TRANSACTIONS.]

Subdivision 1. [EMINENT DOMAIN.] If it becomes necessary for any of the purposes provided in this article to exercise the power of eminent domain, that power must not be exercised by the authority. However, the city of Chisholm and the city of Hibbing shall, at the request of the authority, acquire any of the properties allowed pursuant to this article and necessary for the conduct and operation of the authority, or for the purpose of acquiring any land, waters, easements, or other rights or interests in them by the exercise of the power of eminent domain, either as provided for under the home rule charter of the city of Chisholm, or under Minnesota Statutes, chapter 117. An exercise of the power of eminent domain by the cities must be at the request and expense of the authority. The fact that the property is owned by a public service corporation organized for the purpose specified in Minnesota Statutes, section 300.03, or is already devoted to a public use, or to use by a corporation, or was acquired for a public use by condemnation, does not prevent its acquisition by the cities for the authority by condemnation. The cities, on behalf of the authority, may take possession of any property for which condemnation proceedings have been commenced at any time after the filing of the petition describing the property in the proceedings. After the

condemnation is completed, the cities shall transfer the property condemned to the authority.

Subd. 2. [PROPERTY TRANSFERS.] Subject to prior notice to the city councils, any state department or other agency of the state government, or any county, municipality, or other public agency, may sell, lease, grant, transfer, or convey to the authority, with or without consideration, any facilities or any part of the facilities, or any interest in real or personal property, which may be useful to the authority for any authorized purpose.

Sec. 12. [LIMITED REGULATION BY OTHER GOVERNMENTAL UNITS.]

The exercise by the authority and the city councils of the powers provided in this article are not subject to regulation by the jurisdiction or control of any other public body or agency, whether state, county, or municipal, except as specifically provided in this article. However, the authority is subject to rules administered by the state department of public safety, division of aeronautics, and to laws of the United States or regulations of the Federal Aviation Administration of the United States Department of Transportation, as may be applicable to the operations of the Chisholm/Hibbing airports.

Sec. 13. [PROPERTY TRANSFERRED BY THIS ARTICLE.]

On the effective date of this article, the Chisholm/Hibbing airport commission is dissolved and the title to all real and personal property presently used and occupied by the Chisholm/Hibbing airport commission vests in the authority. The city of Chisholm and the city of Hibbing shall execute all deeds or other appropriate documents necessary to confirm the vesting of title in the Chisholm/Hibbing airport authority. If the authority is dissolved, the fair market value of all real estate owned by the city of Hibbing prior to the formation of the Chisholm/Hibbing joint airport commission in 1957 including improvements on that real estate prior to that time must be credited to the city of Hibbing.

Sec. 14. [EFFECTIVE DATE.]

This article is effective after its approval by a majority of the city council of the city of Chisholm and a majority of the city council of the city of Hibbing, and upon compliance with the provisions of Minnesota Statutes, section 645.021, subdivision 3."

Delete the title and insert:

"A bill for an act relating to the financing and operation of state and local government; enforcing the federal income tax law changes; providing income and premium tax credits; modifying capital equipment sales tax provisions; providing sales and excise tax exemptions and modifications; altering taconite production tax rates and distributions; providing for use of taconite economic development funds; altering procedures of the board of government innovation and cooperation and appropriating money to the board; modifying provisions relating to property tax classification procedures, appeals, and levies; changing property tax refund processes; limiting the amount of targeting refunds; altering truth in taxation requirements; providing for payments of aids to local governments; abolishing the local government trust fund and the advisory commission on intergovernmental relations; providing for a unified state sales tax rate; modifying requirements relating to tax increment financing; eliminating certain conditions relating to the contami-

nation tax; authorizing a property tax abatement; providing for creation of certain tax increment financing districts, special service districts, a port authority, a county economic development authority; authorizing issuances of bonds, creation of a bond guarantee fund, and imposition of a lodging tax; providing for creation and operation of the Cross Lake area water and sewer board and the Chisholm/Hibbing airport authority; appropriating money; amending Minnesota Statutes 1992, sections 60A.15, by adding a subdivision; 97A.135, subdivision 3; 256E.06, subdivision 5, and by adding a subdivision; 270B.12, by adding subdivisions; 271.06, subdivision 7; 273.11, by adding a subdivision; 273.138, by adding a subdivision; 273.1398, by adding a subdivision; 273.1399, by adding subdivisions; 276.04, subdivision 3; 276.09; 276.10; 276.111; 278.05, subdivision 6; 289A.02, by adding a subdivision; 289A.25, subdivision 5; 290.01, subdivisions 19b, 19d, and by adding a subdivision; 290.05, subdivision 3; 290.06, subdivision 2c, and by adding a subdivision; 290.068, subdivision 2; 290.0802, subdivision 1; 290.0921, subdivision 2; 290.35, by adding a subdivision; 290A.04, subdivision 2; 290A.07; 297.01, by adding a subdivision; 297A.01, by adding a subdivision; 297A.02, subdivision 2, and by adding a subdivision; 297A.135, subdivision 1; 297A.15, subdivision 5; 297A.25, by adding subdivisions; 297A.44, subdivision 1; 297C.03, by adding a subdivision; 298.017, subdivision 2; 298.24, subdivision 1; 298.28, by adding a subdivision; 298.296, subdivision 2, and by adding a subdivision; 469.004, subdivision 1a; 469.176, subdivision 4f; 469.1761, subdivision 1; 477A.012, subdivision 6; and 477A.014, subdivision 5; Minnesota Statutes 1993 Supplement, sections 116J.556; 270.78; 270.91, subdivision 4; 270.94; 273.11, subdivision 16; 273.124, subdivisions 1 and 13; 273.13, subdivision 23; 273.1399, subdivision 1; 273.166, by adding a subdivision; 275.065, subdivision 3; 276.04, subdivision 2; 278.01, subdivision 1; 289A.26, subdivision 7; 289A.60, subdivision 21; 290.01, subdivision 19; 290.091, subdivision 2; 290A.04, subdivision 2h; 296.02, subdivision 1a; 297A.01, subdivisions 3 and 16; 297B.03; 298.227; 298.28, subdivision 9a; 383A.75, subdivision 3; 465.795, subdivision 7; 465.796, subdivision 2; 465.797, subdivisions 1, 2, 3, 4, and 5; 465.798; 465.799; 469.174, subdivision 19; 469.176, subdivisions 1b and 4c; 477A.013, subdivisions 8 and 9; and 477A.03, by adding a subdivision; Laws 1981, chapter 281, section 1; proposing coding for new law in Minnesota Statutes, chapters 17; 276; 290A; 297A; 465; 469; 473; and 477A; repealing Minnesota Statutes 1992, sections 3.862; 16A.711; 273.1381; 273.1398, subdivision 7; 290.067, subdivision 6; 297A.021; 297A.44, subdivision 4; 297B.09, subdivision 3; 465.80, subdivision 3; and 477A.0132; Minnesota Statutes 1993 Supplement, sections 16A.712; 82.19, subdivision 9; 256E.06, subdivision 12; 273.166, subdivision 4; 289A.25, subdivision 5a; 290A.23; 465.80, subdivisions 1, 2, 4, and 5; 469.175, subdivision 7a; and 477A.03, subdivision 1; Laws 1973, chapter 650, article 24, section 6.”

And when so amended the bill do pass. Amendments adopted. Report adopted.

SECOND READING OF SENATE BILLS

S.F. Nos. 2168 and 1775 were read the second time.

MOTIONS AND RESOLUTIONS – CONTINUED

Mr. Johnson, D.E. moved that his name be stricken as a co-author to S.F. No. 1995. The motion prevailed.

Mr. Langseth moved that the name of Ms. Pappas be added as a co-author to S.F. No. 2151. The motion prevailed.

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate proceeded to the Order of Business of Introduction and First Reading of Senate Bills.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time and referred to the committee indicated.

Mr. Merriam, for the Committee on Finance, introduced—

S.F. No. 2913: A bill for an act relating to state government; supplementing appropriations for public safety; the environment and natural resources; the general legislative, judicial, and administrative expenses of state government; community development; and human services; fixing and limiting the amount of fees, penalties, and other costs to be collected in certain cases; transferring certain duties and functions; amending Minnesota Statutes 1992, sections 3.737, subdivisions 1 and 4; 16A.124, subdivisions 2 and 7; 16A.127, as amended; 16A.15, subdivision 3; 16B.01, subdivision 4; 16B.05, subdivision 2; 16B.06, subdivisions 1 and 2; 41A.09, subdivisions 2 and 5; 43A.37, subdivision 1; 60K.06; 60K.19, subdivision 8; 62A.046; 62A.048; 62A.27; 62D.102; 82.20, subdivisions 7 and 8; 82.21, by adding a subdivision; 82B.08, subdivisions 4 and 5; 82B.09, subdivision 1; 82B.19, subdivision 1; 83.25; 84.0887, by adding subdivisions; 84A.32, subdivision 1; 85A.02, subdivision 17; 144.804, subdivision 1; 171.06, subdivision 3; 176.102, subdivisions 3a and 14; 176.611, subdivision 6a; 204B.27, by adding a subdivision; 221.041, by adding a subdivision; 221.171, subdivision 2; 245.97, subdivision 1; 246.18, by adding a subdivision; 252.025, by adding a subdivision; 256.74, by adding a subdivision; 256.9365, subdivisions 1 and 3; 256B.056, by adding a subdivision; 256B.0625, subdivision 25, and by adding a subdivision; 256B.0641, subdivision 1; 256B.431, subdivision 17; 256H.05, subdivision 6; 257.62, subdivisions 1, 5, and 6; 257.64, subdivision 3; 257.69, subdivisions 1 and 2; 296.02, subdivision 7; 354.06, subdivision 1; 462A.05, by adding a subdivision; 477A.12; 504.33, subdivision 4; 504.35; 518.171, subdivision 5; and 518.613, subdivision 7; Minnesota Statutes 1993 Supplement, sections 15.50, subdivision 2; 41A.09, subdivision 3; 62A.045; 82.21, subdivision 1; 82.22, subdivisions 6 and 13; 82.34, subdivision 3; 97A.028, subdivision 3; 116J.966, subdivision 1; 138.763, subdivision 1; 144A.071, subdivisions 3 and 4a; 239.785, subdivision 2, and by adding a subdivision; 245.97, subdivision 6; 246.18, subdivision 4; 252.46, subdivision 6, and by adding a subdivision; 256.969, subdivision 24; 256B.431, subdivision 24; 256I.04, subdivision 3; 257.55, subdivision 1; 257.57, subdivision 2; 268.98, subdivision 1; 477A.13; 477A.14; 504.33, subdivision 7; 518.171, subdivisions 1, 3, 4, 7, and 8; 518.611, subdivisions 2 and 4; 518.613, subdivision 2; and 518.615, subdivision 3; Laws 1993, chapter 369, section 5, subdivision 4; proposing coding for new law in Minnesota Statutes, chapters 62A; 148; and 268; repealing Minnesota Statutes 1992, sections 16A.06, subdivision 8; 16A.124, subdivision 6; 43A.21, subdivision 5; 62C.141; 62C.143; 62D.106; 62E.04, subdivisions 9 and 10; 268.32; 268.551; 268.552; 355.04; and 355.06; Laws 1985, First Special Session chapter 12, article 11, section 19.

Under the rules of the Senate, laid over one day.

SUSPENSION OF RULES

Mr. Moe, R.D. moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota, with respect to S.F. No. 2913 and that the rules of the Senate be so far suspended as to give S.F. No. 2913 its second reading and place it on General Orders. The motion prevailed.

S.F. No. 2913 was read the second time.

Mr. Samuelson introduced—

S.F. No. 2914: A bill for an act relating to appropriations; highways; appropriating money for work on Morrison county road No. 206.

Referred to the Committee on Transportation and Public Transit.

MEMBERS EXCUSED

Ms. Anderson was excused from the Session of today from 10:00 a.m. to 12:30 p.m. Mr. Metzen was excused from the Session of today from 3:05 to 3:15 p.m.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 8:00 a.m., Tuesday, April 12, 1994. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

EIGHTY-EIGHTH DAY

St. Paul, Minnesota, Tuesday, April 12, 1994

The Senate met at 8:00 a.m. and was called to order by the President.

CALL OF THE SENATE

Mr. Moe, R.D. imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

Prayer was offered by the Chaplain, Rev. Gary F. Anderson.

The roll was called, and the following Senators answered to their names:

Adkins	Dille	Krentz	Morse	Robertson
Anderson	Finn	Kroening	Murphy	Runbeck
Beckman	Flynn	Laidig	Neuville	Sams
Belanger	Frederickson	Langseth	Novak	Sarnuelson
Benson, D.D.	Hanson	Larson	Oliver	Solon
Benson, J.E.	Hottinger	Lesewski	Olson	Spear
Berg	Janezich	Lessard	Pappas	Stevens
Berglin	Johnson, D.E.	Luther	Paniseau	Stumpf
Bertram	Johnson, D.J.	Marty	Piper	Terwilliger
Betzold	Johnson, J.B.	McGowan	Pogemiller	Vickerman
Chandler	Johnston	Merriam	Price	Wiener
Chmielewski	Kelly	Metzen	Ranum	
Cohen	Kiscaden	Moe, R.D.	Reichgott Junge	
Day	Knutson	Mondale	Riveness	

The President declared a quorum present.

The reading of the Journal was dispensed with and the Journal, as printed and corrected, was approved.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 2057, 2175 and 2433.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 11, 1994

FIRST READING OF HOUSE BILLS

The following bills were read the first time and referred to the committees indicated.

H.F. No. 2057: A bill for an act relating to partition fences; requiring the department of natural resources and other state agencies to share in the expense of partition fences; amending Minnesota Statutes 1992, section 344.03, subdivision 1.

Referred to the Committee on Environment and Natural Resources.

H.F. No. 2175: A bill for an act relating to the city of Saint Paul; authorizing a program for the replacement of lead pipes and the charging or assessment of costs for the program and the issuance of general or special obligations to pay the costs of the program.

Referred to the Committee on Taxes and Tax Laws.

H.F. No. 2433: A bill for an act relating to the city of Duluth; authorizing the issuance of general obligation bonds to finance improvements to the Duluth entertainment convention center.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2205, now on General Orders.

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

Ms. Berglin from the Committee on Health Care, to which was referred

S.F. No. 2825: A bill for an act relating to human services; modifying provisions concerning rates for care of certain persons and recovery of medical assistance overpayments; modifying provisions concerning home care and alternative care; requiring changes in related rules; providing instructions to the revisor of statutes; amending Minnesota Statutes 1992, sections 256B.0641, subdivision 1; 256B.0913, subdivision 8; 256B.0915, subdivision 5; and 256B.501, subdivisions 1, 3, 3c, and by adding a subdivision; Minnesota Statutes 1993 Supplement, sections 256B.0911, subdivisions 2 and 7; 256B.0913, subdivisions 5 and 12; 256B.0915, subdivision 1; 256B.501, subdivisions 3g and 8; and 256L.06, subdivision 1; repealing Minnesota Statutes 1992, section 256B.501, subdivisions 3d, 3e, and 3f.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1993 Supplement, section 256B.0911, subdivision 2, is amended to read:

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 *located within the state of Minnesota*;

(3) individuals who have a contractual right to have their nursing facility care paid for indefinitely by the veteran's administration; or

(4) individuals who are enrolled in the Ebenezer/Group Health social health maintenance organization project at the time of application to a nursing home; or

(5) individuals previously screened and currently being served under the alternative care or waiver programs.

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, or unless authorized by the county agency according to Public Law Number 101-508.

Before admission to a Medicaid certified nursing home or boarding care home, all persons must be screened and approved for admission through an assessment process. The nursing facility is authorized to conduct case mix assessments which are not conducted by the county public health nurse under Minnesota Rules, part 9549.0059. The designated county agency is responsible for distributing the quality assurance and review form for all new applicants to nursing homes.

Other persons who are not applicants to nursing facilities must be screened if a request is made for a screening.

Sec. 2. Minnesota Statutes 1993 Supplement, section 256B.0911, subdivision 7, is amended to read:

Subd. 7. [REIMBURSEMENT FOR CERTIFIED NURSING FACILITIES.] (a) Medical assistance reimbursement for nursing facilities shall be authorized for a medical assistance recipient only if a preadmission screening has been conducted prior to admission 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 screener has determined does not meet the level of care criteria for nursing facility placement or, if indicated, has not had a level II PASARR evaluation completed unless an admission for a recipient with mental illness is approved by the local mental health authority or an admission for a recipient with mental retardation or related condition is approved by the state mental retardation authority. The commissioner shall make a request to the health care financing administration for a waiver allowing screening team approval of Medicaid payments for certified nursing facility care. An individual has a choice and makes the final decision between nursing facility placement and community placement after the screening team's recommendation, except as provided in paragraphs (b) and (c).

(b) The local county mental health authority or the state 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 needs specialized services as defined in Public Law Numbers 100-203 and 101-508. For purposes of this section, "specialized services" for a person with mental retardation or a related condition means "active treatment" as that term is defined in Code of Federal Regulations, title 42, section 483.440(a)(1).

(c) Upon the receipt by the commissioner of approval by the Secretary of Health and Human Services of the waiver requested under paragraph (a), the local screener shall deny medical assistance reimbursement for nursing facility care for an individual:

(i) whose long-term care needs can be met in a community-based setting and whose cost of community-based home care services is less than 75 percent of the average payment for nursing facility care for that individual's case mix classification; ~~and who is either;~~

(ii) *who is being screened for nursing facility admission;*

(iii) *who meets a nursing facility level of care; and*

(iv) *who is either:*

(i) (A) a current medical assistance recipient ~~being screened for admission to a nursing facility;~~ or

(ii) (B) an individual who would be eligible for medical assistance within 180 days of entering a nursing facility ~~and who meets a nursing facility level of care.~~

(d) Appeals from the screening team's recommendation or the county agency's final decision shall be made according to section 256.045, subdivision 3.

The county shall be held harmless if the recommendation of the screening team is community placement. In cases where a care plan and resources need to be developed before services can be delivered to the applicant, the screener may authorize nursing facility admission and Medicaid payment for a limited period of time sufficient to coordinate any needed community services.

Sec. 3. Minnesota Statutes 1993 Supplement, section 256B.0913, subdivision 5, is amended to read:

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;
- (9) residential care services;
- (10) care-related supplies and equipment;
- (11) meals delivered to the home;
- (12) transportation;

- (13) skilled nursing;
- (14) chore services;
- (15) companion services;
- (16) nutrition services; and
- (17) training for direct informal caregivers.

(b) 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.

(c) Unless specified in statute, the service standards for alternative care services shall be the same as the service standards defined in the elderly waiver. Persons or agencies must be employed by or under a contract with the county agency or the public health nursing agency of the local board of health in order to receive funding under the alternative care program.

(d) The adult foster care rate shall be considered a difficulty of care payment and shall not include room and board. The adult foster care daily rate shall be negotiated between the county agency and the foster care provider. The rate established under this section shall not exceed 75 percent of the state average monthly nursing home payment for the case mix classification to which the individual receiving foster care is assigned, and it must allow for other alternative care services to be authorized by the case manager.

(e) 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.

(f) Costs for supplies and equipment that exceed \$150 per item per month must have prior approval from the commissioner. A county may use alternative care funds to purchase supplies and equipment from a non-Medicaid certified vendor if the cost for the items is less than that of a Medicaid vendor. *A county is not required to contract with a provider of supplies and equipment if the monthly cost of the supplies or equipment is less than \$250.*

(g) For purposes of this section, residential care services are services which are provided to individuals living in residential care homes. Residential care homes are currently licensed as board and lodging establishments and are registered with the department of health as providing special services. Residential care services are defined as "supportive services" and "health-related services." "Supportive services" means the provision of up to 24-hour supervision and oversight. Supportive services includes: (1) transportation, when provided by the residential care center only; (2) socialization, when socialization is part of the plan of care, has specific goals and outcomes established, and is not diversional or recreational in nature; (3) assisting clients in setting up meetings and appointments; (4) assisting clients in setting up medical and social services; (5) providing assistance with personal laundry, such as carrying the client's laundry to the laundry room. Assistance with personal laundry does not include any laundry, such as bed linen, that is included in the room and board rate. Health-related services are limited to minimal assistance with dressing, grooming, and bathing and providing

reminders to residents to take medications that are self-administered or providing storage for medications, if requested. Individuals receiving residential care services cannot receive both personal care services and residential care services.

(h) For the purposes of this section, "assisted living" refers to supportive services provided by a single vendor to clients who reside in the same apartment building of three or more units. Assisted living services are defined as up to 24-hour supervision, and oversight, supportive services as defined in clause (1), individualized home care aide tasks as defined in clause (2), and individualized home management tasks as defined in clause (3) provided to residents of a residential center living in their units or apartments with a full kitchen and bathroom. A full kitchen includes a stove, oven, refrigerator, food preparation counter space, and a kitchen utensil storage compartment. Assisted living services must be provided by the management of the residential center or by providers under contract with the management or with the county.

(1) Supportive services include:

(i) socialization, when socialization is part of the plan of care, has specific goals and outcomes established, and is not diversional or recreational in nature;

(ii) assisting clients in setting up meetings and appointments; and

(iii) providing transportation, when provided by the residential center only.

Individuals receiving assisted living services will not receive both assisted living services and homemaking or personal care services. Individualized means services are chosen and designed specifically for each resident's needs, rather than provided or offered to all residents regardless of their illnesses, disabilities, or physical conditions.

(2) Home care aide tasks means:

(i) preparing modified diets, such as diabetic or low sodium diets;

(ii) reminding residents to take regularly scheduled medications or to perform exercises;

(iii) household chores in the presence of technically sophisticated medical equipment or episodes of acute illness or infectious disease;

(iv) household chores when the resident's care requires the prevention of exposure to infectious disease or containment of infectious disease; and

(v) assisting with dressing, oral hygiene, hair care, grooming, and bathing, if the resident is ambulatory, and if the resident has no serious acute illness or infectious disease. Oral hygiene means care of teeth, gums, and oral prosthetic devices.

(3) Home management tasks means:

(i) housekeeping;

(ii) laundry;

(iii) preparation of regular snacks and meals; and

(iv) shopping.

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.

Reimbursement for assisted living services and residential care services shall be made by the lead agency to the vendor as a monthly rate negotiated with the county agency. The rate shall not exceed the nonfederal share of the greater of either the statewide or any of the geographic groups' weighted 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, except for alternative care assisted living projects established under Laws 1988, chapter 689, article 2, section 256, whose rates may not exceed 65 percent of either the statewide or any of the geographic groups' weighted 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 rate may not cover rent and direct food costs.

(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.

Sec. 4. Minnesota Statutes 1992, section 256B.0913, subdivision 8, is amended to read:

Subd. 8. [REQUIREMENTS FOR INDIVIDUAL CARE PLAN.] The case manager shall implement the plan of care for each 180-day eligible client and ensure that a client's service needs and eligibility are reassessed at least every ~~six~~ 12 months. The plan shall include any services prescribed by the individual's attending physician as necessary to allow the individual to remain in a community setting. In developing the individual's care plan, the case manager should 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 county shall be held harmless for damages or injuries sustained through the use of volunteers under this subdivision including workers' compensation liability. 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. The case manager must give the individual a ten-day written notice of any decrease in or termination of alternative care services.

Sec. 5. Minnesota Statutes 1993 Supplement, section 256B.0913, subdivision 12, is amended to read:

Subd. 12. [CLIENT PREMIUMS.] (a) A premium is required for all 180-day eligible clients to help pay for the cost of participating in the program. The amount of the premium for the alternative care client shall be determined as follows:

(1) when the alternative care client's income less recurring and predictable medical expenses is greater than the medical assistance income standard but less than 150 percent of the federal poverty guideline, and total assets are less than \$6,000, the fee is zero;

(2) when the alternative care client's income less recurring and predictable medical expenses is greater than 150 percent of the federal poverty guideline and total assets are less than \$6,000, the fee is 25 percent of the cost of alternative care services or the difference between 150 percent of the federal poverty guideline and the client's income less recurring and predictable medical expenses, whichever is less; and

(3) when the alternative care client's total assets are greater than \$6,000, the fee is 25 percent of the cost of alternative care services.

For married persons, total assets are defined as the total marital assets less the estimated community spouse asset allowance, under section 256B.059, if applicable. For married persons, total income is defined as the client's income less the monthly spousal allotment, under section 256B.058.

All alternative care services except case management shall be included in the estimated costs for the purpose of determining 25 percent of the costs.

The monthly premium shall be calculated ~~and be payable in the~~ based on the cost of the first full month in which the of alternative care services begin and shall continue unaltered for six months until the semiannual reassessment unless the actual cost of services falls below the fee until the next reassessment is completed or at the end of 12 months whichever comes first. Premiums are due and payable each month alternative care services are received unless the actual cost of the services is less than the premium.

(b) The fee shall be waived by the commissioner when:

(1) a person who is residing in a nursing facility is receiving case management only;

(2) a person is applying for medical assistance;

(3) a married couple is requesting an asset assessment under the spousal impoverishment provisions;

(4) a person is a medical assistance recipient, but has been approved for alternative care-funded assisted living services;

(5) a person is found eligible for alternative care, but is not yet receiving alternative care services; or

(6) a person is an adult foster care resident for whom alternative care funds are being used to meet a portion of the person's medical assistance spend-down, as authorized in subdivision 4; and

(7) a person's fee under paragraph (a) is less than \$25.

(c) The county agency must collect the premium from the client and forward the amounts collected to the commissioner in the manner and at the times prescribed by the commissioner. Money collected must be deposited in the general fund and is appropriated to the commissioner for the alternative care program. The client must supply the county with the client's social security number at the time of application. If a client fails or refuses to pay the premium due, the county shall supply the commissioner with the client's social security number and other information the commissioner requires to collect the premium from the client. The commissioner shall collect unpaid premiums using the revenue recapture act in chapter 270A and other methods available to the commissioner. The commissioner may require counties to inform clients of the collection procedures that may be used by the state if a premium is not paid.

(d) The commissioner shall begin to adopt emergency or permanent rules governing client premiums within 30 days after July 1, 1991, including criteria for determining when services to a client must be terminated due to failure to pay a premium.

Sec. 6. Minnesota Statutes 1993 Supplement, section 256B.0915, subdivision 1, is amended to read:

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 elderly and disabled medical assistance recipients must comply with the criteria approved in the waiver.

Home and community-based services provided under the elderly and disabled waivers are available to individuals who, but for the provisions of such services, would require a nursing facility level of care, the cost of which could be reimbursed under the approved Medicaid state plan. A preadmission screening must be done in accordance with section 256B.0911, except for subdivision 7, to establish that an individual would require a nursing facility level of care.

Sec. 7. Minnesota Statutes 1993 Supplement, section 256B.0915, subdivision 3, is amended to read:

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 medical assistance case mix reimbursement system. The statewide average payment rate is calculated by determining the statewide average monthly 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. 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.

(c) 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 for both the elderly waiver and the disabled waiver must have the commissioner's prior approval. *A county is not required to contract with a provider of supplies and equipment if the monthly cost of the supplies or equipment is less than \$250.*

(e) For the fiscal year beginning on July 1, 1993, and for subsequent fiscal years, the commissioner of human services shall not provide automatic annual inflation adjustments for home and community-based waived services. The commissioner of finance shall include as a budget change request in each biennial detailed expenditure budget submitted to the legislature under section 16A.11 annual adjustments in reimbursement rates for home and community-based waived services, based on 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. The adult foster care rate shall be considered a difficulty of care payment and shall not include room and board.

(f) The adult foster care daily rate for the elderly and disabled waivers shall be negotiated between the county agency and the foster care provider. The rate established under this section shall not exceed the state average monthly nursing home payment for the case mix classification to which the individual receiving foster care is assigned, and it must allow for other waiver and medical assistance home care services to be authorized by the case manager.

(g) The assisted living and residential care service rates for elderly and disabled waivers shall be made to the vendor as a monthly rate negotiated with the county agency. The rate shall not exceed the nonfederal share of the greater of either the statewide or any of the geographic groups' weighted average monthly medical assistance nursing facility payment rate of the case mix resident class to which the elderly or disabled client would be assigned under Minnesota Rules, parts 9549.0050 to 9549.0059, except for alternative care assisted living projects established under Laws 1988, chapter 689, article 2, section 256, whose rates may not exceed 65 percent of the greater of either the statewide or any of the geographic groups' weighted average monthly medical assistance nursing facility payment rate for the case mix resident class to which the elderly or disabled client would be assigned under Minnesota Rules, parts 9549.0050 to 9549.0059. The rate may not cover direct rent or food costs.

(h) The county shall negotiate individual rates with vendors and may be reimbursed for actual costs up to the greater of the county's current approved rate or 60 percent of the maximum rate in fiscal year 1994 and 65 percent of the maximum rate in fiscal year 1995 for each service within each program.

(i) On July 1, 1993, the commissioner shall increase the maximum rate for home-delivered meals to \$4.50 per meal.

(j) 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.

(k) 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. 8. Minnesota Statutes 1992, section 256B.0915, subdivision 5, is amended to read:

Subd. 5. [REASSESSMENTS FOR WAIVER CLIENTS.] A reassessment of a client served under the elderly or disabled waiver must be conducted at least every ~~six~~ 12 months and at other times when the case manager determines that there has been significant change in the client's functioning. This may include instances where the client is discharged from the hospital.

Sec. 9. Minnesota Statutes 1993 Supplement, section 256B.0917, subdivision 2, is amended to read:

Subd. 2. [DESIGN OF SAIL PROJECTS; LOCAL LONG-TERM CARE COORDINATING TEAM.] (a) The commissioner of human services in conjunction with the interagency long-term care planning committee's long-range strategic plan shall contract with 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, a county board or boards must establish a long-term care coordinating team consisting of county social service agencies, public health nursing service agencies, local boards of health, *a representative of local nursing home providers, a representative of local home care providers*, and the area agencies on aging in a geographic area 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 Older Americans Act, Community Social Services Act, Title XX of the Social Security Act and the Local Public Health Act; and

(4) ensuring efficient services provision and nonduplication of funding.

(c) The board or boards shall designate a public agency to serve as the lead agency. 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 semiannually evaluate the progress of the local long-term care strategy in meeting state measures of performance and results as established in the contract.

(d) Each member of the local coordinating team must indicate its endorsement of the local strategy. 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.

(e) The board or boards shall apply to be selected as a project. If the project is selected, 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.

(f) Projects shall be selected according to the following conditions.

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 four 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.

Sec. 10. Minnesota Statutes 1992, section 256B.432, subdivision 1, is amended to read:

Subdivision 1. [DEFINITIONS.] For purposes of this section, the following terms have the meanings given them.

(a) "Management agreement" means an agreement in which one or more of the following criteria exist:

(1) the central, affiliated, or corporate office has or is authorized to assume day-to-day operational control of the ~~long-term care~~ *nursing* facility for any six-month period within a 24-month period. "Day-to-day operational control" means that the central, affiliated, or corporate office has the authority to require, mandate, direct, or compel the employees of the ~~long-term care~~ *nursing* facility to perform or refrain from performing certain acts, or to supplant or take the place of the top management of the ~~long-term care~~ *nursing* facility. "Day-to-day operational control" includes the authority to hire or terminate employees or to provide an employee of the central, affiliated, or corporate office to serve as administrator of the ~~long-term care~~ *nursing* facility;

(2) the central, affiliated, or corporate office performs or is authorized to perform two or more of the following: the execution of contracts; authorization of purchase orders; signature authority for checks, notes, or other financial instruments; requiring the ~~long-term care~~ *nursing* facility to use the group or volume purchasing services of the central, affiliated, or corporate office; or the authority to make annual capital expenditures for the ~~long-term care~~ *nursing* facility exceeding \$50,000, or \$500 per licensed bed, whichever is less, without first securing the approval of the ~~long-term care~~ *nursing* facility board of directors;

(3) the central, affiliated, or corporate office becomes or is required to become the licensee under applicable state law;

(4) the agreement provides that the compensation for services provided under the agreement is directly related to any profits made by the ~~long-term care~~ *nursing* facility; or

(5) the ~~long-term care~~ *nursing* facility entering into the agreement is governed by a governing body that meets fewer than four times a year, that does not publish notice of its meetings, or that does not keep formal records of its proceedings.

(b) "Consulting agreement" means any agreement the purpose of which is for a central, affiliated, or corporate office to advise, counsel, recommend, or suggest to the owner or operator of the nonrelated ~~long-term care~~ *nursing* facility measures and methods for improving the operations of the ~~long-term care~~ *nursing* facility.

(c) "~~Long term care Nursing facility~~" means a nursing facility whose medical assistance rates are determined according to section 256B.431 ~~or an intermediate care facility for persons with mental retardation and related conditions whose medical assistance rates are determined according to section 256B.501.~~

Sec. 11. Minnesota Statutes 1992, section 256B.432, subdivision 2, is amended to read:

Subd. 2. [EFFECTIVE DATE.] For rate years beginning on or after July 1, 1990, the central, affiliated, or corporate office cost allocations in subdivisions 3 to 6 must be used when determining medical assistance rates under sections 256B.431 and ~~256B.501~~ 256B.50.

Sec. 12. Minnesota Statutes 1992, section 256B.432, subdivision 3, is amended to read:

Subd. 3. [ALLOCATION; DIRECT IDENTIFICATION OF COSTS OF ~~LONG TERM CARE NURSING FACILITIES; MANAGEMENT AGREEMENT.~~] All costs that can be directly identified with a specific ~~long term care nursing~~ facility that is a related organization to the central, affiliated, or corporate office, or that is controlled by the central, affiliated, or corporate office under a management agreement, must be allocated to that ~~long term care nursing~~ facility.

Sec. 13. Minnesota Statutes 1993 Supplement, section 256B.432, subdivision 5, is amended to read:

Subd. 5. [ALLOCATION OF REMAINING COSTS; ALLOCATION RATIO.] (a) After the costs that can be directly identified according to subdivisions 3 and 4 have been allocated, the remaining central, affiliated, or corporate office costs must be allocated between the ~~long term care nursing~~ facility operations and the other activities or facilities unrelated to the ~~long term care nursing~~ facility operations based on the ratio of total operating costs.

(b) For purposes of allocating these remaining central, affiliated, or corporate office costs, the numerator for the allocation ratio shall be determined as follows:

(1) for ~~long term care nursing~~ facilities that are related organizations or are controlled by a central, affiliated, or corporate office under a management agreement, the numerator of the allocation ratio shall be equal to the sum of the total operating costs incurred by each related organization or controlled ~~long term care nursing~~ facility;

(2) for a central, affiliated, or corporate office providing goods or services to related organizations that are not ~~long term care nursing~~ facilities, the numerator of the allocation ratio shall be equal to the sum of the total operating costs incurred by the ~~non-long term care non-nursing facility~~ related organizations;

(3) for a central, affiliated, or corporate office providing goods or services to unrelated ~~long term care nursing~~ facilities under a consulting agreement, the numerator of the allocation ratio shall be equal to the greater of directly identified central, affiliated, or corporate costs or the contracted amount; or

(4) for business activities that involve the providing of goods or services to unrelated parties which are not ~~long term care nursing~~ facilities, the numer-

ator of the allocation ratio shall be equal to the greater of directly identified costs or revenues generated by the activity or function.

(c) The denominator for the allocation ratio is the sum of the numerators in paragraph (b), clauses (1) to (4).

Sec. 14. Minnesota Statutes 1992, section 256B.432, subdivision 6, is amended to read:

Subd. 6. [~~COST ALLOCATION BETWEEN LONG TERM CARE NURSING FACILITIES.~~] (a) Those ~~long term care nursing~~ operations that have long-term care facilities both in Minnesota and outside of Minnesota must allocate the ~~long term care nursing~~ operation's central, affiliated, or corporate office costs identified in subdivision 5 to Minnesota based on the ratio of total resident days in Minnesota ~~long term care nursing~~ facilities to the total resident days in all facilities.

(b) The Minnesota ~~long term care nursing~~ operation's central, affiliated, or corporate office costs identified in paragraph (a) must be allocated to each Minnesota ~~long term care nursing~~ facility on the basis of resident days.

Sec. 15. Minnesota Statutes 1992, section 256B.501, subdivision 1, is amended to read:

Subdivision 1. [DEFINITIONS.] For the purposes of this section, the following terms have the meaning given them.

(a) "Commissioner" means the commissioner of human services.

(b) "Facility" means a facility licensed as a mental retardation residential facility under section 252.28, licensed as a supervised living facility under chapter 144, and certified as an intermediate care facility for persons with mental retardation or related conditions. *The term does not include a state regional treatment center.*

(c) "Waivered service" means home or community-based service authorized under United States Code, title 42, section 1396n(c), as amended through December 31, 1987, and defined in the Minnesota state plan for the provision of medical assistance services. Waivered services include, at a minimum, case management, family training and support, developmental training homes, supervised living arrangements, semi-independent living services, respite care, and training and habilitation services.

Sec. 16. Minnesota Statutes 1992, section 256B.501, subdivision 3, is amended to read:

Subd. 3. [RATES FOR INTERMEDIATE CARE FACILITIES FOR PERSONS WITH MENTAL RETARDATION OR RELATED CONDITIONS.] The commissioner shall establish, by rule, procedures for determining rates for care of residents of intermediate care facilities for persons with mental retardation or related conditions. ~~The procedures shall be based on methods and standards that the commissioner finds are adequate to provide for the costs that must be incurred for the care of residents in efficiently and economically operated facilities.~~ In developing the procedures, the commissioner shall include:

(a) cost containment measures that assure efficient and prudent management of capital assets and operating cost increases which do not exceed increases in other sections of the economy;

(b) limits on the amounts of reimbursement for property, ~~general and administration~~, and new facilities;

(c) requirements to ensure that the accounting practices of the facilities conform to generally accepted accounting principles;

(d) incentives to reward accumulation of equity;

(e) ~~a revaluation on sale between unrelated organizations for a facility that, for at least three years before its use as an intermediate care facility, has been used by the seller as a single family home and been claimed by the seller as a homestead, and was not revalued immediately prior to or upon entering the medical assistance program, provided that the facility revaluation not exceed the amount permitted by the Social Security Act, section 1902(a)(13); and rule revisions which:~~

(1) ~~combine the program, maintenance, and administrative operating cost categories, and professional liability and real estate insurance expenses into one general operating cost category;~~

(2) ~~eliminate the maintenance and administrative operating cost category limits and account for disallowances under the rule existing on the effective date of this section in the revised rule. If this provision is later invalidated, the total administrative cost disallowance shall be deducted from economical facility payments in clause (3);~~

(3) ~~establish an economical facility incentive that rewards facilities that provide all appropriate services in a cost-effective manner and penalizes reductions of either direct service wages or standardized hours of care per resident;~~

(4) ~~establish a best practices award system, that is based on outcome measures and that rewards quality, innovation, cost effectiveness, and staff retention;~~

(5) ~~establish compensation limits for employees on the basis of full-time employment and the developmentally disabled client base of a provider group or facility. The commissioner may consider the inclusion of hold harmless provisions;~~

(6) ~~establish overall limits on a facility's rate of inflation increases. The commissioner shall consider groupings of facilities that account for a significant variation in cost. The commissioner may differentiate in the application of these limits between high and very high cost facilities. The limits, once established, shall be indexed for inflation and may be rebased by the commissioner; and~~

(7) ~~develop cost allocation principles which are based on facility expenses; and~~

(f) ~~appeals procedures that satisfy the requirements of section 256B.50 for appeals of decisions arising from the application of standards or methods pursuant to Minnesota Rules, parts 9510.0500 to 9510.0890, 9553.0010 to 9553.0080, and 12 MCAR 2.05301 to 2.05315 (temporary).~~

~~In establishing rules and procedures for setting rates for care of residents in intermediate care facilities for persons with mental retardation or related conditions; the commissioner shall consider the recommendations contained in the February 11, 1983, Report of the Legislative Auditor on Community~~

Residential Programs for the Mentally Retarded and the recommendations contained in the 1982 Report of the Department of Public Welfare Rule 52 Task Force. Rates paid to supervised living facilities for rate years beginning during the fiscal biennium ending June 30, 1985, shall not exceed the final rate allowed the facility for the previous rate year by more than five percent.

Sec. 17. Minnesota Statutes 1992, section 256B.501, subdivision 3c, is amended to read:

Subd. 3c. [COMPOSITE FORECASTED INDEX.] For rate years beginning on or after October 1, 1988, the commissioner shall establish a statewide composite forecasted index to take into account economic trends and conditions between the midpoint of the facility's reporting year and the midpoint of the rate year following the reporting year. The statewide composite index must incorporate the forecast by Data Resources, Inc., of increases in the average hourly earnings of nursing and personal care workers indexed in Standard Industrial Code 805 in "Employment and Earnings," published by the Bureau of Labor Statistics, United States Department of Labor. This portion of the index must be weighted annually by the proportion of total allowable salaries and wages to the total allowable operating costs in the program, maintenance, and administrative operating cost categories for all facilities.

For adjustments to the other operating costs in the program, maintenance, and administrative operating cost categories, the statewide index must incorporate the Data Resources, Inc. forecast for increases in the national CPI-U. This portion of the index must be weighted annually by the proportion of total allowable other operating costs to the total allowable operating costs in the program, maintenance, and administrative operating cost categories for all facilities. The commissioner shall use the indices as forecasted by Data Resources, Inc., in the fourth quarter of the reporting year.

For rate years beginning on or after October 1, 1990, the commissioner shall index a facility's allowable operating costs in the program, maintenance, and administrative operating cost categories by using Data Resources, Inc., forecast for change in the Consumer Price Index-All Items (U.S. city average) (CPI-U). The commissioner shall use the indices as forecasted by Data Resources, Inc., in the first quarter of the calendar year in which the rate year begins. For fiscal years beginning after June 30, 1993, the commissioner shall not provide automatic inflation adjustments for intermediate care facilities for persons with mental retardation. The commissioner of finance shall include annual inflation adjustments in operating costs for intermediate care facilities for persons with mental retardation and related conditions as a budget change request in each biennial detailed expenditure budget submitted to the legislature under section 16A.11.

Sec. 18. Minnesota Statutes 1993 Supplement, section 256B.501, subdivision 3g, is amended to read:

Subd. 3g. [ASSESSMENT OF RESIDENTS CLIENTS.] To establish the service characteristics of residents clients, the quality assurance and review teams in the department of health shall assess all residents clients annually beginning January 1, 1989, using a uniform assessment instrument developed by the commissioner. This instrument shall include assessment of the services identified as needed and provided to each client to address behavioral needs, integration into the community, ability to perform activities of daily living, medical and therapeutic needs, and other relevant factors determined by the

commissioner. By January 30, 1994, the commissioner shall report to the legislature on:

- (1) the assessment process and scoring system utilized;
- (2) possible utilization of assessment information by facilities for management purposes; and
- (3) possible application of the assessment for purposes of adjusting the operating cost rates of facilities based on a comparison of client services characteristics, resource needs, and costs. *For clients newly admitted to the facility, the interdisciplinary team shall complete an assessment of the client, using the uniform assessment instrument developed by the commissioner, within 30 days of the client's admission to the facility. The facility's qualified mental retardation professional shall complete and submit the assessment form to the department of health, quality assurance and review section, within ten working days following the 30-day interdisciplinary team meeting. Clients admitted to the facility for temporary care shall not be assessed using the uniform instrument, unless the clients' length of stay in the facility exceeds 30 days.*

Sec. 19. Minnesota Statutes 1993 Supplement, section 256B.501, subdivision 8, is amended to read:

Subd. 8. [PAYMENT FOR PERSONS WITH SPECIAL NEEDS.] The commissioner shall establish by December 31, 1983, procedures to be followed by the counties to seek authorization from the commissioner for medical assistance reimbursement for very dependent persons with special needs in an amount in excess of the rates allowed pursuant to subdivision subdivisions 2 and 8a, including rates established under section 252.46 when they apply to services provided to residents of intermediate care facilities for persons with mental retardation or related conditions, and procedures to be followed for rate limitation exemptions for intermediate care facilities for persons with mental retardation or related conditions. No excess payment approved by the commissioner after June 30, 1991, shall be authorized unless:

- (1) the need for specific level of service is documented in the individual service plan of the person to be served;
- (2) the level of service needed can be provided within the rates established under section 252.46 and Minnesota Rules, parts 9553.0010 to 9553.0080, without a rate exception within 12 months;
- (3) staff hours beyond those available under the rates established under section 252.46 and Minnesota Rules, parts 9553.0010 to 9553.0080, necessary to deliver services do not exceed 1,440 hours within 12 months;
- (4) there is a basis for the estimated cost of services;
- (5) the provider requesting the exception documents that current per diem rates are insufficient to support needed services;
- (6) estimated costs, when added to the costs of current medical assistance-funded residential and day training and habilitation services and calculated as a per diem, do not exceed the per diem established for the regional treatment centers for persons with mental retardation and related conditions on July 1, 1990, indexed annually by the urban consumer price index, all items, as forecasted by Data Resources Inc., for the next fiscal year over the current fiscal year;

(7) any contingencies for an approval as outlined in writing by the commissioner are met; and

(8) any commissioner orders for use of preferred providers are met.

The commissioner shall evaluate the services provided pursuant to this subdivision through program and fiscal audits.

The commissioner may terminate the rate exception at any time under any of the conditions outlined in Minnesota Rules, part 9510.1120, subpart 3, for county termination, or by reason of information obtained through program and fiscal audits which indicate the criteria outlined in this subdivision have not been, or are no longer being, met.

The commissioner may approve no more than one rate exception, up to 12 months duration, for an eligible client.

Sec. 20. Minnesota Statutes 1992, section 256B.501, is amended by adding a subdivision to read:

Subd. 8a. [PAYMENT FOR PERSONS WITH SPECIAL NEEDS FOR CRISIS INTERVENTION SERVICES.] State-operated, community-based crisis services provided in accordance with section 252.50, subdivision 7, to a resident of an intermediate care facility for persons with mental retardation (ICF/MR) reimbursed under this section shall be paid by medical assistance in accordance with the paragraphs in this subdivision.

(a) "Crisis services" means the specialized services listed in clauses (1) to (3) provided to prevent the recipient from requiring placement in a more restrictive institutional setting such as an inpatient hospital or regional treatment center and to maintain the recipient in his or her present community setting.

(1) The crisis services provider shall assess the recipient's behavior and environment to identify factors contributing to the crisis.

(2) The crisis services provider shall develop a recipient-specific intervention plan in coordination with the service planning team and provide recommendations for revisions to the individual service plan if necessary to prevent or minimize the likelihood of future crisis situations. The intervention plan shall include a transition plan to aid the recipient in returning to the community-based ICF/MR if the recipient is receiving residential crisis services.

(3) The crisis services provider shall consult with and provide training and ongoing technical assistance to the recipient's service providers to aid in the implementation of the intervention plan and revisions to the individual service plan.

(b) "Residential crisis services" means crisis services that are provided to a recipient admitted to the crisis services foster care setting because the ICF/MR receiving reimbursement under this section is not able, as determined by the commissioner, to provide the intervention and protection of the recipient and others living with the recipient that is necessary to prevent the recipient from requiring placement in a more restrictive institutional setting.

(c) Crisis services providers must be licensed by the commissioner under section 245A.03 to provide foster care, must exclusively provide short-term crisis intervention, and must not be located in a private residence.

(d) Payment rates are determined annually for each crisis services provider based on cost of care for each provider as defined in section 246.50. Interim payment rates are calculated on a per diem basis by dividing the projected cost of providing care by the projected number of contact days for the fiscal year, as estimated by the commissioner. Final payment rates are calculated by dividing the actual cost of providing care by the actual number of contact days in the applicable fiscal year.

(e) Payment shall be made for each contact day. "Contact day" means any day in which the crisis services provider has face-to-face contact with the recipient or any of the recipient's medical assistance service providers for the purpose of providing crisis services as defined in paragraph (c).

(f) Payment for residential crisis services is limited to 21 days, unless an additional period is authorized by the commissioner. The additional period may not exceed 21 days.

(g) Payment for crisis services shall be made only for services provided while the ICF/MR receiving reimbursement under this section: (1) has a shared services agreement with the crisis services provider in effect in accordance with section 246.57; (2) has reassigned payment for the provision of the crisis services under this subdivision to the commissioner in accordance with Code of Federal Regulations, title 42, section 447.10(e); and (3) has executed a cooperative agreement with the crisis services provider to implement the intervention plan and revisions to the individual service plan as necessary to prevent or minimize the likelihood of future crisis situations, to maintain the recipient in his or her present community setting, and to prevent the recipient from requiring a more restrictive institutional setting.

(h) Payment to the ICF/MR receiving reimbursement under this section shall be made for each therapeutic leave day during which the recipient is receiving residential crisis services, if the ICF/MR is otherwise eligible to receive payment for a therapeutic leave day under Minnesota Rules, part 9505.0415. Payment under this paragraph shall be terminated if the commissioner determines that the ICF/MR is not meeting the terms of the cooperative agreement under paragraph (g) or that the recipient will not return to the ICF/MR.

Sec. 21. Minnesota Statutes 1993 Supplement, section 256I.06, subdivision 1, is amended to read:

Subdivision 1. [MONTHLY PAYMENTS.] Monthly payments made ~~on an individual's behalf~~ for group residential housing must be issued as a voucher ~~or vendor payment~~ directly to a recipient of group residential housing. In the event that the federal Health Care Financing Administration approves vendor payments on an individual's behalf as optional state supplements to the Supplemental Security Income program, group residential housing payments made on an individual's behalf must be made by voucher or vendor payment.

Sec. 22. [CRISIS SERVICES STUDY.]

The commissioner shall study and explore various methods of funding crisis services for persons with mental retardation or related conditions. The commissioner shall seek advice from affected parties in completing this study, and report the findings to the 1995 legislature.

Sec. 23. [RULES.]

For rate years beginning as soon as practical after September 30, 1995, the commissioner shall revise Minnesota Rules, parts 9553.0010 to 9553.0080, to incorporate changes made to Minnesota Statutes, section 256B.501.

Sec. 24. [ICF/MR RULE REVISION.]

The commissioner shall consider various time record and time distribution record keeping requirements when developing rule revisions for cost allocation regarding intermediate care facilities for persons with mental retardation or related conditions. The commissioner shall consider information from the public, including providers, provider associations, advocates, and counties when developing rule amendments in the area of cost allocation.

From July 1, 1994, until December 31, 1994, all employees and consultants of ICFs/MR, including any individual for whom any portion of that individual's compensation is reported for reimbursement under Minnesota Rules, parts 9553.0010 to 9553.0080, shall document their service to all sites according to paragraphs (a) to (c). For this purpose, and for paragraphs (a) to (c), employee means an individual who is compensated by a facility or provider group for necessary services on any hourly or salaried basis. Employees and consultants for whom no portion of that individual's total compensation is reported for reimbursement in Minnesota Rules, parts 9553.0010 to 9553.0080, are exempt from the record keeping requirements set forth in paragraphs (a) to (c).

(a) Time and attendance records are required for all employees and consultants as set forth in Minnesota Statutes, section 256B.432, subdivision 8.

(b) Employees and consultants shall keep time records on a daily basis showing the actual time spent on various activities, as required by Minnesota Rules, part 9553.0030, except that employees with multiple duties must not use a sampling method.

(c) All employees and consultants who work for the benefit of more than one site shall keep a record of where work is performed. This record must specify the time in which work performed at a site solely benefits that site. The amount of time reported for work performed at a site for the sole benefit of that site does not need to be adjusted for brief, infrequent telephone interruptions, time spent away from the site when accompanying clients from that site, and time away from the site for shopping or errands if the shopping or errands benefit solely that site.

For record keeping purposes, site means a Minnesota ICF/MR, waived services location, semi-independent living service arrangement, day training and habilitation operation, or similar out-of-state service operation for persons with developmental disabilities. Site also means any nondevelopmental disability service location or any business operation owned or operated by a provider group, either in or outside of Minnesota, whether or not that operation provides a service to persons with developmental disabilities.

Sec. 25. [REPEALER.]

After the revisions required by section 23 to Minnesota Rules, parts 9553.0010 to 9553.0080, have been adopted and filed with the secretary of state, so as to have the force and effect of law under Minnesota Statutes, section 14.38, the following subdivisions of Minnesota Statutes 1992, section 256B.501, are repealed: subdivisions 3d, 3e, and 3f.

Sec. 26. [EFFECTIVE DATE.]

Subdivision 1. Except as provided in subdivisions 2 and 3, sections 1 to 25 are effective August 1, 1994.

Subd. 2. The amendment in section 16 to Minnesota Statutes, section 256B.501, subdivision 3, creating clause (7) in paragraph (e), is effective the day after final enactment. Sections 19 and 20 are effective October 1, 1994. However, if any required federal approval has not been received before that date, the amendments made by sections 19 and 20 may not be implemented until federal approval is received.

Subd. 3. Sections 10 and 12 to 14 are effective after the revisions required by section 23 to Minnesota Rules, parts 9553.0010 to 9553.0080, have been adopted and filed with the secretary of state and have the force and effect of law."

Amend the title as follows:

Page 1, line 8, delete "256B.0641,"

Page 1, line 9, delete "subdivision 1;"

Page 1, line 10, after the semicolon, insert "256B.432, subdivisions 1, 2, 3, and 6;"

Page 1, line 14, delete "subdivision 1" and insert "subdivisions 1 and 3; 256B.0917, subdivision 2; 256B.432, subdivision 5"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Merriam from the Committee on Finance, to which was re-referred

S.F. No. 2378: A bill for an act relating to crime prevention; providing mandatory minimum prison sentences for persons convicted of a drive-by shooting; requiring prosecutors to report sentencing practices under the mandatory minimum sentencing law relating to certain weapon-related offenses; prohibiting waiver of the mandatory minimum sentence for firearms offenses for a repeat offender; increasing felony penalties for furnishing a minor with a firearm, ammunition, or explosives or recklessly furnishing another with a dangerous weapon; broadening the scope of the gun control act to apply to transfers of firearms by persons who are not federally licensed dealers; requiring a license to sell firearms or ammunition in the metropolitan area; prohibiting assault weapons in the metropolitan area; requiring maintenance of records regarding firearms sales in the metropolitan area; allowing metropolitan city attorneys to obtain assistance from the attorney general in prosecuting firearms offenses; allowing law enforcement agencies to charge a fee to conduct firearms eligibility background checks; clarifying that weapons may be seized in connection with certain offenses; requiring inspection of correctional facilities and lockups at least once every biennium; authorizing the commissioner of corrections to impose disciplinary confinement periods comparable to periods in place for inmates sentenced before August 1, 1993; modifying eligibility criteria for the challenge incarceration program; defining the length of phase III of the program; authorizing the commissioner of corrections to limit placement of convicted felons awaiting completion of presentence investigation reports in state correctional facilities; providing for good time reduction of sentences in local correctional facilities; providing a

separate definition of "mentally incapacitated" for certain victims under 18; expanding first-degree criminal sexual conduct to cover sexual contact with a child under 13; increasing the penalty for assault and malicious punishment of a child under three; expanding the forfeiture law's definition of "weapon used"; requiring the destruction of forfeited weapons used, firearms, ammunition, and firearm accessories; increasing the maximum fine applicable to petty misdemeanor traffic violations; clarifying the elements of the driving after license suspension, revocation, and cancellation offenses; increasing the penalty for committing certain escapes from custody; modifying criminal provisions relating to blasting agents and explosives; requiring county attorneys to adopt charging and plea bargaining practices; providing for two work and learn facilities for youth; appropriating money for public defense, criminal justice, corrections, and related purposes; providing for the transfer of certain money in the state treasury; amending Minnesota Statutes 1992, sections 13.99, by adding a subdivision; 124.912, subdivision 6; 169.89, subdivision 2; 171.18, subdivision 1; 219.383, subdivision 4; 241.021, subdivision 2; 241.26, subdivision 7; 243.18, subdivision 1; 243.23, subdivision 2; 243.24, subdivision 1; 244.09, by adding a subdivision; 244.12, subdivisions 1 and 2; 244.15, subdivision 4; 244.172, subdivision 3; 260.132, by adding a subdivision; 260.165, subdivision 1; 299A.31; 299A.32, subdivision 3; 299A.34, subdivisions 1 and 2; 299A.36; 299A.38, subdivision 3; 299C.065, as amended; 299F.72, subdivision 2, and by adding a subdivision; 299F.73; 299F.74; 299F.75; 299F.77; 299F.78, subdivision 1; 299F.79; 299F.80; 299F.82; 299F.83; 383B.225, subdivision 6; 388.051, by adding a subdivision; 487.25, by adding a subdivision; 609.0331; 609.0332; 609.115, subdivision 1; 609.185; 609.20; 609.223, by adding a subdivision; 609.224, subdivision 3; 609.245; 609.28; 609.341, subdivisions 4, 7, 11, and 12; 609.342, subdivision 1; 609.377; 609.485, subdivision 4; 609.5315, subdivision 6, and by adding a subdivision; 609.5316, subdivisions 1 and 3; 609.66, subdivisions 1b and 1c; 609.746, subdivision 1; 609.855; 611A.19, subdivision 1; 624.21; 624.712, by adding subdivisions; 624.7131, subdivisions 2 and 3; 624.714, subdivision 6; 624.731, subdivision 8; 626.76; 626.846, subdivision 6; 626A.05, subdivision 2; 631.425, subdivision 6; and 642.09; Minnesota Statutes 1993 Supplement, sections 171.24; 241.021, subdivision 1; 243.18, subdivision 2; 260.221, subdivision 1; 299A.35, subdivision 1; 518B.01, subdivision 6; 609.11, subdivisions 8, 9, and by adding a subdivision; 609.345, subdivision 1; 609.531, subdivision 1; 609.5315, subdivisions 1 and 2; 609.66, subdivision 1d; 609.902, subdivision 4; 624.713, subdivision 1, and by adding subdivisions; 624.7131, subdivision 10; 624.7132, subdivisions 1, 2, 4, 8, 11, 12, and 14; 626.556, subdivision 2; and 628.26; proposing coding for new law in Minnesota Statutes, chapters 242; 299A; 299F; 609; and 629; repealing Minnesota Statutes 1992; sections 299F.71; 299F.72, subdivisions 3 and 4; 299F.78, subdivision 2; 299F.815, subdivision 2; and 609.855, subdivision 4; Minnesota Statutes 1993 Supplement, sections 243.18, subdivision 3; 299F.811; 299F.815, subdivision 1; and 624.7132, subdivisions 7 and 10; Laws 1993, chapter 146, article 2, sections 15 and 18.

Reports the same back with the recommendation that the bill be amended as follows:

Page 3, lines 6 and 7, delete "25,466,000" and insert "32,834,000" and delete "26,920,000" and insert "34,288,000"

Page 3, line 15, delete "50,000" and insert "100,000" in both places

Page 3, line 20, delete "150,000" and insert "200,000" in both places

Page 3, line 23, delete "1,600,000" and insert "4,368,000" in both places

Page 3, after line 23, insert:

"SUPREME COURT	-0-	175,000	175,000
DISTRICT COURTS	-0-	4,325,000	4,325,000"

Page 3, delete line 25 and insert:

"APPROPRIATIONS	
Available for the Year	
Ending June 30	
1994	1995
\$	\$ "

Page 3, delete lines 28 to 30

Page 4, line 36, delete "3,450,000" and insert "3,500,000"

Page 4, delete line 45

Reletter the paragraphs in sequence

Page 5, line 4, delete "50,000" and insert "100,000"

Page 5, after line 10, insert:

"\$50,000 is for the development and testing of an instrument to measure the outcome of out-of-home placements for juveniles. The commissioner shall consult with the commissioner of corrections on the design of the instrument and implementation of the study. The commissioner shall report to the chairs of the senate crime prevention committee and the house of representatives judiciary committee regarding the results of the development and testing by September 1, 1995."

Page 5, line 15, delete "\$150,000" and insert "\$100,000"

Page 5, after line 33, insert:

"(e) \$50,000 is transferred from the insurance trust fund created in Minnesota Statutes, section 43A.316, subdivision 9, to the general fund for appropriation to the commissioner of public safety for a grant to fund the activities of a statewide youth safety initiative coordinated by the Minnesota student safety program."

Page 5, line 34, delete "(e)" and insert "(f)"

Page 6, line 13, delete "150,000" and insert "200,000"

Page 6, after line 13, insert:

“(a) Pilot Projects 150,000”

Page 6, after line 16, insert:

“(b) Teen Pregnancy Reduction 50,000

This appropriation is to develop, in consultation with the commissioner of education and a representative from Minnesota planning, a program to reduce teen pregnancy modeled after the education now and babies later (ENABL) program in California.”

Page 6, line 17, delete “1,600,000” and insert “4,368,000”

Page 6, line 20, delete everything after “article” and insert “9,”

Page 6, line 21, delete “subdivision,”

Page 6, line 24, after the period, insert “This appropriation may be used to fund no more than one dispositional advisor in each judicial district.”

Page 6, after line 24, insert:

“Sec. 5. SUPREME COURT

(a) Court Interpreter Program 100,000

(b) Commitment Study 75,000

Sec. 6. DISTRICT COURTS

(a) Human Resources Enhancements 2,577,000

(b) Jury Service Enhancements 1,693,000

(c) New Judge Orientation 25,000

(d) Sexual Assault Cases 30,000

This appropriation is for the trial courts to conduct training for the judicial district coordinating councils on the dynamics of sexual assault and on model programs for handling sexual assault cases.”

Renumber the sections of article 1 in sequence

Pages 92 and 93, delete section 1

Renumber the sections of article 8 in sequence

Page 101, after line 15, insert:

“ARTICLE 9

PUBLIC DEFENSE SERVICES

Section 1. Minnesota Statutes 1992, section 477A.012, is amended by adding a subdivision to read:

Subd. 7. [AID OFFSET FOR 1995 PUBLIC DEFENDER COSTS.] (a) In

the case of a county located in the first, fifth, seventh, ninth, or tenth judicial district, there shall be deducted from the payment to the county under this section an amount equal to the cost of public defense services in juvenile and misdemeanor cases, to the extent those costs are assumed by the state for the calendar year beginning on January 1, 1995.

(b) For the purpose of the aid reductions under this section, the following amounts shall be used by the commissioner of revenue as the cost of public defense services in juvenile and misdemeanor cases for each county in the first, fifth, seventh, ninth, and tenth judicial districts, during the calendar year beginning on January 1, 1995:

COUNTY	JUDICIAL DISTRICT	AMOUNT
(1) Aitkin	9	\$126,000
(2) Anoka	10	\$634,000
(3) Becker	7	\$160,000
(4) Beltrami	9	\$130,000
(5) Benton	7	\$ 68,000
(6) Blue Earth	5	\$ 96,000
(7) Brown	5	\$ 58,000
(8) Carver	1	\$ 82,000
(9) Cass	9	\$134,000
(10) Chisago	10	\$ 66,000
(11) Clay	7	\$136,000
(12) Clearwater	9	\$ 24,000
(13) Cottonwood	5	\$ 24,000
(14) Crow Wing	9	\$128,000
(15) Dakota	1	\$644,000
(16) Douglas	7	\$ 84,000
(17) Faribault	5	\$ 34,000
(18) Goodhue	1	\$ 94,000
(19) Hubbard	9	\$ 30,000
(20) Isanti	10	\$ 56,000
(21) Itasca	9	\$ 44,000
(22) Jackson	5	\$ 30,000
(23) Kanabec	10	\$ 42,000
(24) Kittson	9	\$ 12,000
(25) Koochiching	9	\$ 32,000
(26) Lake of the Woods	9	\$ 8,000
(27) Le Sueur	1	\$ 64,000
(28) Lincoln	5	\$ 20,000
(29) Lyon	5	\$ 58,000
(30) Mahanomen	9	\$ 12,000
(31) Marshall	9	\$ 28,000
(32) Martin	5	\$ 74,000
(33) McLeod	1	\$ 66,000
(34) Mille Lacs	7	\$ 46,000
(35) Morrison	7	\$ 70,000
(36) Murray	5	\$ 14,000
(37) Nicollet	5	\$ 86,000
(38) Nobles	5	\$ 62,000
(39) Norman	9	\$ 18,000
(40) Otter Tail	7	\$172,000
(41) Pennington	9	\$ 30,000

(42) Pine	10	\$ 46,000
(43) Pipestone	5	\$ 14,000
(44) Polk	9	\$140,000
(45) Red Lake	9	\$ 10,000
(46) Redwood	5	\$ 98,000
(47) Rock	5	\$ 28,000
(48) Roseau	9	\$ 42,000
(49) Scott	1	\$164,000
(50) Sherburne	10	\$164,000
(51) Sibley	1	\$ 82,000
(52) Stearns	7	\$306,000
(53) Todd	7	\$ 66,000
(54) Wadena	7	\$ 24,000
(55) Washington	10	\$282,000
(56) Watonwan	5	\$ 38,000
(57) Wright	10	\$118,000

(c) One-fourth of the amount specified under paragraph (b) for each county shall be deducted from each local government aid payment to the county under section 477A.015 in 1994, and 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 1995, and each subsequent year. If the amount specified 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.

(d) The appropriation for the state assumption of the costs of public defender services in juvenile and misdemeanor cases in the first, fifth, seventh, ninth, and tenth judicial districts, for the time period from January 1, 1995, to June 30, 1995, shall be annualized for the 1996-1997 biennium.

Sec. 2. Minnesota Statutes 1993 Supplement, section 611.17, is amended to read:

611.17 [FINANCIAL INQUIRY; STATEMENTS.]

(a) Each judicial district must screen requests under paragraph (b).

(b) Upon a request for the appointment of counsel, the court shall make appropriate inquiry into the financial circumstances of the applicant, who shall submit a financial statement under oath or affirmation setting forth the applicant's assets and liabilities, including the value of any real property owned by the applicant, whether homestead or otherwise, less the amount of any encumbrances on the real property, the source or sources of income, and any other information required by the court. The state public defender shall furnish appropriate forms for the financial statements. The information contained in the statement shall be confidential and for the exclusive use of the court and the public defender appointed by the court to represent the applicant except for any prosecution under section 609.48. A refusal to execute the financial statement or produce financial records constitutes a waiver of the right to the appointment of a public defender.

Sec. 3. Minnesota Statutes 1993 Supplement, section 611.20, subdivision 2, is amended to read:

Subd. 2. [PARTIAL PAYMENT.] If the court determines that the defendant is able to make partial payment, the court shall direct the partial payments to the governmental unit responsible for the costs of the public defender state general fund. Payments directed by the court to the state shall be recorded by the court administrator who shall transfer the payments to the state treasurer.

Sec. 4. Minnesota Statutes 1992, section 611.26, subdivision 4, is amended to read:

Subd. 4. [ASSISTANT PUBLIC DEFENDERS.] 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 public 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. *A chief district public defender is authorized, subject to approval by the state board of public defense or their designee, to hire an independent contractor to perform the duties of an assistant public defender.*

Sec. 5. Minnesota Statutes 1992, section 611.26, subdivision 6, is amended to read:

Subd. 6. [PERSONS DEFENDED.] The district public defender shall represent, without charge, a defendant charged with a felony or a gross misdemeanor, or 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. 6. Minnesota Statutes 1993 Supplement, section 611.27, subdivision 4, is amended to read:

Subd. 4. [COUNTY PORTION OF COSTS.] That portion of subdivision 1 directing counties to pay the costs of public defense service shall not be in effect between July 1, 1993 January 1, 1995, and July 1, 1995. This subdivision only relates to costs associated with felony and gross misdemeanor public defense services in all judicial districts and to, juvenile, and misdemeanor public defense services in the second, third, fourth, sixth, and eighth judicial districts. *Notwithstanding the provisions of this subdivision, in the first, fifth, seventh, ninth, and tenth judicial districts, the cost of juvenile and misdemeanor public defense services for cases opened prior to January 1, 1995, shall remain the responsibility of the respective counties in those districts, even though the cost of these services may occur after January 1, 1995.*

Sec. 7. [EFFECTIVE DATE.]

Sections 1, 2, and 4 are effective July 1, 1994. Sections 3 and 5 to 7 are effective January 1, 1995.

ARTICLE 10

COURTS

Section 1. Minnesota Statutes 1992, section 2.722, subdivision 1, is amended to read:

Subdivision 1. [DESCRIPTION.] Effective July 1, 1959, the state is divided into ten judicial districts composed of the following named counties, respectively, in each of which districts judges shall be chosen as hereinafter specified:

1. Goodhue, Dakota, Carver, Le Sueur, McLeod, Scott, and Sibley; ~~27~~ 28 judges; and four permanent chambers shall be maintained in Red Wing, Hastings, Shakopee, and Glencoe and one other shall be maintained at the place designated by the chief judge of the district;

2. Ramsey; 24 judges;

3. Wabasha, Winona, Houston, Rice, Olmsted, Dodge, Steele, Waseca, Freeborn, Mower, and Fillmore; 22 judges; and permanent chambers shall be maintained in Faribault, Albert Lea, Austin, Rochester, and Winona;

4. Hennepin; ~~54~~ 57 judges;

5. Blue Earth, Watonwan, Lyon, Redwood, Brown, Nicollet, Lincoln, Cottonwood, Murray, Nobles, Pipestone, Rock, Faribault, Martin, and Jackson; 17 judges; and permanent chambers shall be maintained in Marshall, Windom, Fairmont, New Ulm, and Mankato;

6. Carlton, St. Louis, Lake, and Cook; 15 judges;

7. Benton, Douglas, Mille Lacs, Morrison, Otter Tail, Stearns, Todd, Clay, Becker, and Wadena; ~~20~~ 22 judges; and permanent chambers shall be maintained in Moorhead, Fergus Falls, Little Falls, and St. Cloud;

8. Chippewa, Kandiyohi, Lac qui Parle, Meeker, Renville, Swift, Yellow Medicine, Big Stone, Grant, Pope, Stevens, Traverse, and Wilkin; 11 judges; and permanent chambers shall be maintained in Morris, Montevideo, and Willmar;

9. Norman, Polk, Marshall, Kittson, Red Lake, Roseau, Mahnomon, Pennington, Aitkin, Itasca, Crow Wing, Hubbard, Beltrami, Lake of the Woods, Clearwater, Cass and Koochiching; 20 judges; and permanent chambers shall be maintained in Crookston, Thief River Falls, Bemidji, Brainerd, Grand Rapids, and International Falls;

10. Anoka, Isanti, Wright, Sherburne, Kanabec, Pine, Chisago, and Washington; ~~32~~ 34 judges; and permanent chambers shall be maintained in Anoka, Stillwater, and other places designated by the chief judge of the district.

Sec. 2. Minnesota Statutes 1992, section 631.021, is amended to read:

631.021 [SPEEDY CRIMINAL TRIALS; CASE DISPOSITION OBJECTIVES.]

The judges of each judicial district must adopt and administer rules or procedures to ensure that, on and after ~~July 1, 1994~~ July 1, 1997, the following timing objectives for the disposition of criminal cases are met by judges within the district:

(1) 90 percent of all criminal cases must be disposed of within 120 days;

(2) 97 percent of all criminal cases must be disposed of within 180 days; and

(3) 99 percent of all criminal cases must be disposed of within 365 days.

The time periods referred to in clauses (1) to (3) must be measured from the date the criminal complaint is filed, to the date the defendant is either found not guilty or is sentenced. If the criminal case begins by indictment rather than by criminal complaint, the time period must be measured from the date the indictment is returned.

Sec. 3. [COMMITMENT STUDY.]

Subdivision 1. [GENERAL; TASK FORCE.] The supreme court is requested to conduct a study of state civil commitment laws and procedures and related legal and treatment issues. To conduct the study, the supreme court shall convene an advisory task force on the commitment system, including the following:

(1) judges, county attorneys, a representative of the attorney general's office, and attorneys who represent patients and proposed patients;

(2) parents or other family members of patients;

(3) mental health advocates;

(4) patients or former patients;

(5) mental health service providers;

(6) representatives of state and county mental health agencies;

(7) law enforcement; and

(8) two members of the house of representatives, one of whom must be a member of the minority party, appointed by the speaker, and two members of the senate, one of whom must be a member of the minority party, appointed by the subcommittee on committees of the senate committee on rules and administration.

Members of the task force should represent a cross-section of regions within the state. The task force shall select a chair from among its membership, other than the members appointed under clause (8).

Subd. 2. [SCOPE OF STUDY.] To the extent practicable, the study should include:

(1) hearings and procedures governing administration of neuroleptic medications;

(2) provisional discharges;

(3) monitoring of medication;

(4) mental health treatment advance declarations;

(5) relationship between the commitment act and the psychopathic personality statute;

(6) criteria for commitments and 72-hour holds;

(7) time lines and length of commitment;

(8) *impact of available resources and service delivery systems on commitments and implementation of least restrictive alternatives;*

(9) *training and expertise of professionals involved in the commitment process;*

(10) *separation of functions and conflicts of interest and related due process issues in the commitment process;*

(11) *rights of patients;*

(12) *variations in implementation and interpretation of commitment laws around the state;*

(13) *vulnerable adult reporting and mental competency issues; and*

(14) *any other commitment, legal, and treatment issues identified by the task force.*

Subd. 3. [STAFF.] The task force may employ necessary staff to provide legal counsel, research, and clerical assistance.

Subd. 4. [REPORT.] The task force shall submit a written report to the governor and the legislature by January 15, 1996, containing its findings and recommendations. The task force expires upon submission of its report.

Sec. 4. [RESOURCE REPORT.]

The commissioner of corrections shall evaluate existing sexual assault victim advocacy services and estimate the need for additional advocacy services.

Sec. 5. [SEXUAL ASSAULT COORDINATING BOARD.]

Subdivision 1. [SEXUAL ASSAULT COORDINATING COUNCILS.] By October 1, 1994, the conference of chief judges shall establish a coordinating council in each judicial district to oversee efforts to coordinate the criminal justice system response to sexual assault cases. Membership shall include representation of at least the following groups:

(1) *judges;*

(2) *county attorneys;*

(3) *public defenders;*

(4) *law enforcement;*

(5) *sexual assault advocacy programs;*

(6) *court administration;*

(7) *social service agencies;*

(8) *medical personnel; and*

(9) *the public.*

Subd. 2. [SEXUAL ASSAULT COORDINATION PLAN.] Each sexual assault coordinating council shall prepare a written sexual assault coordination plan to implement the goal of ensuring the appropriate response of the

criminal justice system to the handling of sexual assault cases. Each plan must address the following issues:

- (1) the roles and responsibilities of criminal justice agencies in responding to sexual assault allegations;*
- (2) the needs of the victim for advocacy services in the process;*
- (3) the current range of judicial sanctions imposed;*
- (4) the adequacy of existing services for the victim and defendant; and*
- (5) the coordination of the criminal justice system response to sexual assault cases.*

Subd. 3. [REVIEW OF JUDICIAL DISTRICT SEXUAL ASSAULT COORDINATING PLAN.] (a) Each judicial district shall submit its sexual assault coordination plan to the conference of chief judges by October 1, 1995. The conference shall review the plans and make recommendations it deems appropriate. Specifically, the conference shall address the adequacy and use of criminal justice resources to respond to sexual assault cases.

(b) A copy of each judicial district's plan, along with the conference of chief judges' recommendations for changes in rules, criminal procedure, and statutes, must be filed with the chair of the senate crime prevention committee and the chair of the house of representatives judiciary committee by January 1, 1996.

Sec. 6. [EFFECTIVE DATE.]

This article is effective the day following final enactment, except that the additional judgeships authorized for judicial districts are established February 1, 1995."

Amend the title as follows:

Page 2, line 11, after "sections" insert "2.722, subdivision 1;"

Page 2, lines 12 and 13, delete "124.912, subdivision 6;"

Page 2, line 26, after the first semicolon, insert "477A.012, by adding a subdivision;"

Page 2, line 34, after the second semicolon, insert "611.26, subdivisions 4 and 6;"

Page 2, line 38, after "2;" insert "631.021;"

Page 2, line 45, after "4;" insert "611.17; 611.20, subdivision 2; 611.27, subdivision 4;"

And when so amended the bill do pass. Amendments adopted. Report adopted.

SECOND READING OF SENATE BILLS

S.F. Nos. 2825 and 2378 were read the second time.

MOTIONS AND RESOLUTIONS

Ms. Anderson moved that the name of Mr. Marty be added as a co-author to S.F. No. 348. The motion prevailed.

Messrs. Knutson and Johnson, D.E. introduced—

Senate Resolution No. 75: A Senate resolution congratulating Carol Ann Shudlick, of Apple Valley, Minnesota, on being named to the Kodak Women's All-America Division I team.

Referred to the Committee on Rules and Administration.

SUSPENSION OF RULES

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate take up the Calendar and that the rules of the Senate be so far suspended as to waive the lie-over requirement. The motion prevailed.

CALENDAR

S.F. No. 2068: A bill for an act relating to health; modifying provisions relating to the nursing home moratorium exceptions; amending Minnesota Statutes 1992, sections 144A.073, subdivisions 1, 3a, 4, 8, and by adding subdivisions; and 256B.431, subdivision 17; Minnesota Statutes 1993 Supplement, section 144A.073, subdivisions 2 and 3.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dille	Knutson	Moe, R.D.	Ranum
Anderson	Finn	Krentz	Mondale	Reichgott Junge
Belanger	Flynn	Kroening	Morse	Riveness
Benson, D.D.	Frederickson	Laidig	Murphy	Robertson
Benson, J.E.	Hanson	Langseth	Neuville	Runbeck
Berg	Hottinger	Larson	Oliver	Sams
Berglin	Janezich	Lesewski	Olson	Samuelson
Bertram	Johnson, D.E.	Lessard	Pappas	Spear
Betzold	Johnson, J.B.	Luther	Pariseau	Stumpf
Chandler	Johnston	McGowan	Piper	Terwilliger
Cohen	Kelly	Merriam	Pogemiller	Vickerman
Day	Kiscaden	Metzen	Price	Wiener

So the bill passed and its title was agreed to.

S.F. No. 2550: A bill for an act relating to metropolitan government; providing for appointment of metropolitan area soil and water conservation supervisors by metropolitan counties; amending Minnesota Statutes 1992, section 103C.305, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 103C.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 59 and nays 3, as follows:

Those who voted in the affirmative were:

Adkins	Dille	Krentz	Mondale	Riveness
Anderson	Finn	Kroening	Morse	Robertson
Belanger	Flynn	Laidig	Murphy	Runbeck
Benson, D.D.	Frederickson	Langseth	Neuville	Sams
Benson, J.E.	Hanson	Larson	Oliver	Samuelson
Berg	Hottinger	Lesewski	Olson	Solon
Berglin	Janezich	Lessard	Pappas	Spear
Bertram	Johnson, D.E.	Luther	Piper	Stumpf
Betzold	Johnson, J.B.	Marty	Pogemiller	Terwilliger
Chandler	Kelly	McGowan	Price	Vickerman
Chmielewski	Kiscaden	Metzen	Ranum	Wiener
Cohen	Knutson	Moe, R.D.	Reichgott Junge	

Mr. Day, Ms. Johnston and Mrs. Pariseau voted in the negative.

So the bill passed and its title was agreed to.

S.F. No. 2709: A bill for an act relating to agriculture; amending provisions regarding the pricing of certain dairy products; amending Minnesota Statutes 1993 Supplement, section 32.72.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 41 and nays 23, as follows:

Those who voted in the affirmative were:

Adkins	Cohen	Kelly	Moe, R.D.	Samuelson
Anderson	Dille	Kroening	Murphy	Solon
Belanger	Finn	Laidig	Novak	Stumpf
Benson, J.E.	Frederickson	Langseth	Pappas	Vickerman
Berg	Hanson	Larson	Pariseau	Wiener
Berglin	Janezich	Lesewski	Piper	
Bertram	Johnson, D.E.	Lessard	Price	
Betzold	Johnson, J.B.	McGowan	Reichgott Junge	
Chmielewski	Johnston	Metzen	Riveness	

Those who voted in the negative were:

Benson, D.D.	Kiscaden	Merriam	Olson	Sams
Chandler	Knutson	Mondale	Pogemiller	Spear
Day	Krentz	Morse	Ranum	Terwilliger
Flynn	Luther	Neuville	Robertson	
Hottinger	Marty	Oliver	Runbeck	

So the bill passed and its title was agreed to.

S.F. No. 1888: A bill for an act relating to human rights; prohibiting marital status discrimination by public accommodations; amending Minnesota Statutes 1993 Supplement, section 363.03, subdivision 3.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Berg	Chmielewski	Flynn	Johnson, D.E.
Anderson	Berglin	Cohen	Frederickson	Johnson, J.B.
Belanger	Bertram	Day	Hanson	Johnston
Benson, D.D.	Betzold	Dille	Hottinger	Kelly
Benson, J.E.	Chandler	Finn	Janezich	Kiscaden

Knutson	Luther	Neuville	Ranum	Spear
Krentz	Marty	Oliver	Reichgott Junge	Stevens
Kroening	McGowan	Olson	Riveness	Stumpf
Laidig	Merriam	Pappas	Robertson	Terwilliger
Langseth	Metzen	Pariseau	Runbeck	Vickerman
Larson	Moe, R.D.	Piper	Sams	Wiener
Lesewski	Morse	Pogemiller	Samuelson	
Lessard	Murphy	Price	Solon	

So the bill passed and its title was agreed to.

S.F. No. 2393: A bill for an act relating to the jobs and training department; making changes of a technical and housekeeping nature; amending Minnesota Statutes 1992, sections 248.011; 248.07, subdivisions 1, 2, 3, 4, 5, 13, 14a, and 16; 248.11; 268A.09; and 268A.11, subdivisions 1 and 3; Minnesota Statutes 1993 Supplement, sections 248.10; and 268A.02, subdivision 2; repealing Minnesota Statutes 1992, sections 268A.12.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dille	Krentz	Morse	Riveness
Anderson	Finn	Laidig	Murphy	Robertson
Belanger	Flynn	Langseth	Neuville	Runbeck
Benson, D.D.	Frederickson	Larson	Novak	Sams
Benson, J.E.	Hanson	Lesewski	Oliver	Samuelson
Berg	Hottinger	Lessard	Olson	Solon
Berglin	Janezich	Luther	Pappas	Spear
Bertram	Johnson, D.E.	Marty	Pariseau	Stevens
Betzold	Johnson, J.B.	McGowan	Piper	Stumpf
Chandler	Johnston	Merriam	Pogemiller	Terwilliger
Chmielewski	Kelly	Metzen	Price	Vickerman
Cohen	Kiscaden	Moe, R.D.	Ranum	Wiener
Day	Knutson	Mondale	Reichgott Junge	

So the bill passed and its title was agreed to.

S.F. No. 2171: A bill for an act relating to fire and police state aid; including Indian tribal governments in definition of municipality; amending Minnesota Statutes 1992, section 69.011, subdivision 1.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 2, as follows:

Those who voted in the affirmative were:

Adkins	Finn	Kroening	Murphy	Robertson
Anderson	Flynn	Laidig	Neuville	Runbeck
Belanger	Frederickson	Langseth	Novak	Sams
Benson, D.D.	Hanson	Larson	Oliver	Solon
Benson, J.E.	Hottinger	Lessard	Olson	Spear
Berglin	Janezich	Luther	Pappas	Stevens
Bertram	Johnson, D.E.	Marty	Pariseau	Stumpf
Betzold	Johnson, J.B.	McGowan	Piper	Terwilliger
Chandler	Johnston	Merriam	Pogemiller	Vickerman
Chmielewski	Kelly	Metzen	Price	Wiener
Cohen	Kiscaden	Moe, R.D.	Ranum	
Day	Knutson	Mondale	Reichgott Junge	
Dille	Krentz	Morse	Riveness	

Mr. Berg and Ms. Lesewski voted in the negative.

So the bill passed and its title was agreed to.

S.F. No. 2104: A bill for an act relating to children; establishing an abused child program under the commissioner of corrections; creating an advisory committee; specifying powers and duties of the commissioner and the advisory committee; proposing coding for new law in Minnesota Statutes, chapter 241.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 65 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dille	Krentz	Mondale	Reichgott Junge
Anderson	Finn	Kroening	Morse	Riveness
Belanger	Flynn	Laidig	Murphy	Robertson
Benson, D.D.	Frederickson	Langseth	Neuville	Runbeck
Benson, J.E.	Hanson	Larson	Novak	Sams
Berg	Hottinger	Lesewski	Oliver	Samuelson
Berglin	Janezich	Lessard	Olson	Solon
Bertram	Johnson, D.E.	Luther	Pappas	Spear
Betzold	Johnson, J.B.	Marty	Pariseau	Stevens
Chandler	Johnston	McGowan	Piper	Stumpf
Chmielewski	Kelly	Merriam	Pogemiller	Terwilliger
Cohen	Kiscaden	Metzen	Price	Vickerman
Day	Knutson	Moe, R.D.	Ranum	Wiener

So the bill passed and its title was agreed to.

H.F. No. 2553: A bill for an act relating to retirement; public employees retirement association; permitting purchase of service credit by certain soil and water conservation district employees.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dille	Kroening	Morse	Riveness
Anderson	Finn	Laidig	Murphy	Robertson
Belanger	Flynn	Langseth	Neuville	Runbeck
Benson, D.D.	Frederickson	Larson	Novak	Sams
Benson, J.E.	Hanson	Lesewski	Oliver	Samuelson
Berg	Hottinger	Lessard	Olson	Solon
Berglin	Janezich	Luther	Pappas	Spear
Bertram	Johnson, J.B.	Marty	Pariseau	Stevens
Betzold	Johnston	McGowan	Piper	Stumpf
Chandler	Kelly	Merriam	Pogemiller	Terwilliger
Chmielewski	Kiscaden	Metzen	Price	Vickerman
Cohen	Knutson	Moe, R.D.	Ranum	Wiener
Day	Krentz	Mondale	Reichgott Junge	

So the bill passed and its title was agreed to.

S.F. No. 1872: A bill for an act relating to elevators; regulating persons who may do elevator work; amending Minnesota Statutes 1992, sections 183.355, subdivision 3; 183.357, subdivisions 1 and 2; and 183.358; proposing coding for new law in Minnesota Statutes, chapter 183.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 65 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dille	Krentz	Mondale	Reichgott Junge
Anderson	Finn	Kroening	Morse	Riveness
Belanger	Flynn	Laidig	Murphy	Robertson
Benson, D.D.	Frederickson	Langseth	Neuville	Runbeck
Benson, J.E.	Hanson	Larson	Novak	Sams
Berg	Hottinger	Lesewski	Oliver	Samuelson
Berglin	Janezich	Lessard	Olson	Solon
Bertram	Johnson, D.E.	Luther	Pappas	Spear
Betzold	Johnson, J.B.	Marty	Pariseau	Stevens
Chandler	Johnston	McGowan	Piper	Stumpf
Chmielewski	Kelly	Merriam	Pogemiller	Terwilliger
Cohen	Kiscaden	Metzen	Price	Vickerman
Day	Knutson	Moe, R.D.	Ranum	Wiener

So the bill passed and its title was agreed to.

H.F. No. 1844: A bill for an act relating to highways; designating trunk highway marked No. 212 as the Minnesota Veterans Memorial Highway; amending Minnesota Statutes 1992, section 161.14, by adding a subdivision.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 3, as follows:

Those who voted in the affirmative were:

Adkins	Finn	Laidig	Murphy	Runbeck
Anderson	Frederickson	Langseth	Neuville	Sams
Belanger	Hanson	Larson	Novak	Samuelson
Benson, D.D.	Hottinger	Lesewski	Oliver	Solon
Benson, J.E.	Janezich	Lessard	Olson	Spear
Berg	Johnson, D.E.	Luther	Pariseau	Stevens
Berglin	Johnson, J.B.	Marty	Piper	Stumpf
Bertram	Johnston	McGowan	Pogemiller	Terwilliger
Chandler	Kelly	Merriam	Price	Vickerman
Chmielewski	Kiscaden	Metzen	Ranum	Wiener
Cohen	Knutson	Moe, R.D.	Reichgott Junge	
Day	Krentz	Mondale	Riveness	
Dille	Kroening	Morse	Robertson	

Mr. Betzold, Mses. Flynn and Pappas voted in the negative.

So the bill passed and its title was agreed to.

S.F. No. 348: A bill for an act relating to highways; requiring accelerated construction of noise barriers on marked trunk highway No. 280 if the reconstruction of that highway is delayed beyond fiscal year 1997.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 47 and nays 18, as follows:

Those who voted in the affirmative were:

Adkins	Finn	Langseth	Olson	Sams
Anderson	Flynn	Larson	Pappas	Samuelson
Belanger	Hanson	Lessard	Pariseau	Solon
Berglin	Hottinger	Luther	Piper	Spear
Bertram	Janezich	Marty	Pogemiller	Stumpf
Betzold	Johnson, D.E.	Metzen	Price	Vickerman
Chandler	Johnson, J.B.	Moe, R.D.	Ranum	Wiener
Chmielewski	Kelly	Mondale	Reichgott Junge	
Cohen	Krentz	Morse	Riveness	
Dille	Kroening	Novak	Runbeck	

Those who voted in the negative were:

Benson, D.D.	Frederickson	Laidig	Murphy	Stevens
Benson, J.E.	Johnston	Lesewski	Neuville	Terwilliger
Berg	Kiscaden	McGowan	Oliver	
Day	Knutson	Merriam	Robertson	

So the bill passed and its title was agreed to.

S.F. No. 2556: A bill for an act relating to transportation; increasing money set aside from the county state-aid highway and municipal state-aid street funds to the disaster accounts and research accounts; changing composition of disaster account boards; providing that remaining money from research accounts lapse to the appropriate funds after two years; amending Minnesota Statutes 1992, sections 162.06, subdivisions 3 and 4; and 162.12, subdivisions 3 and 4.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 65 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dille	Krentz	Mondale	Reichgott Junge
Anderson	Finn	Kroening	Morse	Riveness
Belanger	Flynn	Laidig	Murphy	Robertson
Benson, D.D.	Frederickson	Langseth	Neuville	Runbeck
Benson, J.E.	Hanson	Larson	Novak	Sams
Berg	Hottinger	Lesewski	Oliver	Samuelson
Berglin	Janezich	Lessard	Olson	Solon
Bertram	Johnson, D.E.	Luther	Pappas	Spear
Betzold	Johnson, J.B.	Marty	Pariseau	Stevens
Chandler	Johnston	McGowan	Piper	Stumpf
Chmielewski	Kelly	Merriam	Pogemiller	Terwilliger
Cohen	Kiscaden	Metzen	Price	Vickerman
Day	Knutson	Moe, R.D.	Ranum	Wiener

So the bill passed and its title was agreed to.

S.F. No. 2642: A bill for an act relating to witnesses; establishing a privilege for certain communications made to licensed social workers; amending Minnesota Statutes 1993 Supplement, section 595.02, subdivision 1.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 1, as follows:

Those who voted in the affirmative were:

Adkins	Dille	Kroening	Morse	Robertson
Anderson	Finn	Laidig	Murphy	Runbeck
Belanger	Flynn	Langseth	Neuville	Sams
Benson, D.D.	Frederickson	Larson	Novak	Samuelson
Benson, J.E.	Hanson	Lesewski	Oliver	Solon
Berg	Hottinger	Lessard	Pappas	Spear
Berglin	Janezich	Luther	Pariseau	Stevens
Bertram	Johnson, D.E.	Marty	Piper	Stumpf
Betzold	Johnson, J.B.	McGowan	Pogemiller	Terwilliger
Chandler	Johnston	Merriam	Price	Vickerman
Chmielewski	Kelly	Metzen	Ranum	Wiener
Cohen	Knutson	Moe, R.D.	Reichgott Junge	
Day	Krentz	Mondale	Riveness	

Ms. Kiscaden voted in the negative.

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

RECONSIDERATION

Mr. Bertram moved that the vote whereby S.F. No. 2550 was passed by the Senate on April 12, 1994, be now reconsidered. The motion prevailed.

S.F. No. 2550: A bill for an act relating to metropolitan government; providing for appointment of metropolitan area soil and water conservation supervisors by metropolitan counties; amending Minnesota Statutes 1992, section 103C.305, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 103C.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 52 and nays 14, as follows:

Those who voted in the affirmative were:

Adkins	Cohen	Kroening	Murphy	Runbeck
Anderson	Finn	Langseth	Novak	Sams
Beckman	Flynn	Larson	Oliver	Samuelson
Belanger	Frederickson	Lessard	Pappas	Solon
Benson, D.D.	Hanson	Luther	Piper	Spear
Benson, J.E.	Hottinger	Marty	Pogemiller	Stumpf
Berg	Janezich	McGowan	Price	Vickerman
Berglin	Johnson, D.E.	Merriam	Ranum	Wiener
Betzold	Kelly	Metzen	Reichgott Junge	
Chandler	Kiscaden	Moe, R.D.	Riveness	
Chmielewski	Krentz	Mondale	Robertson	

Those who voted in the negative were:

Bertram	Johnson, J.B.	Laidig	Neuville	Stevens
Day	Johnston	Lesewski	Olson	Terwilliger
Dille	Knutson	Morse	Pariseau	

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate take up the Consent Calendar. The motion prevailed.

CONSENT CALENDAR

S.F. No. 2410: A bill for an act relating to recreational vehicles; modifying registration requirements for off-road vehicles; amending Minnesota Statutes 1993 Supplement, sections 84.797, subdivision 6, and by adding a subdivision; and 84.798, subdivision 1.

Mr. Luther moved that S.F. No. 2410, No. 1 on the Consent Calendar, be stricken and placed on General Orders. The motion prevailed.

MOTIONS AND RESOLUTIONS - CONTINUED

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 2168 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 2168: A bill for an act relating to agricultural businesses; exempting from sales tax the gross receipts of used farm machinery sales; providing matching moneys for federal emergency disaster funds to flood damaged counties; providing supplemental funding for grain inspection programs, financial assistance programs under the ethanol production fund, and small business disaster loan programs; expanding research on grain diseases; increasing funding for the farm advocates program, agricultural resource centers, legal challenges to the federal milk market order system, farm and small business management programs at technical colleges, and the Farmers' Legal Action Group; providing funding to the Agricultural Utilization Research Institute; appropriating money; amending Minnesota Statutes 1992, sections 297A.02, subdivision 2; and 297A.25, by adding a subdivision; Minnesota Statutes 1993 Supplement, section 41B.044, subdivision 2; and Laws 1993, chapter 172, section 7, subdivision 3.

Mr. Price moved to amend S.F. No. 2168 as follows:

Page 6, after line 28, insert:

“Sec. 18. [REPORT OF AGENCIES.]

Before January 1, 1996, the commissioner of public safety shall coordinate and present to the legislature a report from all departments, agencies, and organizations receiving funding under this act regarding the specific uses of such funding and the effects of assistance provided under this act to the agricultural economy and rural communities affected by natural disasters in 1993.”

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

S.F. No. 2168 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

The roll was called, and there were yeas 65 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dille	Knutson	Moe, R.D.	Reichgott Junge
Anderson	Finn	Krentz	Mondale	Riveness
Beckman	Flynn	Kroening	Morse	Robertson
Belanger	Frederickson	Laidig	Murphy	Runbeck
Benson, D.D.	Hanson	Langseth	Neuville	Sams
Benson, J.E.	Hottinger	Larson	Novak	Samuelson
Berg	Janezich	Lesewski	Oliver	Solon
Berglin	Johnson, D.E.	Lessard	Olson	Spear
Bertram	Johnson, D.J.	Luther	Pappas	Stevens
Betzold	Johnson, J.B.	Marty	Pariseau	Stumpf
Chandler	Johnston	McGowan	Piper	Terwilliger
Cohen	Kelly	Merriam	Price	Vickerman
Day	Kiscaden	Metzen	Ranum	Wiener

So the bill, as amended, was passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 2913 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 2913: A bill for an act relating to state government; supplementing appropriations for public safety; the environment and natural resources; the general legislative, judicial, and administrative expenses of state government; community development; and human services; fixing and limiting the amount of fees, penalties, and other costs to be collected in certain cases; transferring certain duties and functions; amending Minnesota Statutes 1992, sections 3.737, subdivisions 1 and 4; 16A.124, subdivisions 2 and 7; 16A.127, as amended; 16A.15, subdivision 3; 16B.01, subdivision 4; 16B.05, subdivision 2; 16B.06, subdivisions 1 and 2; 41A.09, subdivisions 2 and 5; 43A.37, subdivision 1; 60K.06; 60K.19, subdivision 8; 62A.046; 62A.048; 62A.27; 62D.102; 82.20, subdivisions 7 and 8; 82.21, by adding a subdivision; 82B.08, subdivisions 4 and 5; 82B.09, subdivision 1; 82B.19, subdivision 1; 83.25; 84.0887, by adding subdivisions; 84A.32, subdivision 1; 85A.02, subdivision 17; 144.804, subdivision 1; 171.06, subdivision 3; 176.102, subdivisions 3a and 14; 176.611, subdivision 6a; 204B.27, by adding a subdivision; 221.041; by adding a subdivision; 221.171, subdivision 2; 245.97, subdivision 1; 246.18, by adding a subdivision; 252.025, by adding a subdivision; 256.74, by adding a subdivision; 256.9365, subdivisions 1 and 3; 256B.056, by adding a subdivision; 256B.0625, subdivision 25, and by adding a subdivision; 256B.0641, subdivision 1; 256B.431, subdivision 17; 256H.05, subdivision 6; 257.62, subdivisions 1, 5, and 6; 257.64, subdivision 3; 257.69, subdivisions 1 and 2; 296.02, subdivision 7; 354.06, subdivision 1; 462A.05, by adding a subdivision; 477A.12; 504.33, subdivision 4; 504.35; 518.171, subdivision 5; and 518.613, subdivision 7; Minnesota Statutes 1993 Supplement, sections 15.50, subdivision 2; 41A.09, subdivision 3; 62A.045; 82.21, subdivision 1; 82.22, subdivisions 6 and 13; 82.34, subdivision 3; 97A.028, subdivision 3; 116J.966, subdivision 1; 138.763, subdivision 1; 144A.071, subdivisions 3 and 4a; 239.785, subdivision 2, and by adding a subdivision; 245.97, subdivision 6; 246.18, subdivision 4; 252.46, subdivision 6, and by adding a subdivision; 256.969, subdivision 24; 256B.431, subdivision 24; 256I.04, subdivision 3; 257.55, subdivision 1; 257.57, subdivision 2; 268.98, subdivision 1; 477A.13; 477A.14; 504.33, subdivision 7; 518.171, subdivisions 1, 3,

4, 7, and 8; 518.611, subdivisions 2 and 4; 518.613, subdivision 2; and 518.615, subdivision 3; Laws 1993, chapter 369, section 5, subdivision 4; proposing coding for new law in Minnesota Statutes, chapters 62A; 148; and 268; repealing Minnesota Statutes 1992, sections 16A.06, subdivision 8; 16A.124, subdivision 6; 43A.21, subdivision 5; 62C.141; 62C.143; 62D.106; 62E.04, subdivisions 9 and 10; 268.32; 268.551; 268.552; 355.04; and 355.06; Laws 1985, First Special Session chapter 12, article 11, section 19.

Mr. Finn moved to amend S.F. No. 2913 as follows:

Page 7, after line 26, insert:

“(f) City of Laporte Shoreland Grant

The remaining balance of the shoreland grant made by the commissioner of natural resources to the city of Laporte may be used by the city for administration of the city’s shoreland ordinance.”

The motion prevailed. So the amendment was adopted.

Mr. Morse moved to amend S.F. No. 2913 as follows:

Page 7, delete lines 14 to 26

The motion prevailed. So the amendment was adopted.

Mr. Samuelson moved to amend S.F. No. 2913 as follows:

Page 78, line 4, delete “*more than*” and delete “*below*” and insert “*or more of*”

Page 87, after line 33, insert:

“Sec. 11. [EFFECTIVE DATE.]

Section 6 is effective for vaccines administered on or after October 1, 1994.”

The motion prevailed. So the amendment was adopted.

Mr. Samuelson then moved to amend S.F. No. 2913 as follows:

Page 67, line 19, delete “5,612,000” and insert “(5,612,000)”

The motion prevailed. So the amendment was adopted.

Mr. Morse moved to amend S.F. No. 2913 as follows:

Page 77, line 18, delete everything after “*persons*”

Page 77, line 19, delete everything before “*meeting*” and insert “*with over 50 percent of the clients served*”

Page 121, after line 21, insert:

“Sec. 6. Minnesota Statutes 1992, section 144A.47, is amended to read:

144A.47 [INFORMATION AND REFERRAL SERVICES.]

(a) The commissioner shall ensure that information and referral services relating to home care are available in all regions of the state. The commissioner shall collect and make available information about available home care

services, sources of payment, providers, and the rights of consumers. The commissioner may require home care providers, *except home care providers described in paragraph (b)*, to provide information requested for the purposes of this section, including price information, as a condition of registration or licensure. Specific price information furnished by providers under this section is not public data and must not be released without the written permission of the agency. The commissioner may publish and make available:

(1) general information and a summary of the range of prices of home care services in the state;

(2) limitations on hours, availability of services, and eligibility for third-party payments, applicable to individual providers; and

(3) other information the commissioner determines to be appropriate.

(b) A home care provider is not required to provide information under paragraph (a) if the provider is (1) licensed as a licensed practical nurse under section 148.211; (2) providing home care services under the supervision of a registered nurse; and (3) is only employed by the person who receives home care services, or that person's guardian, conservator, or designated representative. For purposes of this paragraph, "employee" has the meaning given it in section 181.931.

(c) A home care provider described in paragraph (b) may voluntarily provide information for the purposes of paragraph (a)."

Renumber the sections of article 10 in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Oliver moved to amend S.F. No. 2913 as follows:

Page 67, line 33, delete "23,279,000" and insert "23,182,000"

Page 71, line 29, delete "4,067,000" and insert "3,970,000"

Page 73, line 18, delete "562,000" and insert "659,000"

Page 73, line 21, delete "393,000" and insert "490,000"

Page 73, line 53, delete "72,000" and insert "169,000"

Page 87, after line 9, insert:

"Sec. 9. Minnesota Statutes 1993 Supplement, section 256D.03, subdivision 4, is amended to read:

Subd. 4. [GENERAL ASSISTANCE MEDICAL CARE; SERVICES.] (a) For a person who is eligible under subdivision 3, paragraph (a), clause (3), general assistance medical care covers:

(1) inpatient hospital services;

(2) outpatient hospital services;

(3) services provided by Medicare certified rehabilitation agencies;

(4) prescription drugs and other products recommended through the process established in section 256B.0625, subdivision 13;

(5) equipment necessary to administer insulin and diagnostic supplies and equipment for diabetics to monitor blood sugar level;

(6) eyeglasses and eye examinations provided by a physician or optometrist;

(7) hearing aids;

(8) prosthetic devices;

(9) laboratory and X-ray services;

(10) physician's services;

(11) medical transportation;

(12) chiropractic services as covered under the medical assistance program;

(13) podiatric services;

(14) dental services;

(15) outpatient services provided by a mental health center or clinic that is under contract with the county board and is established under section 245.62;

(16) day treatment services for mental illness provided under contract with the county board;

(17) prescribed medications for persons who have been diagnosed as mentally ill as necessary to prevent more restrictive institutionalization;

(18) case management services for a person with serious and persistent mental illness who would be eligible for medical assistance except that the person resides in an institution for mental diseases;

(19) psychological services, medical supplies and equipment, and Medicare premiums, coinsurance and deductible payments;

(20) medical equipment not specifically listed in this paragraph when the use of the equipment will prevent the need for costlier services that are reimbursable under this subdivision; and

(21) services performed by a certified pediatric nurse practitioner, a certified family nurse practitioner, a certified adult nurse practitioner, a certified obstetric/gynecological nurse practitioner, or a certified geriatric nurse practitioner in independent practice, if the services are otherwise covered under this chapter as a physician service, and if the service is within the scope of practice of the nurse practitioner's license as a registered nurse, as defined in section 148.171.

(b) For a recipient who is eligible under subdivision 3, paragraph (a), clause (1) or (2), general assistance medical care covers the services listed in paragraph (a) with the exception of special transportation services.

(c) For a recipient who is eligible under subdivision 3, paragraph (a), clause (1), (2), or (3), general assistance medical care shall not cover gender reassignment surgery and other services related to gender reassignment.

(e) (d) In order to contain costs, the commissioner of human services shall select vendors of medical care who can provide the most economical care consistent with high medical standards and shall where possible contract with organizations on a prepaid capitation basis to provide these services. The

commissioner shall consider proposals by counties and vendors for prepaid health plans, competitive bidding programs, block grants, or other vendor payment mechanisms designed to provide services in an economical manner or to control utilization, with safeguards to ensure that necessary services are provided. Before implementing prepaid programs in counties with a county operated or affiliated public teaching hospital or a hospital or clinic operated by the University of Minnesota, the commissioner shall consider the risks the prepaid program creates for the hospital and allow the county or hospital the opportunity to participate in the program in a manner that reflects the risk of adverse selection and the nature of the patients served by the hospital, provided the terms of participation in the program are competitive with the terms of other participants considering the nature of the population served. Payment for services provided pursuant to this subdivision shall be as provided to medical assistance vendors of these services under sections 256B.02, subdivision 8, and 256B.0625. For payments made during fiscal year 1990 and later years, the commissioner shall consult with an independent actuary in establishing prepayment rates, but shall retain final control over the rate methodology.

(d) (e) The commissioner of human services may reduce payments provided under sections 256D.01 to 256D.21 and 261.23 in order to remain within the amount appropriated for general assistance medical care, within the following restrictions.

For the period July 1, 1985 to December 31, 1985, reductions below the cost per service unit allowable under section 256.966, are permitted only as follows: payments for inpatient and outpatient hospital care provided in response to a primary diagnosis of chemical dependency or mental illness may be reduced no more than 30 percent; payments for all other inpatient hospital care may be reduced no more than 20 percent. Reductions below the payments allowable under general assistance medical care for the remaining general assistance medical care services allowable under this subdivision may be reduced no more than ten percent.

For the period January 1, 1986 to December 31, 1986, reductions below the cost per service unit allowable under section 256.966 are permitted only as follows: payments for inpatient and outpatient hospital care provided in response to a primary diagnosis of chemical dependency or mental illness may be reduced no more than 20 percent; payments for all other inpatient hospital care may be reduced no more than 15 percent. Reductions below the payments allowable under general assistance medical care for the remaining general assistance medical care services allowable under this subdivision may be reduced no more than five percent.

For the period January 1, 1987 to June 30, 1987, reductions below the cost per service unit allowable under section 256.966 are permitted only as follows: payments for inpatient and outpatient hospital care provided in response to a primary diagnosis of chemical dependency or mental illness may be reduced no more than 15 percent; payments for all other inpatient hospital care may be reduced no more than ten percent. Reductions below the payments allowable under medical assistance for the remaining general assistance medical care services allowable under this subdivision may be reduced no more than five percent.

For the period July 1, 1987 to June 30, 1988, reductions below the cost per service unit allowable under section 256.966 are permitted only as follows:

payments for inpatient and outpatient hospital care provided in response to a primary diagnosis of chemical dependency or mental illness may be reduced no more than 15 percent; payments for all other inpatient hospital care may be reduced no more than five percent. Reductions below the payments allowable under medical assistance for the remaining general assistance medical care services allowable under this subdivision may be reduced no more than five percent.

For the period July 1, 1988 to June 30, 1989, reductions below the cost per service unit allowable under section 256.966 are permitted only as follows: payments for inpatient and outpatient hospital care provided in response to a primary diagnosis of chemical dependency or mental illness may be reduced no more than 15 percent; payments for all other inpatient hospital care may not be reduced. Reductions below the payments allowable under medical assistance for the remaining general assistance medical care services allowable under this subdivision may be reduced no more than five percent.

There shall be no copayment required of any recipient of benefits for any services provided under this subdivision. A hospital receiving a reduced payment as a result of this section may apply the unpaid balance toward satisfaction of the hospital's bad debts.

(e) (f) Any county may, from its own resources, provide medical payments for which state payments are not made.

(f) (g) Chemical dependency services that are reimbursed under chapter 254B must not be reimbursed under general assistance medical care.

(g) (h) The maximum payment for new vendors enrolled in the general assistance medical care program after the base year shall be determined from the average usual and customary charge of the same vendor type enrolled in the base year.

(h) (i) The conditions of payment for services under this subdivision are the same as the conditions specified in rules adopted under chapter 256B governing the medical assistance program, unless otherwise provided by statute or rule."

Renumber the sections of article 7 in sequence and correct the internal references

Page 121, after line 21, insert:

"Sec. 6. [145.91] [WOMEN'S HEALTH CENTER.]

The commissioner of health shall establish a women's health center. The center shall be responsible for investigating women's health needs, creating a statewide coalition on women's health, developing a resource inventory of services and support systems available for women, convening conferences on women's health, ensuring effective dissemination of current research results, and other activities that promote the health status of women of all ages."

Renumber the sections of article 10 in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 23 and nays 42, as follows:

Those who voted in the affirmative were:

Belanger	Johnston	Lesewski	Olson	Runbeck
Benson, D.D.	Kiscaden	McGowan	Pappas	Stevens
Benson, J.E.	Knutson	Merriam	Pariseau	Terwilliger
Dille	Laidig	Neuville	Reichgott Junge	
Frederickson	Larson	Oliver	Robertson	

Those who voted in the negative were:

Adkins	Cohen	Kelly	Mondale	Sams
Anderson	Day	Krentz	Morse	Samuelson
Beckman	Finn	Kroening	Murphy	Spear
Berg	Flynn	Langseth	Novak	Stumpf
Berglin	Hanson	Lessard	Piper	Vickerman
Bertram	Hottinger	Luther	Pogemiller	Wiener
Betzold	Janezich	Marty	Price	
Chandler	Johnson, D.J.	Metzen	Ranum	
Chmielewski	Johnson, J.B.	Moe, R.D.	Riveness	

The motion did not prevail. So the amendment was not adopted.

Mr. Belanger moved to amend S.F. No. 2913 as follows:

Page 33, line 1, after "sections" insert "15.435;"

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 28 and nays 35, as follows:

Those who voted in the affirmative were:

Adkins	Hanson	Kroening	Novak	Spear
Belanger	Janezich	Laidig	Oliver	Stevens
Benson, D.D.	Johnson, J.B.	Lessard	Ranum	Stumpf
Day	Kiscaden	McGowan	Robertson	Terwilliger
Dille	Knutson	Murphy	Samuelson	
Flynn	Krentz	Neuville	Solon	

Those who voted in the negative were:

Anderson	Chandler	Johnston	Merriam	Pariseau
Beckman	Chmielewski	Kelly	Metzen	Piper
Benson, J.E.	Cohen	Langseth	Moe, R.D.	Price
Berg	Finn	Larson	Mondale	Reichgott Junge
Berglin	Frederickson	Lesewski	Morse	Riveness
Bertram	Hottinger	Luther	Olson	Runbeck
Betzold	Johnson, D.J.	Marty	Pappas	Wiener

The motion did not prevail. So the amendment was not adopted.

Mr. Berg moved to amend S.F. No. 2913 as follows:

Page 17, line 26, delete the new language

Page 17, lines 29 to 32, delete the new language

The motion prevailed. So the amendment was adopted.

Mr. Kroening moved to amend S.F. No. 2913 as follows:

Page 37, delete section 10

Renumber the sections of article 4 in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Dille moved to amend S.F. No. 2913 as follows:

Page 15, after line 12, insert:

“Sec. 16. Minnesota Statutes 1993 Supplement, section 97A.028, subdivision 1, is amended to read:

Subdivision 1. [DEFINITIONS.] (a) ~~The definitions in this subdivision apply to this section.~~

(b) *For the purposes of this section, “agricultural crops” means annually seeded crops, legumes, vegetables, fruit orchards, tree farms and nurseries, turf farms, and apiaries.*

(c) ~~“Specialty crops” means fruit orchards, vegetables, tree farms and nurseries, turf farms, and apiaries.”~~

Page 15, lines 19 and 23, strike “specialty” and insert “agricultural”

Page 16, line 3, delete “specialty” and insert “agricultural”

Renumber the sections of article 2 in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Ms. Johnson, J.B. moved to amend S.F. No. 2913 as follows:

Page 11, after line 20, insert:

“(c) The commissioner shall make payments to producers of ethanol in the amount of 1.5 cents for each kilowatt hour of electricity generated using closed-loop biomass in a cogeneration facility at an ethanol plant located in the state. Payments under this paragraph shall be made only for electricity generated at cogeneration facilities that begin operation by June 30, 2000. The payments apply to electricity generated on or before the date ten years after the producer first qualifies for payment under this paragraph. Total payments under this paragraph in any fiscal year may not exceed \$750,000. For the purposes of this paragraph:

(1) “closed-loop biomass” means any organic material from a plant that is planted exclusively for purposes of being used to generate electricity; and

(2) “cogeneration” means the combined generation of:

(i) electrical or mechanical power; and

(ii) steam or forms of useful energy, such as heat, that are used for industrial, commercial, heating, or cooling purposes.”

Page 11, line 21, delete “(c)” and insert “(d)”

Page 11, line 29, delete “(d)” and insert “(e)”

Page 11, line 35, delete “(e)” and insert “(f)”

Page 20, line 17, after the period, insert “Section 10, paragraph (c), is effective July 1, 1995, and applies to electricity generated on or after that date.”

The motion prevailed. So the amendment was adopted.

Mr. Neuville moved to amend S.F. No. 2913 as follows:

Page 6, line 40, delete "250,000" and insert "215,000"

Page 7, after line 26, insert:

"(f) Lake Francis Sewer Feasibility Study 35,000
 \$35,000 is for a grant to the city of Elysian for an engineering study to determine the feasibility and cost of connecting existing city sewer lines to affected homes on Lake Francis, Elysian, Minnesota. This appropriation is available until expended."

CALL OF THE SENATE

Mr. Morse imposed a call of the Senate for the balance of the proceedings on S.F. No. 2913. The Sergeant at Arms was instructed to bring in the absent members.

The question recurred on the Neuville amendment. The motion did not prevail. So the amendment was not adopted.

Mr. Benson, D.D. moved to amend S.F. No. 2913 as follows:

Pages 121 to 130, delete sections 6 to 12

Renumber the sections of article 10 in sequence and correct the internal references

Amend the title accordingly

The motion did not prevail. So the amendment was not adopted.

Mr. Stevens moved to amend S.F. No. 2913 as follows:

Page 104, after line 9, insert:

"Sec. 21. [518.575] [PUBLICATION OF NAMES OF DELINQUENT CHILD SUPPORT OBLIGORS.]

Once each quarter the department of human services shall publish at government bid rates in the newspaper of widest circulation in each county a list of name and last known address of each person who (1) is a child support obligor, (2) resides in the county, (3) is at least \$3,000 in arrears, and (4) has made only partial child support payments that total less than 25 percent of the amount of child support owed for the last 12 months including any payments made through the interception of federal or state taxes. An obligor's name may not be published if the obligor claims in writing, and the department of human services determines, there is good cause for the nonpayment of child support. The list must be based on the best information available to the state at the time of publication.

Before publishing the name of the obligor, the department of human services shall send a notice to the obligor's last known address which states the department's intention to publish the obligor's name and the amount of child support the obligor owes. The notice must also provide an opportunity

to have the obligor's name removed from the list by paying the arrearage or by entering into an agreement to pay the arrearage, and the final date when the payment or agreement can be accepted."

Page 109, after line 22, insert:

"Sec. 27. [REPORT TO LEGISLATURE.]

The department of human services shall report to the legislature in January 1996, in the department of human services annual report to the legislature, the fiscal implications of the program, including related costs and savings."

Renumber the sections of article 8 in sequence and correct the internal references

Amend the title accordingly

Ms. Wiener moved to amend the Stevens amendment to S.F. No. 2913 as follows:

Page 1, line 22, before the period, insert "*and notifies the obligee*"

The motion did not prevail. So the amendment to the amendment was not adopted.

The question recurred on the adoption of the Stevens amendment.

The roll was called, and there were yeas 55 and nays 6, as follows:

Those who voted in the affirmative were:

Adkins	Cohen	Kelly	Moe, R.D.	Price
Anderson	Day	Knutson	Mondale	Ranum
Beckman	Dille	Krentz	Morse	Riveness
Belanger	Flynn	Kroening	Murphy	Robertson
Benson, J.E.	Frederickson	Langseth	Neuville	Runbeck
Berg	Hottinger	Larson	Novak	Samuelson
Berglin	Janezich	Lesewski	Oliver	Stevens
Bertram	Johnson, D.E.	Luther	Olson	Stumpf
Betzold	Johnson, D.J.	Marty	Pappas	Terwilliger
Chandler	Johnson, J.B.	McGowan	Pariseau	Vickerman
Chmielewski	Johnston	Merriam	Piper	Wiener

Those who voted in the negative were:

Finn	Metzen	Pogemiller	Reichgott Junge	Spear
Kiscaden				

The motion prevailed. So the amendment was adopted.

Mr. Samuelson moved to amend S.F. No. 2913 as follows:

Page 71, after line 35, insert:

"[GAMC.] For services rendered after June 30, 1994, general assistance medical care shall not cover gender reassignment surgery and other services related to gender reassignment."

Ms. Piper moved to amend the Samuelson amendment to S.F. No. 2913 as follows:

Page 1, line 7, before the period, insert "unless determined to be medically necessary by two experts"

The question was taken on the adoption of the Piper amendment to the Samuelson amendment.

The roll was called, and there were yeas 10 and nays 51, as follows:

Those who voted in the affirmative were:

Anderson	Betzold	Marty	Ranum	Spear
Berglin	Flynn	Piper	Reichgott Junge	Wiener

Those who voted in the negative were:

Adkins	Finn	Kroening	Mondale	Runbeck
Beckman	Frederickson	Laidig	Morse	Sams
Belanger	Hanson	Langseth	Murphy	Samuelson
Benson, D.D.	Hottinger	Larson	Neuville	Stevens
Berg	Johnson, D.E.	Lesewski	Novak	Stumpf
Bertram	Johnson, D.J.	Lessard	Oliver	Terwilliger
Chandler	Johnson, J.B.	Luther	Olson	Vickerman
Chmielewski	Kelly	McGowan	Pariseau	
Cohen	Kiscaden	Merriam	Pogemiller	
Day	Knutson	Metzen	Price	
Dille	Krentz	Moe, R.D.	Robertson	

The motion did not prevail. So the amendment to the amendment was not adopted.

The question recurred on the adoption of the Samuelson amendment.

The roll was called, and there were yeas 57 and nays 7, as follows:

Those who voted in the affirmative were:

Adkins	Dille	Krentz	Mondale	Runbeck
Beckman	Finn	Kroening	Morse	Sams
Belanger	Frederickson	Laidig	Murphy	Samuelson
Benson, D.D.	Hanson	Langseth	Neuville	Solon
Benson, J.E.	Hottinger	Larson	Novak	Stevens
Berg	Johnson, D.E.	Lesewski	Oliver	Stumpf
Bertram	Johnson, D.J.	Lessard	Olson	Terwilliger
Betzold	Johnson, J.B.	Luther	Pariseau	Vickerman
Chandler	Johnston	McGowan	Pogemiller	Wiener
Chmielewski	Kelly	Merriam	Price	
Cohen	Kiscaden	Metzen	Riveness	
Day	Knutson	Moe, R.D.	Robertson	

Those who voted in the negative were:

Anderson	Flynn	Pappas	Piper	Spear
Berglin	Marty			

The motion prevailed. So the amendment was adopted.

S.F. No. 2913 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

The roll was called, and there were yeas 64 and nays 2, as follows:

Those who voted in the affirmative were:

Adkins	Day	Kiscaden	Metzen	Ranum
Anderson	Dille	Knutson	Moe, R.D.	Reichgott Junge
Beckman	Finn	Krentz	Mondale	Runbeck
Belanger	Flynn	Kroening	Morse	Sams
Benson, D.D.	Frederickson	Laidig	Murphy	Samuelson
Benson, J.E.	Hanson	Langseth	Neuville	Solon
Berg	Hottinger	Larson	Novak	Spear
Berglin	Janezich	Lesewski	Oliver	Stevens
Bertram	Johnson, D.E.	Lessard	Olson	Stumpf
Betzold	Johnson, D.J.	Luther	Pappas	Terwilliger
Chandler	Johnson, J.B.	Marty	Pariseau	Vickerman
Chmielewski	Johnston	McGowan	Piper	Wiener
Cohen	Kelly	Merriam	Price	

Mr. Riveness and Ms. Robertson voted in the negative.

So the bill, as amended, was passed and its title was agreed to.

RECESS

Mr. Moe, R.D. moved that the Senate do now recess until 1:25 p.m. The motion prevailed.

The hour of 1:25 p.m. having arrived, the President called the Senate to order.

CALL OF THE SENATE

Mr. Moe, R.D. imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

MOTIONS AND RESOLUTIONS – CONTINUED

RECONSIDERATION

Mr. Benson, D.D. moved that the vote whereby S.F. No. 2913 was passed by the Senate on April 12, 1994, be now reconsidered.

CALL OF THE SENATE

Mr. Moe, R.D. imposed a call of the Senate for the balance of today's proceedings. The Sergeant at Arms was instructed to bring in the absent members.

The question recurred on the motion of Mr. Benson, D.D. The motion prevailed.

S.F. No. 2913: A bill for an act relating to state government; supplementing appropriations for public safety; the environment and natural resources; the general legislative, judicial, and administrative expenses of state government; community development; and human services; fixing and limiting the amount of fees, penalties, and other costs to be collected in certain cases; transferring certain duties and functions; amending Minnesota Statutes 1992, sections 3.737, subdivisions 1 and 4; 16A.124, subdivisions 2 and 7; 16A.127, as amended; 16A.15, subdivision 3; 16B.01, subdivision 4; 16B.05, subdivision

2; 16B.06, subdivisions 1 and 2; 41A.09, subdivisions 2 and 5; 43A.37, subdivision 1; 60K.06; 60K.19, subdivision 8; 62A.046; 62A.048; 62A.27; 62D.102; 82.20, subdivisions 7 and 8; 82.21, by adding a subdivision; 82B.08, subdivisions 4 and 5; 82B.09, subdivision 1; 82B.19, subdivision 1; 83.25; 84.0887, by adding subdivisions; 84A.32, subdivision 1; 85A.02, subdivision 17; 144.804, subdivision 1; 171.06, subdivision 3; 176.102, subdivisions 3a and 14; 176.611, subdivision 6a; 204B.27, by adding a subdivision; 221.041, by adding a subdivision; 221.171, subdivision 2; 245.97, subdivision 1; 246.18, by adding a subdivision; 252.025, by adding a subdivision; 256.74, by adding a subdivision; 256.9365, subdivisions 1 and 3; 256B.056, by adding a subdivision; 256B.0625, subdivision 25, and by adding a subdivision; 256B.0641, subdivision 1; 256B.431, subdivision 17; 256H.05, subdivision 6; 257.62, subdivisions 1, 5; and 6; 257.64, subdivision 3; 257.69, subdivisions 1 and 2; 296.02, subdivision 7; 354.06, subdivision 1; 462A.05, by adding a subdivision; 477A.12; 504.33, subdivision 4; 504.35; 518.171, subdivision 5; and 518.613, subdivision 7; Minnesota Statutes 1993 Supplement, sections 15.50, subdivision 2; 41A.09, subdivision 3; 62A.045; 82.21, subdivision 1; 82.22, subdivisions 6 and 13; 82.34, subdivision 3; 97A.028, subdivision 3; 116J.966, subdivision 1; 138.763, subdivision 1; 144A.071, subdivisions 3 and 4a; 239.785, subdivision 2, and by adding a subdivision; 245.97, subdivision 6; 246.18, subdivision 4; 252.46, subdivision 6, and by adding a subdivision; 256.969, subdivision 24; 256B.431, subdivision 24; 256I.04, subdivision 3; 257.55, subdivision 1; 257.57, subdivision 2; 268.98, subdivision 1; 477A.13; 477A.14; 504.33, subdivision 7; 518.171, subdivisions 1, 3, 4, 7, and 8; 518.611, subdivisions 2 and 4; 518.613, subdivision 2; and 518.615, subdivision 3; Laws 1993, chapter 369, section 5, subdivision 4; proposing coding for new law in Minnesota Statutes, chapters 62A; 148; and 268; repealing Minnesota Statutes 1992, sections 16A.06, subdivision 8; 16A.124, subdivision 6; 43A.21, subdivision 5; 62C.141; 62C.143; 62D.106; 62E.04, subdivisions 9 and 10; 268.32; 268.551; 268.552; 355.04; and 355.06; Laws 1985, First Special Session chapter 12, article 11, section 19.

Mr. Oliver moved to amend S.F. No. 2913 as follows:

Page 121, after line 21, insert:

“Sec. 6. [145.91] [WOMEN’S HEALTH CENTER.]

The commissioner of health shall establish a women’s health center. The center shall be responsible for investigating women’s health needs, creating a statewide coalition on women’s health, developing a resource inventory of services and support systems available for women, convening conferences on women’s health, assuring effective dissemination of current research results, and other activities that promote the health status of women of all ages.”

Renumber the sections of article 10 in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 43 and nays 22, as follows:

Those who voted in the affirmative were:

Adkins	Dille	Kelly	Metzen	Robertson
Anderson	Finn	Kiscaden	Mondale	Runbeck
Belanger	Flynn	Knutson	Neuville	Sams
Benson, D.D.	Frederickson	Laidig	Oliver	Stevens
Benson, J.E.	Hanson	Larson	Olson	Terwilliger
Berglin	Hottinger	Lesewski	Pappas	Vickerman
Betzold	Johnson, D.E.	Lessard	Pariseau	Wiener
Chandler	Johnson, D.J.	Luther	Ranum	
Cohen	Johnston	McGowan	Reichgott Junge	

Those who voted in the negative were:

Beckman	Janezich	Marty	Pogemiller	Spear
Berg	Johnson, J.B.	Merriam	Price	Stumpf
Bertram	Krentz	Moe, R.D.	Riveness	
Chmielewski	Kroening	Murphy	Samuelson	
Day	Langseth	Piper	Solon	

The motion prevailed. So the amendment was adopted.

S.F. No. 2913 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

The roll was called, and there were yeas 63 and nays 1, as follows:

Those who voted in the affirmative were:

Adkins	Day	Kiscaden	Metzen	Reichgott Junge
Anderson	Dille	Knutson	Moe, R.D.	Robertson
Beckman	Finn	Krentz	Mondale	Runbeck
Belanger	Flynn	Kroening	Murphy	Sams
Benson, D.D.	Frederickson	Laidig	Neuville	Samuelson
Benson, J.E.	Hanson	Langseth	Oliver	Solon
Berg	Hottinger	Larson	Olson	Spear
Berglin	Janezich	Lesewski	Pappas	Stevens
Bertram	Johnson, D.E.	Lessard	Pariseau	Stumpf
Betzold	Johnson, D.J.	Luther	Piper	Vickerman
Chandler	Johnson, J.B.	Marty	Pogemiller	Wiener
Chmielewski	Johnston	McGowan	Price	
Cohen	Kelly	Merriam	Ranum	

Mr. Riveness voted in the negative.

So the bill, as amended, was passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate reverted to the Orders of Business of Messages From the House, First Reading of House Bills, Reports of Committees and Second Reading of Senate Bills.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, herewith returned: S.F. No. 2262.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 11, 1994

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of 3 members of the House, on the amendments adopted by the House to the following Senate File:

S.F. No. 1898: A bill for an act relating to insurance; health; requiring coverage for equipment and supplies for the management and treatment of diabetes; proposing coding for new law in Minnesota Statutes, chapter 62A.

There has been appointed as such committee on the part of the House:

Pugh, Asch and Davids.

Senate File No. 1898 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 11, 1994

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of 3 members of the House, on the amendments adopted by the House to the following Senate File:

S.F. No. 1912: A bill for an act relating to insurance; accident and health; permitting short-term coverage; amending Minnesota Statutes 1993 Supplement, section 62A.65, by adding a subdivision.

There has been appointed as such committee on the part of the House:

Cooper, Davids and Lourey.

Senate File No. 1912 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 11, 1994

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of 3 members of the House, on the amendments adopted by the House to the following Senate File:

S.F. No. 2246: A bill for an act relating to natural resources; authorizing the exchange of certain state lands in Wabasha and Fillmore counties under certain conditions.

There has been appointed as such committee on the part of the House:

Waltman, Sviggum and Johnson, V.

Senate File No. 2246 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 11, 1994

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of 3 members of the House, on the amendments adopted by the House to the following Senate File:

S.F. No. 1744: A bill for an act relating to the city of Lakefield; allowing the city of Lakefield to expand its public utilities commission to five members.

There has been appointed as such committee on the part of the House:

Olson, K.; Winter and Girard.

Senate File No. 1744 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 11, 1994

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 2675:

H.F. No. 2675: A bill for an act relating to state lands; authorizing public sale of certain tax-forfeited land that borders public waters in Aitkin county.

The House respectfully requests that a Conference Committee of 3 members be appointed thereon.

Lourey, Cooper and Ozment have been appointed as such committee on the part of the House.

House File No. 2675 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 11, 1994

Mr. Lessard moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 2675, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 2362:

H.F. No. 2362: A bill for an act relating to animals; changing the definition of a potentially dangerous dog; changing the identification tag requirements for a dangerous dog; amending Minnesota Statutes 1992, sections 347.50, subdivision 3; and 347.51, subdivision 7.

The House respectfully requests that a Conference Committee of 3 members be appointed thereon.

Carlson, Kahn and Pugh have been appointed as such committee on the part of the House.

House File No. 2362 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 11, 1994

Mr. Moe, R.D. moved that H.F. No. 2362 be laid on the table. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 2666 and 2189.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 11, 1994

FIRST READING OF HOUSE BILLS

The following bills were read the first time and referred to the committee indicated.

H.F. No. 2666: A bill for an act relating to local government; prohibiting the adoption of certain zoning ordinances by municipalities, counties, and towns; amending Minnesota Statutes 1992, sections 394.25, by adding a subdivision; and 462.357, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 366.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2421, now on General Orders.

H.F. No. 2189: A bill for an act relating to education; prekindergarten through grade 12; providing for general education revenue; transportation; special programs; community education; facilities; organization and cooperation; commitment to excellence; other programs; miscellaneous provisions; libraries; state agencies; school bus safety; conforming amendments; providing for appointments; appropriating money; amending Minnesota Statutes 1992, sections 13.04, by adding a subdivision; 120.101, by adding a subdivision; 120.17, subdivision 1; 121.612, subdivision 7; 121.912, subdivision 5; 121.935, subdivision 6; 122.23, subdivisions 6, 8, 10, 13, and by adding a subdivision; 122.531, subdivision 9; 122.533; 122.91, subdivision 3; 122.937, subdivision 4; 123.35, subdivision 19a, and by adding subdivisions; 123.3514, subdivision 4; 123.39, subdivision 1; 123.58, subdivisions 2 and 4; 124.195, subdivisions 3, 6, and by adding a subdivision; 124.223, subdivision 1; 124.244, subdivision 4; 124.26, subdivision 1b; 124.2601, subdivisions 3, 5, and 7; 124.2711, by adding a subdivision; 124.2713, by adding a subdivision; 124.2721, subdivisions 1 and 5; 124.2725, subdivision 16; 124.278, subdivision 1; 124.6472, subdivision 1; 124.84, by adding a subdivision; 124.85; 124.90, by adding a subdivision; 124.912, by adding a subdivision; 124.95, subdivision 4; 124A.02, by adding subdivisions; 124A.03, subdivision 2a; 124A.22, subdivision 2a; 124A.26, by adding a

subdivision; 124C.49; 125.09, subdivision 1; 125.188, subdivision 1; 126.02, subdivision 1; 126.15, subdivision 4; 126.23; 126.69, subdivisions 1 and 3; 126.77, subdivision 1; 126.78; 127.27, subdivision 5; 127.30, by adding a subdivision; 127.31, by adding a subdivision; 127.38; 129C.15, by adding a subdivision; 134.195, subdivision 10; 136D.22, by adding subdivisions; 136D.72, by adding subdivisions; 136D.82, by adding subdivisions; 169.01, subdivision 2; 169.21, subdivision 2; 169.442, subdivision 1; 169.443, subdivision 8, and by adding a subdivision; 169.445, subdivisions 1 and 2; 169.446, subdivision 3; 169.447, subdivision 6; 169.45, subdivision 1; 169.64, subdivision 8; 171.01, subdivision 22; 171.321, subdivision 3; 171.3215; 179A.07, subdivision 6; 260.181, subdivision 2; 272.02, subdivision 8; 475.61, subdivision 4; and 631.40, subdivision 1a; Minnesota Statutes 1993 Supplement, sections 120.062, subdivision 5; 120.064, subdivision 16; 120.17, subdivisions 11b, 12, and 17; 121.11, subdivisions 7c and 7d; 121.702, subdivisions 2 and 9; 121.703; 121.705; 121.706; 121.707; 121.708; 121.709; 121.710; 121.831, subdivision 9; 121.885, subdivisions 1, 2, and 4; 123.3514, subdivisions 6 and 6b; 123.58, subdivisions 6, 7, 8, and 9; 123.951; 124.155, subdivisions 1 and 2; 124.17, subdivisions 1 and 2f; 124.225, subdivisions 1 and 7e; 124.226, subdivisions 3a and 9; 124.2455; 124.26, subdivisions 1c and 2; 124.2711, subdivision 1; 124.2713, subdivision 5; 124.2714; 124.2727, subdivisions 6 and 6a; 124.573, subdivision 2b; 124.6469, subdivision 3; 124.91, subdivisions 3 and 5; 124.914, subdivision 4; 124.95, subdivision 1; 124A.029, subdivision 4; 124A.03, subdivisions 1c, 2, and 3b; 124A.22, subdivisions 5, 6, 8, and 9; 124A.225, subdivisions 1, 3, 4, and 5; 124A.29, subdivision 1; 124A.292, subdivision 3; 125.05, subdivision 1a; 125.138, subdivision 9; 125.185, subdivision 4; 125.230, subdivisions 3, 4, and 6; 125.231, subdivisions 1 and 4; 125.623, subdivision 3; 125.706; 126.239, subdivision 3; 126.70, subdivisions 1 and 2a; 127.46; 171.321, subdivision 2; 275.48; Laws 1992, chapter 499, articles 6, section 34; and 11, section 9; Laws 1993, chapter 224, articles 2, section 15, subdivision 2, as amended; 3, sections 36, subdivision 2; 38, subdivision 22; 5, sections 43; 46, subdivisions 2, 3, and 4; 6, section 30, subdivisions 2 and 6; 7, section 28, subdivisions 3, 4, 9, and 11; 8, sections 20, subdivision 2; 22, subdivisions 6, 7, and 12; 12, sections 39 and 41; and 15, section 2; proposing coding for new law in Minnesota Statutes, chapters 120; 121; 123; 124; 124A; 125; 126; 127; 134; and 169; 473; repealing Minnesota Statutes 1992, sections 121.935, subdivision 7; 122.23, subdivision 13a; 122.91, subdivisions 5 and 7; 122.93, subdivision 7; 122.937; 122.94, subdivisions 2, 3, and 6; 122.945; 136D.22, subdivisions 1 and 3; 136D.71, subdivision 2; 136D.72, subdivisions 1, 2, and 5; 136D.82, subdivisions 1 and 3; 169.441, subdivisions 2 and 3; 169.442, subdivisions 2 and 3; 169.445, subdivision 3; 169.447, subdivision 3; Minnesota Statutes 1993 Supplement, sections 121.935, subdivision 5; 123.80; 124.2727, subdivision 8; 124A.225, subdivision 2; Laws 1992, chapter 499, article 6, section 39, subdivision 3; Law 1993, chapter 224, articles 1, section 37; 8, section 14; Minnesota Rules, parts 3520.3600; 3520.3700; 8700.6410; 8700.9000; 8700.9010; 8700.9020; and 8700.9030.

Mr. Moe, R.D. moved that H.F. No. 2189 be laid on the table. The motion prevailed.

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted, with the exception of the report on S.F. No. 2640. The motion prevailed.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred under Joint Rule 2.03, together with the committee report thereon,

S.F. No. 2371: A bill for an act relating to crime; imposing penalties on any person who performs female genital mutilation; providing certain exceptions; requiring the commissioner of health to carry out appropriate education, prevention, and outreach activities in communities that traditionally engage in these practices; proposing coding for new law in Minnesota Statutes, chapters 144; and 609.

Reports the same back with the recommendation that the report from the Committee on Health Care, shown in the Journal for April 11, 1994, be adopted; that committee recommendation being:

"the bill be amended and when so amended the bill do pass". Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred under Joint Rule 2.03; together with the committee report thereon,

S.F. No. 2036: A bill for an act relating to human services; permitting certain providers to request a state agency hearing; modifying the conduct of state agency hearings; modifying certain requirements for prior authorization of services under medical assistance; amending Minnesota Statutes 1992, sections 256.045, subdivisions 3, 4, 5 and by adding a subdivision; and 256B.0625, subdivisions 8, 8a, 25, 31, and by adding a subdivision.

Reports the same back with the recommendation that the report from the Committee on Health Care, shown in the Journal for April 11, 1994, be adopted; that committee recommendation being:

"the bill be amended and when so amended the bill do pass". Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred under Joint Rule 2.03, together with the committee report thereon,

S.F. No. 1961: A bill for an act relating to driving while intoxicated; authorizing imposition of a two-year gross misdemeanor sentence on certain repeat DWI offenders; requiring consecutive sentences for multiple crimes committed by repeat DWI offenders and DWI offenders who drive without insurance or after license cancellation or revocation; imposing misdemeanor penalties on persons who knowingly lend their motor vehicles to intoxicated or unlicensed drivers; amending Minnesota Statutes 1992, sections 169.797, subdivision 4; 609.02, subdivision 2, and by adding a subdivision; 609.105; Minnesota Statutes 1993 Supplement, sections 169.121, subdivision 3; and 171.24; proposing coding for new law in Minnesota Statutes, chapter 169.

Reports the same back with the recommendation that the report from the Committee on Crime Prevention, shown in the Journal for April 6, 1994, be adopted; that committee recommendation being:

"the bill be amended and when so amended the bill do pass". Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred under Joint Rule 2.03, together with the committee report thereon,

S.F. No. 1863: A bill for an act relating to crime; recodifying and revising the crime of contributing to a minor's delinquency or need for protection or services; increasing penalties for certain acts; proposing coding for new law in Minnesota Statutes, chapter 609; repealing Minnesota Statutes 1992, section 260.315.

Reports the same back with the recommendation that the report from the Committee on Crime Prevention, shown in the Journal for April 6, 1994, be adopted; that committee recommendation being:

"the bill be amended and when so amended the bill do pass". Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred under Rule 35, together with the committee report thereon,

S.F. No. 1944: A bill for an act relating to employment; restoring the purchasing power of a minimum wage salary; amending Minnesota Statutes 1992, section 177.24, subdivision 1.

Reports the same back with the recommendation that the report from the Committee on Jobs, Energy and Community Development, shown in the Journal for April 6, 1994, be amended to read:

"the bill be amended and when so amended the bill do pass and be re-referred to the Committee on Finance". Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred under Joint Rule 2.03, together with the committee report thereon,

S.F. No. 1133: A bill for an act relating to the environment; establishing a cleanup program for closed landfills; establishing an advisory committee; authorizing rulemaking; providing penalties; providing a voluntary buy-out option for insurance companies; authorizing the sale of state bonds; appropriating money; amending Minnesota Statutes 1992, section 115B.04, by adding a subdivision; Minnesota Statutes 1993 Supplement, sections 115B.42, subdivision 2; 116.07, subdivision 10; proposing coding for new law in Minnesota Statutes, chapter 115B.

Reports the same back with the recommendation that the report from the Committee on Judiciary, shown in the Journal for April 6, 1994, be amended to read:

"the bill be amended and when so amended the bill do pass and be re-referred to the Committee on Finance". Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred under Joint Rule 2.03, together with the committee report thereon,

S.F. No. 2816: A bill for an act relating to metropolitan government; increasing the amount of obligations the metropolitan council may issue for certain transit purposes; amending Minnesota Statutes 1992, section 473.39, subdivision 1b.

Reports the same back with the recommendation that the report from the Committee on Transportation and Public Transit, shown in the Journal for April 5, 1994, be adopted; that committee recommendation being:

"the bill be amended and when so amended the bill do pass and be re-referred to the Committee on Taxes and Tax Laws". Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred under Joint Rule 2.03, together with the committee report thereon,

S.F. No. 1726: A bill for an act relating to traffic regulations; authorizing peace officers to stop drivers and issue citations for seat belt violations without first observing a moving violation; amending Minnesota Statutes 1993 Supplement, section 169.686, subdivision 1.

Reports the same back with the recommendation that the report from the Committee on Transportation and Public Transit, shown in the Journal for March 30, 1994, be adopted; that committee recommendation being:

"the bill do pass". Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred under Rule 35, together with the committee report thereon,

S.F. No. 1991: A bill for an act relating to metropolitan government; requiring the metropolitan council to adopt rules allocating comprehensive choice housing among cities and towns in the metropolitan area; requiring metropolitan council review of efforts of cities and towns to comply with the allocation; establishing penalties for noncompliance; proposing coding for new law in Minnesota Statutes, chapters 16A; and 473.

Reports the same back with the recommendation that the report from the Committee on Jobs, Energy and Community Development, shown in the Journal for April 6, 1994, be amended to read:

"the bill do pass and be re-referred to the Committee on Metropolitan and Local Government". Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred under Rule 35, together with the committee report thereon,

S.F. No. 614: A bill for an act relating to education; modifying the teacher retirement program to provide an incentive for experienced teachers to participate in job sharing; proposing coding for new law in Minnesota Statutes, chapter 125.

Reports the same back with the recommendation that the report from the Committee on Governmental Operations and Reform, shown in the Journal for April 5, 1994, be adopted; that committee recommendation being:

“the bill be amended and when so amended the bill do pass”. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred under Rule 35, together with the committee report thereon,

S.F. No. 609: A bill for an act relating to retirement; the Minneapolis teachers retirement fund association; providing for purchase of allowable service credit for public school employment outside the state of Minnesota; proposing coding for new law in Minnesota Statutes, chapter 354A.

Reports the same back with the recommendation that the report from the Committee on Governmental Operations and Reform, shown in the Journal for April 5, 1994, be adopted; that committee recommendation being:

“the bill be amended and when so amended the bill do pass”. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred under Rule 35, together with the committee report thereon,

S.F. No. 1795: A bill for an act relating to traffic regulations; establishing Minnesota child passenger restraint and education account to assist families in financial need to obtain child passenger restraint systems; amending Minnesota Statutes 1992, section 169.685, by adding a subdivision; Minnesota Statutes 1993 Supplement, section 169.685, subdivision 5.

Reports the same back with the recommendation that the report from the Committee on Transportation and Public Transit, shown in the Journal for April 5, 1994, be amended to read:

“the bill do pass and be re-referred to the Committee on Finance”. Report adopted.

Ms. Berglin from the Committee on Health Care, to which was referred

S.F. No. 2640: A bill for an act relating to human services; modifying certain provisions related to medical assistance and general assistance medical care; amending Minnesota Statutes 1992, sections 246.53, subdivision 1; 252.275, subdivisions 3 and 4; 256.015, subdivisions 2 and 7; 256.9365, subdivisions 1 and 3; 256.969, subdivisions 10 and 16; 256B.042, subdivision 2; 256B.056, by adding a subdivision; 256B.059, subdivision 1; 256B.06, subdivision 4; 256B.0625, by adding a subdivision; 256B.15, subdivision 1a; 256B.69, subdivision 4, and by adding a subdivision; 256D.03, subdivisions 3a and 3b; 256D.16; 256D.425, by adding a subdivision; 261.04, subdivision 2; 524.3-803; 524.3-1201; and 528.08; Minnesota Statutes 1993 Supplement, sections 245.492, subdivision 6; 245.493, subdivision 2, and by adding a subdivision; 245.4932, subdivisions 1 and 2; 245.494, subdivision 3; 245.496, subdivision 3, and by adding a subdivision; 256.9685, subdivision 1; 256.969, subdivision 24; 256B.059, subdivisions 3 and 5; 256B.0595, subdivisions 1, 2, 3, and 4; 256B.15, subdivision 2; 256D.03, subdivisions 3 and 4; and 514.981, subdivisions 2 and 5; proposing coding for new law in Minnesota Statutes, chapter 245; repealing Minnesota Statutes 1992, section 252.275, subdivisions 4a and 10; Minnesota Statutes 1993 Supplement, section 501B.89.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1993 Supplement, section 245.492, subdivision 6, is amended to read:

Subd. 6. [~~INITIAL OPERATIONAL~~ TARGET POPULATION.] "~~Initial Operational~~ target population" means a population of children that the local children's mental health collaborative agrees to serve ~~in the start-up phase and who meet fall within~~ the criteria for the target population. The ~~initial operational~~ target population may be less than the target population.

Sec. 2. Minnesota Statutes 1993 Supplement, section 245.492, subdivision 2, is amended to read:

Subd. 2. [~~BASE LEVEL FUNDING.~~] "Base level funding" means funding received from state, federal, or local sources and expended across the local system of care in fiscal year 1993 for children's mental health services ~~or~~, for special education services, ~~and other services~~ for children with emotional or behavioral disturbances ~~and their families~~.

In subsequent years, base level funding may be adjusted to reflect decreases in the numbers of children in the target population.

Sec. 3. Minnesota Statutes 1993 Supplement, section 245.492, subdivision 9, is amended to read:

Subd. 9. [~~INTEGRATED SERVICE SYSTEM.~~] "Integrated service system" means a coordinated set of procedures established by the local children's mental health collaborative for coordinating services and actions across categorical systems and agencies that results in:

- (1) integrated funding;
- (2) improved outreach, early identification, and intervention across systems;
- (3) strong collaboration between parents and professionals in identifying children in the target population facilitating access to the integrated system, and coordinating care and services for these children;
- (4) a coordinated assessment process across systems that determines which children need multiagency care coordination and wraparound services;
- (5) multiagency plan of care; and
- (6) ~~wraparound~~ individualized rehabilitation services.

Services provided by the integrated service system must meet the requirements set out in sections 245.487 to 245.4887. Children served by the integrated service system must be economically and culturally representative of children in the service delivery area.

Sec. 4. Minnesota Statutes 1993 Supplement, section 245.492, subdivision 23, is amended to read:

Subd. 23. [~~WRAPAROUND INDIVIDUALIZED REHABILITATION SERVICES.~~] "~~Wraparound Individualized rehabilitation~~ services" are alternative, flexible, coordinated, and highly individualized services that are based on a multiagency plan of care. These services are designed to build on the strengths

and respond to the needs identified in the child's multiagency assessment and to improve the child's ability to function in the home, school, and community. ~~Wraparound~~ *Individualized rehabilitation* services may include, but are not limited to, residential services, respite services, services that assist the child or family in enrolling in or participating in recreational activities, assistance in purchasing otherwise unavailable items or services important to maintain a specific child in the family, and services that assist the child to participate in more traditional services and programs.

Sec. 5. Minnesota Statutes 1993 Supplement, section 245.493, subdivision 2, is amended to read:

Subd. 2. [GENERAL DUTIES OF THE LOCAL CHILDREN'S MENTAL HEALTH COLLABORATIVES.] Each local children's mental health collaborative must:

(1) *notify the commissioner of human services within ten days of formation by signing a collaborative agreement and providing the commissioner with a copy of the signed agreement;*

(2) identify a service delivery area and an ~~initial~~ *operational* target population within that service delivery area. The ~~initial~~ *operational* target population must be economically and culturally representative of children in the service delivery area to be served by the local children's mental health collaborative. The size of the ~~initial~~ *operational* target population must also be economically viable for the service delivery area;

(3) seek to maximize federal revenues available to serve children in the target population by designating local expenditures for ~~mental health~~ services for these children and their families that can be matched with federal dollars;

(4) in consultation with the local children's advisory council and the local coordinating council, if it is not the local children's mental health collaborative, design, develop, and ensure implementation of an integrated service system that meets the requirements for state and federal reimbursement and develop interagency agreements necessary to implement the system;

(5) expand membership to include representatives of other services in the local system of care including prepaid health plans under contract with the commissioner of human services to serve the ~~mental health~~ needs of children in the target population and their families;

(6) create or designate a management structure for fiscal and clinical responsibility and outcome evaluation;

(7) spend funds generated by the local children's mental health collaborative as required in sections 245.491 to 245.496; and

(8) explore methods and recommend changes needed at the state level to reduce duplication and promote coordination of services including the use of uniform forms for reporting, billing, and planning of services;

(9) submit its integrated service system design, including its contract with the commissioner of human services, to the state coordinating council for approval within one year of notifying the commissioner of human services of its formation;

(10) provide an annual report that includes the elements listed in section

245.494, subdivision 2, and the collaborative's planned timeline to expand its operational target population to the state coordinating council; and

(11) expand its operational target population.

Each local children's mental health collaborative may contract with the commissioner of human services to become a medical assistance provider of mental health services.

Sec. 6. Minnesota Statutes 1993 Supplement, section 245.4932, subdivision 1, is amended to read:

Subdivision 1. [PROVIDER COLLABORATIVE RESPONSIBILITIES.] The children's mental health collaborative shall have the following authority and responsibilities regarding federal revenue enhancement:

(1) the collaborative must establish an integrated fund;

(2) the collaborative shall designate a lead county or other qualified entity as the fiscal agency for reporting, claiming, and receiving payments;

(3) the collaborative or lead county may enter into subcontracts with other counties, school districts, special education cooperatives, municipalities, and other public and nonprofit entities for purposes of identifying and claiming eligible expenditures to enhance federal reimbursement;

(4) the collaborative shall use any enhanced revenue attributable to the activities of the collaborative, including administrative and service revenue, solely to provide mental health services or to expand the operational target population. The lead county or other qualified entity may not use enhanced federal revenue for any other purpose;

(5) the members of the collaborative must continue the base level of expenditures, as defined in section 245.492, subdivision 2, for services for children with emotional or behavioral disturbances and their families from any state, county, federal, or other public or private funding source which, in the absence of the new federal reimbursement earned under sections 245.491 to 245.496, would have been available for those services. The base year for purposes of this subdivision shall be the accounting period closest to state fiscal year 1993;

(6) the collaborative or lead county must develop and maintain an accounting and financial management system adequate to support all claims for federal reimbursement, including a clear audit trail and any provisions specified in the contract with the commissioner of human services;

(7) the collaborative shall or its members may elect to pay the nonfederal share of the medical assistance costs for services designated by the collaborative; and

(8) the lead county or other qualified entity may not use federal funds or local funds designated as matching for other federal funds to provide the nonfederal share of medical assistance.

Sec. 7. Minnesota Statutes 1993 Supplement, section 245.4932, subdivision 2, is amended to read:

Subd. 2. [COMMISSIONER'S RESPONSIBILITIES.] (1) Notwithstanding sections 256B.19, subdivision 1, and 256B.0625, the commissioner shall be required to amend the state medical assistance plan to include as covered

services eligible for medical assistance reimbursement, those services eligible for reimbursement under federal law or waiver, which a collaborative elects to provide and for which the collaborative elects to pay the nonfederal share of the medical assistance costs.

(2) The commissioner may suspend, reduce, or terminate the federal reimbursement to a ~~provider~~ collaborative that does not meet the requirements of sections 245.493 to 245.496.

(3) The commissioner shall recover from the collaborative any federal fiscal disallowances or sanctions for audit exceptions directly attributable to the collaborative's actions or the proportional share if federal fiscal disallowances or sanctions are based on a statewide random sample.

Sec. 8. Minnesota Statutes 1993 Supplement, section 245.4932, subdivision 3, is amended to read:

Subd. 3. [PAYMENTS.] Notwithstanding section 256.025, subdivision 2, payments under sections 245.493 to 245.496 to providers for ~~wraparound service expenditures and expenditures for other~~ services for which the collaborative elects to pay the nonfederal share of medical assistance shall only be made of federal earnings from services provided under sections 245.493 to 245.496.

Sec. 9. Minnesota Statutes 1993 Supplement, section 245.4932, subdivision 4, is amended to read:

Subd. 4. [CENTRALIZED DISBURSEMENT OF MEDICAL ASSISTANCE PAYMENTS.] Notwithstanding section 256B.041, and except for family community support services and therapeutic support of foster care, county payments for the cost of ~~wraparound services and other~~ services for which the collaborative elects to pay the nonfederal share, for reimbursement under medical assistance, shall not be made to the state treasurer. For purposes of wraparound services under sections 245.493 to 245.496, the centralized disbursement of payments to providers under section 256B.041 consists only of federal earnings from services provided under sections 245.493 to 245.496.

Sec. 10. [245.4933] [MEDICAL ASSISTANCE PROVIDER STATUS.]

Subdivision 1. [REQUIREMENTS.] (a) In order for a local children's mental health collaborative to become a prepaid provider of medical assistance services and be eligible to receive medical assistance reimbursement, the collaborative must:

(1) enter into a contract with the commissioner of human services to provide mental health services including inpatient, outpatient, medication management, services under the rehabilitation option, and related physician services;

(2) meet the applicable federal requirements;

(3) either carry stop-loss insurance or enter into a risk sharing agreement with the commissioner of human services; and

(4) provide medically necessary medical assistance mental health services to children in the target population who enroll in the local children's mental health collaborative.

(b) Upon execution of the provider contract with the commissioner of human services the local children's mental health collaborative may:

(1) provide mental health services which are not medical assistance state plan services in addition to the state plan services described in the contract with the commissioner of human services; and

(2) enter into subcontracts which meet the requirements of Code of Federal Regulations, title 42, section 434.6, with other providers of mental health services including prepaid health plans established under section 256B.69.

Subd. 2. [PROVIDER STATUS IN A PREPAID HEALTH PLAN COUNTY.] (a) A children's mental health collaborative that has a service delivery area in a county where a prepaid health plan contract with the commissioner of human services, including those established under section 256B.69, existing on or before January 1, 1995, must enter into an agreement between the commissioner of human services and one or more such prepaid health plans in order to become a provider of medical assistance or MinnesotaCare services. The collaborative and the health plan shall work cooperatively to assure the integration of physical and mental health services.

(b) After January 1, 1995, a children's mental health collaborative with a service delivery area in a county where no prepaid health plan contract with the commissioner of human services exists, including those established under section 256B.69, shall be given notice by the commissioner of the intent to establish a prepaid health plan contract in that county. The collaborative must enter into an agreement between the commissioner and one or more such prepaid health plans in order to become a provider of MinnesotaCare or medical assistance services but shall have 12 months from receipt of the notice of intent or actual establishment of the prepaid health plan contract, whichever occurs later, to meet the requirements of paragraph (a). During this notice period, the collaborative will not be at financial risk. The individual members of the collaborative who have a medical assistance provider agreement may bill the prepaid health plan on a nonrisk basis at medical assistance fee-for-service rates. Upon expiration of the notice period, collaboratives that do not meet the requirements of paragraph (a) to become a prepaid provider shall not be eligible to receive medical assistance or MinnesotaCare reimbursement. The collaborative and the health plan shall work cooperatively to assure the integration of physical and mental health services.

(c) The commissioner shall provide each children's mental health collaborative considering whether to become a prepaid provider of mental health services with the commissioner's best estimate of a capitated payment prior to an actuarial study based upon the collaborative's operational target population. The capitated payment shall be adjusted annually, if necessary, for changes in the operational target population.

(d) The commissioner shall negotiate risk adjustment and reinsurance mechanisms with children's mental health collaboratives that become medical assistance providers.

Subd. 3. [NONCONTRACTING COLLABORATIVES.] A local children's mental health collaborative that does not become a provider of medical assistance or MinnesotaCare services may provide services through individual members of a noncontracting collaborative who have a medical assistance

provider agreement to eligible recipients who are not enrolled in the health plan.

Sec. 11. Minnesota Statutes 1993 Supplement, section 245.494, subdivision 1, is amended to read:

Subdivision 1. [STATE COORDINATING COUNCIL.] The state coordinating council, in consultation with the integrated fund task force, shall:

(1) assist local children's mental health collaboratives in meeting the requirements of sections 245.491 to 245.496, by seeking consultation and technical assistance from national experts and coordinating presentations and assistance from these experts to local children's mental health collaboratives;

(2) assist local children's mental health collaboratives in identifying an economically viable ~~initial~~ operational target population;

(3) develop methods to reduce duplication and promote coordinated services including uniform forms for reporting, billing, and planning of services;

(4) by September 1, 1994, develop a model multiagency plan of care that can be used by local children's mental health collaboratives in place of an individual education plan, individual family community support plan, individual family support plan, and an individual treatment plan;

(5) assist in the implementation and operation of local children's mental health collaboratives by facilitating the integration of funds, coordination of services, and measurement of results, and by providing other assistance as needed;

(6) by July 1, 1993, develop a procedure for awarding start-up funds. Development of this procedure shall be exempt from chapter 14;

(7) develop procedures and provide technical assistance to allow local children's mental health collaboratives to integrate resources for children's mental health services with other resources available to serve children in the target population in order to maximize federal participation and improve efficiency of funding;

(8) ensure that local children's mental health collaboratives and the services received through these collaboratives meet the requirements set out in sections 245.491 to 245.496;

(9) identify base level funding from state and federal sources across systems;

(10) explore ways to access additional federal funds and enhance revenues available to address the needs of the target population;

(11) develop a mechanism for identifying the state share of funding for services to children in the target population and for making these funds available on a per capita basis for services provided through the local children's mental health collaborative to children in the target population. Each year beginning January 1, 1994, forecast the growth in the state share and increase funding for local children's mental health collaboratives accordingly;

(12) identify barriers to integrated service systems that arise from data

practices and make recommendations including legislative changes needed in the data practices act to address these barriers; and

(13) annually review the expenditures of local children's mental health collaboratives to ensure that funding for services provided to the target population continues from sources other than the federal funds earned under sections 245.491 to 245.496 and that federal funds earned are spent consistent with sections 245.491 to 245.496.

Sec. 12. Minnesota Statutes, 1993 Supplement, section 245.494, subdivision 3, is amended to read:

Subd. 3. [DUTIES OF THE COMMISSIONER OF HUMAN SERVICES.] The commissioner of human services, in consultation with the integrated fund task force, shall:

(1) ~~beginning January 4, ensure that all department of human services actions are consistent with provisions of federal and state laws, regulations, contracts, waivers, and the state medicaid plan;~~

(2) ~~in the first quarter of 1994, in areas where a local children's mental health collaborative has been established, based on an independent actuarial analysis, separate identify all medical assistance, general assistance medical care, and MinnesotaCare resources devoted to mental health services for children and their families in the target population including inpatient, outpatient, medication management, services under the rehabilitation option, and related physician services from in the total health capitation from of prepaid plans, including plans established under contract with the commissioner to provide medical assistance services under section 256B.69; for the target population as identified in section 245.492, subdivision 21, and develop guidelines for managing these mental health benefits that will require all contractors to:~~

~~(i) provide mental health services eligible for medical assistance reimbursement;~~

~~(ii) meet performance standards established by the commissioner of human services including providing services consistent with the requirements and standards set out in sections 245.487 to 245.4888 and 245.491 to 245.496;~~

~~(iii) provide the commissioner of human services with data consistent with that collected under sections 245.487 to 245.4888; and~~

~~(iv) in service delivery areas where there is a local children's mental health collaborative for the target population defined by local children's mental health collaborative:~~

~~(A) participate in the local children's mental health collaborative;~~

~~(B) commit resources to the integrated fund that are actuarially equivalent to resources received for the target population being served by local children's mental health collaboratives; and~~

~~(C) meet the requirements and the performance standards developed for local children's mental health collaboratives;~~

(2) ensure that any prepaid health plan that is operating within the jurisdiction of a local children's mental health collaborative and that is able to meet all the requirements under section 245.494, subdivision 3, paragraph (1),

items (i) to (iv), shall have 60 days from the date of receipt of written notice of the establishment of the collaborative to decide whether it will participate in the local children's mental health collaborative; the prepaid health plan shall notify the collaborative and the commissioner of its decision to participate;

(3) assist each children's mental health collaborative to determine an actuarially feasible operational target population;

(4) ensure that a prepaid health plan that contracts with the commissioner to provide medical assistance or MinnesotaCare services shall pass through the identified resources to a collaborative or collaboratives when the collaborative meets the requirements of section 245.4933 to serve the collaborative's operational target population. The commissioner shall, through an independent actuarial analysis, specify differential rates the prepaid health plan must pay the collaborative based upon severity, functioning, and other risk factors, taking into consideration the fee-for-service experience of children excluded from prepaid medical assistance participation;

(5) ensure that a children's mental health collaborative that enters into an agreement with a prepaid health plan under contract with the commissioner shall accept medical assistance recipients in the operational target population on a first-come, first-served basis up to the collaborative's operating capacity or as determined in the agreement between the collaborative and the commissioner;

(6) ensure that a children's mental health collaborative that receives resources passed through a prepaid health plan under contract with the commissioner shall be subject to the quality assurance standards, reporting of utilization information, standards set out in sections 245.487 to 245.4888, and other requirements established in Minnesota Rules, part 9500.1460;

(7) ensure that any prepaid health plan that contracts with the commissioner, including a plan that contracts under section 256B.69, must enter into an agreement with any collaborative operating in the same service delivery area that:

(i) meets the requirements of section 245.4933;

(ii) is willing to accept the rate determined by the commissioner to provide medical assistance services; and

(iii) requests to contract with the prepaid health plan;

(8) ensure that no agreement between a health plan and a collaborative shall terminate the legal responsibility of the health plan to assure that all activities under the contract are carried out. The agreement may require the collaborative to indemnify the health plan for activities that are not carried out;

(9) ensure that where a collaborative enters into an agreement between the commissioner and a prepaid health plan to provide medical assistance and MinnesotaCare services, a separate capitation rate will be determined through an independent actuarial analysis which is based upon the factors set forth in clause (4) to be paid to a collaborative for children in the operational target population who are eligible for medical assistance but not included in the prepaid health plan contract with the commissioner;

(10) ensure that in counties where no prepaid health plan contract to provide medical assistance or MinnesotaCare services exists, a children's mental health collaborative that meets the requirements of section 245.4933 shall:

(i) be paid a capitated rate, actuarially determined, that is based upon the collaborative's operational target population;

(ii) accept medical assistance or MinnesotaCare recipients in the operational target population on a first-come, first-served basis up to the collaborative's operating capacity or as determined in the contract between the collaborative and the commissioner; and

(iii) comply with quality assurance standards, reporting of utilization information, standards set out in sections 245.487 to 245.4888, and other requirements established in Minnesota Rules, part 9500.1460;

(11) subject to federal approval, in the development of rates for local children's mental health collaboratives, the commissioner shall consider, and may adjust, trend and utilization factors, to reflect changes in mental health service utilization and access;

(12) consider changes in mental health service utilization, access, and price and determine the actuarial value of the services in the maintenance of rates for local children's mental health collaborative provided services, subject to federal approval;

(13) provide written notice to any prepaid health plan operating within the service delivery area of a children's mental health collaborative of the collaborative's existence within 30 days of the commissioner's receipt of notice of the collaborative's formation;

(14) ensure that in a geographic area where both a prepaid health plan, including those established under either section 256.9363 or 256B.69 and a local children's mental health collaborative exist, medical assistance and MinnesotaCare recipients in the operational target population will have the choice to receive mental health services through either the prepaid health plan or the collaborative;

(3) (15) develop a mechanism for integrating medical assistance resources for mental health service with ~~resources for general assistance medical care,~~ MinnesotaCare, and any other state and local resources available for services for children in the operational target population and develop a procedure for making these resources available for use by a local children's mental health collaborative;

(4) (16) gather data needed to manage mental health care including evaluation data and data necessary to establish a separate capitation rate for children's mental health services if that option is selected;

(5) (17) by January 1, 1994, develop a model contract for providers of mental health managed care that meets the requirements set out in sections 245.491 to 245.496 and 256B.69, and utilize this contract for all subsequent awards, and before January 1, 1995, the commissioner of human services shall not enter into or extend any contract for any prepaid plan that would impede the implementation of sections 245.491 to 245.496;

(6) (18) develop revenue enhancement or rebate mechanisms and procedures to certify expenditures made through local children's mental health

collaboratives for services including administration and outreach that may be eligible for federal financial participation under medical assistance, ~~including expenses for administration,~~ and other federal programs;

(7) (19) ensure that new contracts and extensions or modifications to existing contracts under section 256B.69 do not impede implementation of sections 245.491 to 245.496;

(8) (20) provide technical assistance to help local children's mental health collaboratives certify local expenditures for federal financial participation, using due diligence in order to meet implementation timelines for sections 245.491 to 245.496 and recommend necessary legislation to enhance federal revenue, provide clinical and management flexibility, and otherwise meet the goals of local children's mental health collaboratives and request necessary state plan amendments to maximize the availability of medical assistance for activities undertaken by the local children's mental health collaborative;

(9) (21) take all steps necessary to secure medical assistance reimbursement under the rehabilitation option for family community support services and therapeutic support of foster care, and for ~~residential treatment and wrap-around individualized rehabilitation services when these services are provided through a local children's mental health collaborative;~~

(10) (22) provide a mechanism to identify separately the reimbursement to a county for child welfare targeted case management provided to children served by the local collaborative for purposes of subsequent transfer by the county to the integrated fund; and

(11) ~~where interested and qualified contractors are available, finalize contracts within 180 days of receipt of written notification of the establishment of a local children's mental health collaborative~~

(23) *ensure that when family members who are enrolled in a prepaid health plan and whose children are receiving mental health services through a local children's mental health collaborative file complaints about mental health services needed by the family members, the commissioner shall comply with section 256B.031, subdivision 6. A collaborative may assist a family to make a complaint.*

Sec. 13. Minnesota Statutes 1993 Supplement, section 245.495, is amended to read:

245.495 [ADDITIONAL FEDERAL REVENUES.]

(a) Each local children's mental health collaborative shall report expenditures eligible for federal reimbursement in a manner prescribed by the commissioner of human services under section 256.01, subdivision 2, clause (17). The commissioner of human services shall pay all funds earned by each local children's mental health collaborative to the collaborative. Each local children's mental health collaborative must use these funds to expand the *initial operational target population* or to develop or provide mental health services through the local integrated service system to children in the target population. Funds may not be used to supplant funding for services to children in the target population.

For purposes of this section, "mental health services" are community-based, nonresidential services, which may include respite care, that are identified in the child's multiagency plan of care.

(b) The commissioner may set aside a portion of the federal funds earned under this section to repay the special revenue maximization account under section 256.01, subdivision 2, clause (15). The set-aside must not exceed five percent of the federal reimbursement earned by collaboratives and repayment is limited to:

(1) the costs of developing and implementing sections 245.491 to 245.496, including the costs of technical assistance from the departments of human services, education, health, and corrections to implement the children's mental health integrated fund;

(2) programming the information systems; and

(3) any lost federal revenue for the central office claim directly caused by the implementation of these sections.

(c) Any unexpended funds from the set-aside described in paragraph (b) shall be distributed to counties according to section 245.496, subdivision 2.

Sec. 14. Minnesota Statutes 1993 Supplement, section 245.496, subdivision 3, is amended to read:

Subd. 3. [SUBMISSION AND APPROVAL OF LOCAL COLLABORATIVE PROPOSALS FOR INTEGRATED SYSTEMS.] By December 31, 1994, a local children's mental health collaborative that received start-up funds must submit to the state coordinating council its proposal for creating and funding an integrated service system for children in the target population. *A local children's mental health collaborative which forms without receiving start-up funds must submit its proposal for creating and funding an integrated service system within one year of notifying the commissioner of human services of its existence.* Within 60 days of receiving the local collaborative proposal the state coordinating council must review the proposal and notify the local children's mental health collaborative as to whether or not the proposal has been approved. If the proposal is not approved, the state coordinating council must indicate changes needed to receive approval.

Sec. 15. Minnesota Statutes 1993 Supplement, section 245.496, is amended by adding a subdivision to read:

Subd. 4. [APPROVAL OF A COLLABORATIVE'S INTEGRATED SERVICES SYSTEM.] *(a) The state coordinating council must approve a collaborative's proposed integrated service system design proposal when a collaborative elects to become a medical assistance provider. The state coordinating council shall approve the integrated service system proposal when the following elements are present:*

(1) *interagency agreements signed by the head of each member agency and which set forth the specific financial commitments of each member;*

(2) *a contract executed under section 245.4933 between the collaborative and the commissioner of human services;*

(3) *an adequate management structure for fiscal and clinical responsibility including sufficient allocation of risk and liability;*

(4) *a process of utilization review; and*

(5) *compliance with sections 245.491 to 245.496.*

(b) The state coordinating council may not approve a proposed integrated service system for a collaborative which plans to become a medical assistance provider if any of the elements in paragraph (a) are not present.

Sec. 16. Minnesota Statutes 1992, section 252.275, subdivision 3, is amended to read:

Subd. 3. [REIMBURSEMENT.] Counties shall be reimbursed for all expenditures made pursuant to subdivision 1 at a rate of 70 percent, up to the allocation determined pursuant to subdivisions 4, ~~4a,~~ and 4b. However, the commissioner shall not reimburse costs of services for any person if the costs exceed the state share of the average medical assistance costs for services provided by intermediate care facilities for a person with mental retardation or a related condition for the same fiscal year, and shall not reimburse costs of a one-time living allowance for any person if the costs exceed \$1,500 in a state fiscal year. ~~For the biennium ending June 30, 1993, the commissioner shall not reimburse costs in excess of the 85th percentile of hourly service costs based upon the cost information supplied to the legislature in the proposed budget for the biennium.~~ The commissioner may make payments to each county in quarterly installments. The commissioner may certify an advance of up to 25 percent of the allocation. Subsequent payments shall be made on a reimbursement basis for reported expenditures and may be adjusted for anticipated spending patterns.

Sec. 17. Minnesota Statutes 1992, section 252.275, subdivision 4, is amended to read:

Subd. 4. [FORMULA.] ~~Effective January 1, 1992,~~ The commissioner shall allocate funds on a calendar year basis. ~~For calendar year 1992, funds shall be allocated based on each county's portion of the statewide reimbursement received under this section for state fiscal year 1991. For subsequent calendar years, funds shall be allocated~~ *Beginning with the calendar year 1994 grant period, funds shall be allocated first in amounts equal to each county's guaranteed floor according to subdivision 4b, with any remaining available funds allocated* based on each county's portion of the statewide expenditures eligible for reimbursement under this section during the 12 months ending on June 30 of the preceding calendar year.

If the legislature appropriates funds for special purposes, the commissioner may allocate the funds based on proposals submitted by the counties to the commissioner in a format prescribed by the commissioner. Nothing in this section prevents a county from using other funds to pay for additional costs of semi-independent living services.

Sec. 18. Minnesota Statutes 1992, section 256.015, subdivision 2, is amended to read:

Subd. 2. [PERFECTION; ENFORCEMENT.] The state agency may perfect and enforce its lien under sections 514.69, 514.70, and 514.71, and must file the verified lien statement with the appropriate court administrator in the county of financial responsibility. The verified lien statement must contain the following: the name and address of the person to whom medical care, subsistence, or other payment was furnished; the date of injury; the name and address of vendors furnishing medical care; the dates of the service or payment; the amount claimed to be due for the care or payment; and to the best of the state agency's knowledge, the names and addresses of all persons,

firms, or corporations claimed to be liable for damages arising from the injuries.

This section does not affect the priority of any attorney's lien. The state agency is not subject to any limitations period referred to in section 514.69 or 514.71 and has one year from the date notice is *first* received by it under subdivision 4, paragraph (c), *even if the notice is untimely*, or one year from the date medical bills are first paid by the state agency, whichever is later, to file its verified lien statement. The state agency may commence an action to enforce the lien within one year of (1) the date the notice required by subdivision 4, paragraph (c), is received, or (2) the date the person's cause of action is concluded by judgment, award, settlement, or otherwise, whichever is later.

Sec. 19. Minnesota Statutes 1992, section 256.015, subdivision 7, is amended to read:

Subd. 7. [COOPERATION REQUIRED.] Upon the request of the department of human services, any state agency or third party payer shall cooperate with the department in furnishing information to help establish a third party liability. *Upon the request of the department of human services or county child support or human service agencies, any employer or third party payer shall cooperate in furnishing information about group health insurance plans or medical benefit plans available to its employees.* The department of human services and county agencies shall limit its use of information gained from agencies ~~and~~, third party payers, and employers to purposes directly connected with the administration of its public assistance and child support programs. The provision of information by agencies ~~and~~, third party payers, and employers to the department under this subdivision is not a violation of any right of confidentiality or data privacy.

Sec. 20. Minnesota Statutes 1993 Supplement, section 256.9685, subdivision 1, is amended to read:

Subdivision 1. [AUTHORITY.] The commissioner shall establish procedures for determining medical assistance and general assistance medical care payment rates under a prospective payment system for inpatient hospital services in hospitals that qualify as vendors of medical assistance. The commissioner shall establish, by rule, procedures for implementing this section and sections 256.9686, 256.969, and 256.9695. ~~The medical assistance payment rates must be based on methods and standards that the commissioner finds are adequate to provide for the costs that must be incurred for the care of recipients in efficiently and economically operated hospitals.~~ Services must meet the requirements of section 256B.04, subdivision 15, or 256D.03, subdivision 7, paragraph (b), to be eligible for payment except the commissioner may establish exemptions to specific requirements based on diagnosis, procedure, or service after notice in the State Register and a 30-day comment period.

Sec. 21. Minnesota Statutes 1992, section 256.969, subdivision 10, is amended to read:

Subd. 10. [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.~~

For admissions occurring on or after July 1, 1991, and until the expiration date of section 256.9695, subdivision 3, services of certified registered nurse anesthetists provided on an inpatient basis may be paid as allowed by section 256B.0625, subdivision 11, when the hospital's base year did not include the cost of these services. To be eligible, a hospital must notify the commissioner in writing by July 1, 1991, of the request and must comply with all other requirements of this subdivision.

Sec. 22. Minnesota Statutes 1992, section 256.969, subdivision 16, is amended to read:

Subd. 16. [INDIAN HEALTH SERVICE FACILITIES.] Indian health service facilities are exempt from the rate establishment methods required by this section and shall be reimbursed at charges as limited to the amount allowed under federal law. ~~This exemption is not effective for payments under general assistance medical care.~~

Sec. 23. Minnesota Statutes 1992, section 256B.042, subdivision 2, is amended to read:

Subd. 2. [LIEN ENFORCEMENT.] The state agency may perfect and enforce its lien by following the procedures set forth in sections 514.69, 514.70 and 514.71, and its verified lien statement shall be filed with the appropriate court administrator in the county of financial responsibility. The verified lien statement shall contain the following: the name and address of the person to whom medical care was furnished, the date of injury, the name and address of the vendor or vendors furnishing medical care, the dates of the service, the amount claimed to be due for the care, and, to the best of the state agency's knowledge, the names and addresses of all persons, firms, or corporations claimed to be liable for damages arising from the injuries. This section shall not affect the priority of any attorney's lien. The state agency is not subject to any limitations period referred to in section 514.69 or 514.71 and has one year from the date notice is *first* received by it under subdivision 4, paragraph (c), *even if the notice is untimely*, or one year from the date medical bills are first paid by the state agency, whichever is later, to file its verified lien statement. The state agency may commence an action to enforce the lien within one year of (1) the date the notice required by subdivision 4, paragraph (c), is received or (2) the date the recipient's cause of action is concluded by judgment, award, settlement, or otherwise, whichever is later.

Sec. 24. Minnesota Statutes 1992, section 256B.059, subdivision 1, is amended to read:

Subdivision 1. [DEFINITIONS.] (a) For purposes of this section, the terms defined in this subdivision have the meanings given them.

(b) "Community spouse" means the spouse of an institutionalized ~~person~~ spouse.

(c) "Spousal share" means one-half of the total value of all assets, to the extent that either the institutionalized spouse or the community spouse had an ownership interest at the time of institutionalization.

(d) "Assets otherwise available to the community spouse" means assets individually or jointly owned by the community spouse, other than assets excluded by subdivision 5, paragraph (c).

(e) "Community spouse asset allowance" is the value of assets that can be transferred under subdivision 3.

(f) "Institutionalized spouse" means a person who is: (i) in a hospital, nursing facility, intermediate care facility for persons with mental retardation, or is receiving home- and community-based services under section 256B.0915, and is expected to remain in such facility or institution or receive such home- and community-based services for at least 30 consecutive days; and (ii) married to a person who is not in a hospital, nursing facility, or intermediate care facility for persons with mental retardation, and is not receiving home- and community-based services under section 256B.0915.

Sec. 25. Minnesota Statutes 1993 Supplement, section 256B.059, subdivision 3, is amended to read:

Subd. 3. [COMMUNITY SPOUSE ASSET ALLOWANCE.] An institutionalized spouse may transfer assets to the community spouse solely for the benefit of the community spouse. Except for increased amounts allowable under subdivision 4, the maximum amount of assets allowed to be transferred is the amount which, when added to the assets otherwise available to the community spouse, is as follows:

(1) prior to July 1, 1994, the greater of:

(i) \$14,148;

(ii) the lesser of the spousal share or \$70,740; or

(iii) the amount required by court order to be paid to the community spouse; and

(2) for persons who begin whose date of initial determination of eligibility for medical assistance following their first continuous period of institutionalization occurs on or after July 1, 1994, the greater of:

(i) \$20,000;

(ii) the lesser of the spousal share or \$70,740; or

(iii) the amount required by court order to be paid to the community spouse.

If the assets available to the community spouse are already at the limit permissible under this section, or the higher limit attributable to increases under subdivision 4, no assets may be transferred from the institutionalized spouse to the community spouse. The transfer must be made as soon as practicable after the date the institutionalized spouse is determined eligible for medical assistance, or within the amount of time needed for any court order required for the transfer. On January 1, 1994, and every January 1 thereafter, the limits in this subdivision shall be adjusted by the same percentage change

in the consumer price index for all urban consumers (all items; United States city average) between the two previous Septembers. These adjustments shall also be applied to the limits in subdivision 5.

Sec. 26. Minnesota Statutes 1993 Supplement, section 256B.059, subdivision 5, is amended to read:

Subd. 5. [ASSET AVAILABILITY.] (a) At the time of ~~application~~ *initial determination of eligibility* for medical assistance benefits *following the first continuous period of institutionalization*, assets considered available to the institutionalized spouse shall be the total value of all assets in which either spouse has an ownership interest, reduced by the following:

(1) prior to July 1, 1994, the greater of:

(i) \$14,148;

(ii) the lesser of the spousal share or \$70,740; or

(iii) the amount required by court order to be paid to the community spouse;

(2) for persons ~~who begin~~ *whose date of initial determination of eligibility for medical assistance following* their first continuous period of institutionalization *occurs* on or after July 1, 1994, the greater of:

(i) \$20,000;

(ii) the lesser of the spousal share or \$70,740; or

(iii) the amount required by court order to be paid to the community spouse. If the community spouse asset allowance has been increased under subdivision 4, then the assets considered available to the institutionalized spouse under this subdivision shall be further reduced by the value of additional amounts allowed under subdivision 4.

(b) An institutionalized spouse may be found eligible for medical assistance even though assets in excess of the allowable amount are found to be available under paragraph (a) if the assets are owned jointly or individually by the community spouse, and the institutionalized spouse cannot use those assets to pay for the cost of care without the consent of the community spouse, and if: (i) the institutionalized spouse assigns to the commissioner the right to support from the community spouse under section 256B.14, subdivision 3; (ii) the institutionalized spouse lacks the ability to execute an assignment due to a physical or mental impairment; or (iii) the denial of eligibility would cause an imminent threat to the institutionalized spouse's health and well-being.

(c) After the month in which the institutionalized spouse is determined eligible for medical assistance, during the continuous period of institutionalization, no assets of the community spouse are considered available to the institutionalized spouse, unless the institutionalized spouse has been found eligible under clause (b).

(d) Assets determined to be available to the institutionalized spouse under this section must be used for the health care or personal needs of the institutionalized spouse.

(e) For purposes of this section, assets do not include assets excluded under ~~section 256B.056, without regard to the limitations on total value in that section~~ *the supplemental security income program.*

Sec. 27. Minnesota Statutes 1993 Supplement, section 256B.0595, subdivision 1, is amended to read:

Subdivision 1. [PROHIBITED TRANSFERS.] (a) *For transfers of assets made on or before August 10, 1993, if a person or the person's spouse has given away, sold, or disposed of, for less than fair market value, any asset or interest therein, except assets other than the homestead that are excluded under section 256B.056, subdivision 3 the supplemental security program, within 30 months before or any time after the date of institutionalization if the person has been determined eligible for medical assistance, or within 30 months before or any time after the date of the first approved application for medical assistance if the person has not yet been determined eligible for medical assistance, the person is ineligible for long-term care services for the period of time determined under subdivision 2.*

(b) ~~Effective for transfers made on or after July 1, 1993, or upon federal approval, whichever is later August 10, 1993, (i) a person, a person's spouse, or a person's authorized representative any person, court, or administrative body with legal authority to act in place of, on behalf of, at the direction of, or upon the request of the person or person's spouse, (ii) may not give away, sell, or dispose of, for less than fair market value, any asset or interest therein, except assets other than the homestead that are excluded under the supplemental security income program, for the purpose of establishing or maintaining medical assistance eligibility. For purposes of determining eligibility for medical assistance long-term care services, any transfer of an asset such assets within 60 36 months preceding application before or any time after the time an institutionalized person applies for medical assistance or during the period of medical assistance eligibility, including assets excluded under section 256B.056, subdivision 3, or 36 months before or any time after a medical assistance recipient becomes institutionalized, for less than fair market value may be considered. Any such transfer for less than fair market value made within 60 months preceding application for medical assistance or during the period of medical assistance eligibility is presumed to have been made for the purpose of establishing or maintaining medical assistance eligibility and the person is ineligible for medical assistance long-term care services for the period of time determined under subdivision 2, unless the person furnishes convincing evidence to establish that the transaction was exclusively for another purpose, or unless the transfer is permitted under subdivisions 3 or 4. Notwithstanding the provisions of this paragraph, in the case of payments from a trust or portions of a trust that are considered transfers of assets under federal law, any transfers made within 60 months before or any time after an institutionalized person applies for medical assistance and within 60 months before or any time after a medical assistance recipient becomes institutionalized, may be considered.~~

(c) *This section applies to transfers, for less than fair market value, of income or assets, including assets that are considered income in the month received, such as inheritances, court settlements, and retroactive benefit payments or income which the person or the person's spouse is entitled to but does not receive due to action by the person, the person's spouse, or any person, court, or administrative body with legal authority to act in place of, on behalf of, at the direction of, or upon the request of the person or the person's spouse.*

(d) *This section applies to payments for care or personal services provided by a relative, unless the compensation was stipulated in a notarized, written*

agreement which was in existence when the service was performed, the care or services directly benefited the person, and the payments made represented reasonable compensation for the care or services provided. A notarized written agreement is not required if payment for the services was made within 60 days after the service was provided.

(e) This section applies to the portion of any asset or interest that a person ~~or~~, a person's spouse, or any person, court, or administrative body with legal authority to act in place of, on behalf of, at the direction of, or upon the request of the person or the person's spouse, transfers to an irrevocable any trust, annuity, or other instrument, that exceeds the value of the benefit likely to be returned to the person or spouse while alive, based on estimated life expectancy using the life expectancy tables employed by the supplemental security income program to determine the value of an agreement for services for life. The commissioner may adopt rules reducing life expectancies based on the need for long-term care.

(f) For purposes of this section, long-term care services include services in a nursing facility, services that are eligible for payment according to section 256B.0625, subdivision 2, because they are provided in a swing bed, intermediate care facility for persons with mental retardation, and home home- and community-based services provided pursuant to section 256B.491 sections 256B.0915, 256B.092, and 256B.49. For purposes of this subdivision and subdivisions 2, 3, and 4, "institutionalized person" includes a person who is an inpatient in a nursing facility, or in a swing bed, or intermediate care facility for persons with mental retardation or who is receiving home home- and community-based services under section 256B.491 sections 256B.0915, 256B.092, and 256B.49.

Sec. 28. Minnesota Statutes 1993 Supplement, section 256B.0595, subdivision 2, is amended to read:

Subd. 2. [PERIOD OF INELIGIBILITY.] (a) For any uncompensated transfer occurring on or before August 10, 1993, the number of months of ineligibility for long-term care services shall be the lesser of 30 months, or the uncompensated transfer amount divided by the average medical assistance rate for nursing facility services in the state in effect on the date of application. The amount used to calculate the average medical assistance payment rate shall be adjusted each July 1 to reflect payment rates for the previous calendar year. The period of ineligibility begins with the month in which the assets were transferred. If the transfer was not reported to the local agency at the time of application, and the applicant received long-term care services during what would have been the period of ineligibility if the transfer had been reported, a cause of action exists against the transferee for the cost of long-term care services provided during the period of ineligibility, or for the uncompensated amount of the transfer, whichever is less. The action may be brought by the state or the local agency responsible for providing medical assistance under chapter 256G. The uncompensated transfer amount is the fair market value of the asset at the time it was given away, sold, or disposed of, less the amount of compensation received.

(b) For uncompensated transfers made on or after July 4 August 10, 1993, or upon federal approval, whichever is later, the number of months of ineligibility, including partial months, for medical assistance long-term care services shall be the total uncompensated value of the resources transferred divided by the average medical assistance rate for nursing facility services in

the state in effect on the date of application. If a calculation of a penalty period results in a partial month, payments for medical assistance services will be reduced in an amount equal to the fraction, except that in calculating the value of uncompensated transfers, uncompensated transfers not to exceed \$1,000 in total value per month shall be disregarded for each month prior to the month of application for medical assistance. The amount used to calculate the average medical assistance payment rate shall be adjusted each July 1 to reflect payment rates for the previous calendar year. The period of ineligibility begins with the month in which the assets were transferred except that if one or more uncompensated transfers are made during a period of ineligibility, the total assets transferred during the ineligibility period shall be combined and a penalty period calculated to begin in the month the first uncompensated transfer was made. The penalty in this paragraph shall not apply to uncompensated transfers of assets not to exceed a total of \$1,000 per month during a medical assistance eligibility certification period. If the transfer was not reported to the local agency at the time of application, and the applicant received medical assistance services during what would have been the period of ineligibility if the transfer had been reported, a cause of action exists against the transferee for the cost of medical assistance services provided during the period of ineligibility, or for the uncompensated amount of the transfer, whichever is less. The action may be brought by the state or the local agency responsible for providing medical assistance under chapter 256G. The uncompensated transfer amount is the fair market value of the asset at the time it was given away, sold, or disposed of, less the amount of compensation received.

(c) *If the total value of all uncompensated transfers made in a month exceeds \$1,000, the disregards allowed under paragraph (b) do not apply. Effective 60 days following published notice of receipt of federal approval, if a calculation of a penalty period results in a partial month, payments for long-term care services will be reduced in an amount equal to the fraction, except that in calculating the value of uncompensated transfers, if the total value of all uncompensated transfers made in a month do not exceed \$1,000 in total value, then such transfers shall be disregarded for each month prior to the month of application for or during receipt of medical assistance. Notice of federal approval shall be published in the State Register.*

Sec. 29. Minnesota Statutes 1993 Supplement, section 256B.0595, subdivision 3, is amended to read:

Subd. 3. [HOMESTEAD EXCEPTION TO TRANSFER PROHIBITION.]

(a) An institutionalized person is not ineligible for long-term care services due to a transfer of assets for less than fair market value if the asset transferred was a homestead and:

(I) title to the homestead was transferred to the individual's

(i) spouse;

(ii) child who is under age 21;

(iii) blind or permanently and totally disabled child as defined in the supplemental security income program;

(iv) sibling who has equity interest in the home and who was residing in the home for a period of at least one year immediately before the date of the individual's admission to the facility; or

(v) son or daughter who was residing in the individual's home for a period of at least two years immediately before the date of the individual's admission to the facility, and who provided care to the individual that permitted the individual to reside at home rather than in an institution or facility;

(2) a satisfactory showing is made that the individual intended to dispose of the homestead at fair market value or for other valuable consideration; or

(3) the local agency grants a waiver of the excess resources created by the uncompensated transfer because denial of eligibility would cause undue hardship for the individual, based on imminent threat to the individual's health and well-being.

(b) When a waiver is granted under paragraph (a), clause (3), a cause of action exists against the person to whom the homestead was transferred for that portion of long-term care services granted within:

(i) 30 months of ~~the~~ a transfer made on or before August 10, 1993;

(ii) 60 months if the homestead was transferred after August 10, 1993, to a trust or portion of a trust that is considered a transfer of assets under federal law; or

(iii) 36 months if transferred in any other manner after August 10, 1993,

or the amount of the uncompensated transfer, whichever is less, together with the costs incurred due to the action. The action may be brought by the state or the local agency responsible for providing medical assistance under chapter 256G.

(c) Effective for transfers made on or after July 1, 1993, or Upon federal approval, whichever is later, an institutionalized person is not ineligible for medical assistance services due to a transfer of assets for less than fair market value if the asset transferred was a homestead and:

(1) title to the homestead was transferred to the individual's

(i) spouse;

(ii) child who is under age 21;

(iii) blind or permanently and totally disabled child as defined in the supplemental security income program;

(iv) sibling who has equity interest in the home and who was residing in the home for a period of at least one year immediately before the date of the individual's admission to the facility; or

(v) son or daughter who was residing in the individual's home for a period of at least two years immediately before the date of the individual's admission to the facility, and who provided care to the individual that permitted the individual to reside at home rather than in an institution or facility;

(2) a satisfactory showing is made that the individual intended to dispose of the homestead at fair market value or for other valuable consideration; or

(3) the local agency grants a waiver of the excess resources created by the uncompensated transfer because denial of eligibility would cause undue hardship for the individual, based on imminent threat to the individual's health and well-being.

(d) When a waiver is granted under paragraph (c), clause (3), a cause of action exists against the person to whom the homestead was transferred for that portion of medical assistance services granted during the period of ineligibility under subdivision 2, or the amount of the uncompensated transfer, whichever is less, together with the costs incurred due to the action. The action may be brought by the state or the local agency responsible for providing medical assistance under chapter 256G.

Sec. 30. Minnesota Statutes 1993 Supplement, section 256B.0595, subdivision 4, is amended to read:

Subd. 4. [OTHER EXCEPTIONS TO TRANSFER PROHIBITION.] (a) An institutionalized person who has made, or whose spouse has made a transfer prohibited by subdivision 1, is not ineligible for long-term care services if one of the following conditions applies:

(1) the assets were transferred to the ~~community~~ individual's spouse, as defined in section 256B.059 or to another for the sole benefit of the spouse; or

(2) the institutionalized spouse, prior to being institutionalized, transferred assets to a spouse, provided that the spouse to whom the assets were transferred does not then transfer those assets to another person for less than fair market value. (At the time when one spouse is institutionalized, assets must be allocated between the spouses as provided under section 256B.059); or

(3) the assets were transferred to the individual's child who is blind or permanently and totally disabled as determined in the supplemental security income program; or

(4) a satisfactory showing is made that the individual intended to dispose of the assets either at fair market value or for other valuable consideration; or

(5) the local agency determines that denial of eligibility for long-term care services would work an undue hardship and grants a waiver of excess assets. When a waiver is granted, a cause of action exists against the person to whom the assets were transferred for that portion of long-term care services granted within 30 months of the transfer, or the amount of the uncompensated transfer, whichever is less, together with the costs incurred due to the action. The action may be brought by the state or the local agency responsible for providing medical assistance under this chapter; or

(6) for transfers occurring after August 10, 1993, the assets were transferred by the person or person's spouse: (i) into a trust established solely for the benefit of a son or daughter of any age who is blind or disabled as defined by the supplemental security income program; or (ii) into a trust established solely for the benefit of an individual who is under 65 years of age who is disabled as defined by the supplemental security income program.

(b) Effective for transfers made on or after July 1, 1993, or Upon federal approval, whichever is later, an institutionalized person who has made, or whose spouse has made a transfer prohibited by subdivision 1, is not ineligible for medical assistance services if one of the following conditions applies:

(1) the assets were transferred to the community spouse, as defined in section 256B.059; or

(2) the institutionalized spouse, prior to being institutionalized, transferred assets to a spouse, provided that the spouse to whom the assets were transferred does not then transfer those assets to another person for less than fair market value. (At the time when one spouse is institutionalized, assets must be allocated between the spouses as provided under section 256B.059); or

(3) the assets were transferred to the individual's child who is blind or permanently and totally disabled as determined in the supplemental security income program; or

(4) a satisfactory showing is made that the individual intended to dispose of the assets either at fair market value or for other valuable consideration; or

(5) the local agency determines that denial of eligibility for medical assistance services would work an undue hardship and grants a waiver of excess assets. When a waiver is granted, a cause of action exists against the person to whom the assets were transferred for that portion of medical assistance services granted during the period of ineligibility determined under subdivision 2 or the amount of the uncompensated transfer, whichever is less, together with the costs incurred due to the action. The action may be brought by the state or the local agency responsible for providing medical assistance under this chapter.

Sec. 31. Minnesota Statutes 1992, section 256B.06, subdivision 4, is amended to read:

Subd. 4. [CITIZENSHIP REQUIREMENTS.] Eligibility for medical assistance is limited to citizens of the United States and aliens lawfully admitted for permanent residence or otherwise permanently residing in the United States under the color of law. Aliens who are seeking legalization under the Immigration Reform and Control Act of 1986, Public Law Number 99-603, who are under age 18, over age 65, blind, disabled, or Cuban or Haitian, and who meet the eligibility requirements of medical assistance under subdivision 1 and sections 256B.055 to 256B.062 are eligible to receive medical assistance. Pregnant women who are aliens seeking legalization under the Immigration Reform and Control Act of 1986, Public Law Number 99-603, and who meet the eligibility requirements of medical assistance under subdivision 1 are eligible for payment of care and services through the period of pregnancy and six weeks postpartum. Payment shall also be made for care and services that are furnished to an alien, regardless of immigration status, who otherwise meets the eligibility requirements of this section if such care and services are necessary for the treatment of an emergency medical condition, *except for organ transplants and related care and services*. For purposes of this subdivision, the term "emergency medical condition" means a medical condition, including labor and delivery, that if not immediately treated could cause a person physical or mental disability, continuation of severe pain, or death.

Sec. 32. Minnesota Statutes 1993 Supplement, section 256B.0625, subdivision 20, is amended to read:

Subd. 20. [MENTAL ILLNESS CASE MANAGEMENT.] (a) 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. Entities meeting program standards set out in rules governing family

community support services as defined in section 245.4871, subdivision 17, are eligible for medical assistance reimbursement for case management services for children with severe emotional disturbance when these services meet the program standards in Minnesota Rules, parts 9520.0900 to 9520.0926 and 9505.0322, excluding subpart 6.

(b) In counties where fewer than 50 percent of children estimated to be eligible under medical assistance to receive case management services for children with severe emotional disturbance actually receive these services in state fiscal year 1995, community mental health centers serving those counties, entities meeting program standards in Minnesota Rules, parts 9520.0570 to 9520.0870, and other entities authorized by the commissioner are eligible for medical assistance reimbursement for case management services for children with severe emotional disturbance when these services meet the program standards in Minnesota Rules, parts 9520.0900 to 9520.0926 and 9505.0322, excluding subpart 6.

(c) *Until legislation is enacted to implement the report required under section 245.494, the rate for medical assistance case management for children with severe emotional disturbance shall be \$45 per hour.*

Sec. 33. Minnesota Statutes, 1993 Supplement, section 256B.0625, subdivision 37, is amended to read:

Subd. 37. [~~WRAPAROUND INDIVIDUALIZED REHABILITATION SERVICES.~~] Medical assistance covers ~~wraparound individualized rehabilitation services as defined in section 245.492, subdivision 20, that are provided through a local children's mental health collaborative, as that entity is defined in section 245.492, subdivision 11 23, that are provided by a county or an entity under contract with the county through an integrated service system, as described in section 245.4931, that is approved by the state coordinating council, subject to federal approval.~~

Sec. 34. Minnesota Statutes 1992, section 256B.15, subdivision 1a, is amended to read:

Subd. 1a. [ESTATES SUBJECT TO CLAIMS.] If a person receives any medical assistance hereunder, on the person's death, if single, or on the death of the survivor of a married couple, either or both of whom received medical assistance, the total amount paid for medical assistance rendered for the person and spouse shall be filed as a claim against the estate of the person or the estate of the surviving spouse in the court having jurisdiction to probate the estate.

A claim shall be filed if medical assistance was rendered for either or both persons under one of the following circumstances:

(a) the person was over ~~65~~ 55 years of age, and received services under this chapter, excluding alternative care;

(b) the person resided in a medical institution for six months or longer, received services under this chapter excluding alternative care, and, at the time of institutionalization or application for medical assistance, whichever is later, the person could not have reasonably been expected to be discharged and returned home, as certified in writing by the person's treating physician. For purposes of this section only, a "medical institution" means a skilled nursing facility, intermediate care facility, intermediate care facility for persons with mental retardation, nursing facility, or inpatient hospital; or

(c) the person received general assistance medical care services under chapter 256D.

The claim shall be considered an expense of the last illness of the decedent for the purpose of section 524.3-805. Any statute of limitations that purports to limit any county agency or the state agency, or both, to recover for medical assistance granted hereunder shall not apply to any claim made hereunder for reimbursement for any medical assistance granted hereunder. Counties are entitled to one-half of the nonfederal share of medical assistance collections from estates that are directly attributable to county effort.

Sec. 35. Minnesota Statutes 1993 Supplement, section 256B.15, subdivision 2, is amended to read:

Subd. 2. [LIMITATIONS ON CLAIMS.] The claim shall include only the total amount of medical assistance rendered after age 65 or during a period of institutionalization described in subdivision 1a, clause (b), and the total amount of general assistance medical care rendered, and shall not include interest. Claims that have been allowed but not paid shall bear interest according to section 524.3-806, paragraph (d). A claim against the estate of a surviving spouse who did not receive medical assistance, for medical assistance rendered for the predeceased spouse, is limited to the value of the assets of the estate that were marital property or jointly owned property at any time during the marriage.

Any claim under this section will be limited, or waived, in the event that evidence of undue hardship upon financially dependent family members or other documented dependents of the deceased medical assistance recipient is shown. Undue hardship exists when application of probate laws regarding medical assistance would deprive financially dependent family members, or other documented dependents of the deceased medical assistance recipient of food, clothing, shelter, or other necessities of life. Undue hardship does not exist where application of probate laws regarding medical assistance merely causes the deceased medical assistance recipient's family members or other persons inconvenience, or might restrict the lifestyle, but would not cause the risk of serious deprivation of food, clothing, shelter, or other necessities of life. Undue hardship does not exist where the waiver or limitation of a claim under this section will not result in the distribution of the estate to the person claiming undue hardship.

Sec. 36. Minnesota Statutes 1992, section 256B.69, subdivision 4, is amended to read:

Subd. 4. [LIMITATION OF CHOICE.] The commissioner shall develop criteria to determine when limitation of choice may be implemented in the experimental counties. The criteria shall ensure that all eligible individuals in the county have continuing access to the full range of medical assistance services as specified in subdivision 6. The commissioner shall exempt the following persons from participation in the project, in addition to those who do not meet the criteria for limitation of choice: (1) persons eligible for medical assistance according to section 256B.055, subdivision 1, or who are in foster placement; (2) persons eligible for medical assistance due to blindness or disability as determined by the social security administration or the state medical review team, unless they are 65 years of age or older; (3) recipients who currently have private coverage through a health maintenance organization; and (4) recipients who are eligible for medical assistance by spending down excess income for medical expenses other than the nursing

facility per diem expense. *The commissioner may allow persons with a one month spend-down, who are otherwise eligible to enroll, to voluntarily enroll or remain enrolled if they elect to prepay their monthly spend-down to the state.* Before limitation of choice is implemented, eligible individuals shall be notified and after notification, shall be allowed to choose only among demonstration providers. After initially choosing a provider, the recipient is allowed to change that choice only at specified times as allowed by the commissioner. If a demonstration provider ends participation in the project for any reason, a recipient enrolled with that provider must select a new provider but may change providers without cause once more within the first 60 days after enrollment with the second provider.

Sec. 37. Minnesota Statutes 1992, section 256B.69, is amended by adding a subdivision to read:

Subd. 18. [ALTERNATIVE INTEGRATED LONG-TERM CARE SERVICES; ELDERLY AND DISABLED PERSONS.] The commissioner may implement demonstration projects to create alternative integrated delivery systems for acute and long-term care services to elderly and disabled persons that provide increased coordination, improve access to quality services, and mitigate future cost increases. The commissioner may seek federal authority to combine Medicare and Medicaid capitation payments for the purpose of such demonstrations. Medicare funds and services shall be administered according to the terms and conditions of the federal waiver and demonstration provisions. For the purpose of administering medical assistance funds, demonstrations under this subdivision are subject to subdivisions 1 to 17. The provisions of Minnesota Rules, parts 9500.1450 to 9500.1464, apply to these demonstrations, with the exceptions of parts 9500.1452, subpart 2, item B; and 9500.1457, subpart 1, items B and C, which do not apply to elderly persons enrolling in demonstrations under this section. Persons who disenroll from demonstrations under this subdivision remain subject to Minnesota Rules, parts 9500.1450 to 9500.1464. When a person is enrolled in a health plan under this demonstration and the health plan's participation is subsequently terminated for any reason, the person shall be provided an opportunity to select a new health plan and shall have the right to change health plans within the first 60 days of enrollment in the second health plan. Persons required to participate in health plans under section 256B.69 who fail to make a choice of health plan will not be randomly assigned to health plans under this demonstration. Notwithstanding Minnesota Statutes 1993 Supplement, section 256.9363, subdivision 5, and Minnesota Rules, part 9505.5220, subpart 1a, if adopted, for the purpose of demonstrations under this subdivision, the commissioner may contract with managed care organizations to serve only elderly persons eligible for medical assistance, or both elderly and disabled persons. Before implementation of a demonstration project for disabled persons, the commissioner must provide information to appropriate committees of the senate and house of representatives and must involve representatives of affected disability groups in the design of the project.

Sec. 38. Minnesota Statutes 1993 Supplement, section 256D.03, subdivision 3, is amended to read:

Subd. 3. [GENERAL ASSISTANCE MEDICAL CARE; ELIGIBILITY.] (a) General assistance medical care may be paid for any person who is not eligible for medical assistance under chapter 256B, including eligibility for medical assistance based on a spend-down of excess income according to section 256B.056, subdivision 5, and:

(1) who is receiving assistance under section 256D.05 or 256D.051, or who is having a payment made on the person's behalf under sections 256L.01 to 256L.06; or

(2)(i) who is a resident of Minnesota; and whose equity in assets is not in excess of \$1,000 per assistance unit. No asset test shall be applied to children and their parents living in the same household. Exempt assets, the reduction of excess assets, and the waiver of excess assets must conform to the medical assistance program in chapter 256B, with the following exception: the maximum amount of undistributed funds in a trust that could be distributed to or on behalf of the beneficiary by the trustee, assuming the full exercise of the trustee's discretion under the terms of the trust, must be applied toward the asset maximum; and

(ii) who has countable income not in excess of the assistance standards established in section 256B.056, subdivision 4, or whose excess income is spent down pursuant to section 256B.056, subdivision 5, using a six-month budget period, except that a one-month budget period must be used for recipients residing in a long-term care facility. The method for calculating earned income disregards and deductions for a person who resides with a dependent child under age 21 shall be as specified in section 256.74, subdivision 1. However, if a disregard of \$30 and one-third of the remainder described in section 256.74, subdivision 1, clause (4), has been applied to the wage earner's income, the disregard shall not be applied again until the wage earner's income has not been considered in an eligibility determination for general assistance, general assistance medical care, medical assistance, or aid to families with dependent children for 12 consecutive months. The earned income and work expense deductions for a person who does not reside with a dependent child under age 21 shall be the same as the method used to determine eligibility for a person under section 256D.06, subdivision 1, except the disregard of the first \$50 of earned income is not allowed; or

(3) who would be eligible for medical assistance except that the person resides in a facility that is determined by the commissioner or the federal health care financing administration to be an institution for mental diseases.

(b) Eligibility is available for the month of application, and for three months prior to application if the person was eligible in those prior months. A redetermination of eligibility must occur every 12 months.

(c) General assistance medical care is not available for a person in a correctional facility unless the person is detained by law for less than one year in a county correctional or detention facility as a person accused or convicted of a crime, or admitted as an inpatient to a hospital on a criminal hold order, and the person is a recipient of general assistance medical care at the time the person is detained by law or admitted on a criminal hold order and as long as the person continues to meet other eligibility requirements of this subdivision.

(d) General assistance medical care is not available for applicants or recipients who do not cooperate with the county agency to meet the requirements of medical assistance.

(e) In determining the amount of assets of an individual, there shall be included any asset or interest in an asset, including an asset excluded under paragraph (a), that was given away, sold, or disposed of for less than fair market value within the 30 60 months preceding application for general assistance medical care or during the period of eligibility. Any transfer

described in this paragraph shall be presumed to have been for the purpose of establishing eligibility for general assistance medical care, unless the individual furnishes convincing evidence to establish that the transaction was exclusively for another purpose. For purposes of this paragraph, the value of the asset or interest shall be the fair market value at the time it was given away, sold, or disposed of, less the amount of compensation received. For any uncompensated transfer, the number of months of ineligibility, including partial months, shall be calculated by dividing the uncompensated transfer amount by the average monthly per person payment made by the medical assistance program to skilled nursing facilities for the previous calendar year. The individual shall remain ineligible until this fixed period has expired. The period of ineligibility may exceed 30 months, and a reapplication for benefits after 30 months from the date of the transfer shall not result in eligibility unless and until the period of ineligibility has expired. The period of ineligibility begins in the month the transfer was reported to the county agency, or if the transfer was not reported, the month in which the county agency discovered the transfer, whichever comes first. For applicants, the period of ineligibility begins on the date of the first approved application.

(f)(1) Beginning October 1, 1993, an undocumented alien or a nonimmigrant is ineligible for general assistance medical care other than emergency services. For purposes of this subdivision, a nonimmigrant is an individual in one or more of the classes listed in United States Code, title 8, section 1101(a)(15), and an undocumented alien is an individual who resides in the United States without the approval or acquiescence of the Immigration and Naturalization Service.

(2) This subdivision does not apply to a child under age 18, to a Cuban or Haitian entrant as defined in Public Law Number 96-422, section 501(e)(1) or (2)(a), or to an alien who is aged, blind, or disabled as defined in United States Code, title 42, section 1382c(a)(1).

(3) For purposes of paragraph (f), "emergency services" has the meaning given in Code of Federal Regulations, title 42, section 440.255(b)(1).

Sec. 39. Minnesota Statutes 1992, section 256D.03, subdivision 3a, is amended to read:

Subd. 3a. [CLAIMS; ASSIGNMENT OF BENEFITS.] *Probate* claims must be filed pursuant to section 256D.16. General assistance medical care applicants and recipients must apply or agree to apply third party health and accident benefits to the costs of medical care. ~~They~~ *General assistance and general assistance medical care applicants and recipients* must cooperate with the state in establishing paternity and obtaining third party payments *to be eligible under this chapter*. By signing an application for general assistance *or general assistance medical care*, a person assigns to the department of human services all rights to medical support or payments for medical expenses from another person or entity on their own or their dependent's behalf and agrees to cooperate with the state in establishing paternity and obtaining third party payments. The application shall contain a statement explaining the assignment. Any rights or amounts assigned shall be applied against the cost of medical care paid for under this chapter. An assignment is effective on the date general assistance medical care eligibility takes effect. The assignment shall not affect benefits paid or provided under automobile accident coverage and private health care coverage until the person or organization providing the benefits has received notice of the assignment.

Sec. 40. Minnesota Statutes 1992, section 256D.03, subdivision 3b, is amended to read:

Subd. 3b. [COOPERATION.] *General assistance or general assistance medical care, applicants and recipients must cooperate with the state and local agency to identify potentially liable third party payers and assist the state in obtaining third party payments. Cooperation includes identifying any third party who may be liable for care and services provided under this chapter to the applicant, recipient, or any other family member for whom application is made and providing relevant information to assist the state in pursuing a potentially liable third party.* General assistance medical care applicants and recipients must cooperate by providing information about any group health plan in which they may be eligible to enroll. They must cooperate with the state and local agency in determining if the plan is cost-effective. If the plan is determined cost-effective and the premium will be paid by the state or local agency or is available at no cost to the person, they must enroll or remain enrolled in the group health plan. Cost-effective insurance premiums approved for payment by the state agency and paid by the local agency are eligible for reimbursement according to subdivision 6.

Sec. 41. Minnesota Statutes 1993 Supplement, section 256D.03, subdivision 4, is amended to read:

Subd. 4. [GENERAL ASSISTANCE MEDICAL CARE; SERVICES.] (a) For a person who is eligible under subdivision 3, paragraph (a), clause (3), general assistance medical care covers:

- (1) inpatient hospital services;
- (2) outpatient hospital services;
- (3) services provided by Medicare certified rehabilitation agencies;
- (4) prescription drugs and other products recommended through the process established in section 256B.0625, subdivision 13;
- (5) equipment necessary to administer insulin and diagnostic supplies and equipment for diabetics to monitor blood sugar level;
- (6) eyeglasses and eye examinations provided by a physician or optometrist;
- (7) hearing aids;
- (8) prosthetic devices;
- (9) laboratory and X-ray services;
- (10) physician's services;
- (11) medical transportation;
- (12) chiropractic services as covered under the medical assistance program;
- (13) podiatric services;
- (14) dental services;
- (15) outpatient services provided by a mental health center or clinic that is under contract with the county board and is established under section 245.62;

(16) day treatment services for mental illness provided under contract with the county board;

(17) prescribed medications for persons who have been diagnosed as mentally ill as necessary to prevent more restrictive institutionalization;

(18) case management services for a person with serious and persistent mental illness who would be eligible for medical assistance except that the person resides in an institution for mental diseases;

(19) psychological services, medical supplies and equipment, and Medicare premiums, coinsurance and deductible payments;

(20) medical equipment not specifically listed in this paragraph when the use of the equipment will prevent the need for costlier services that are reimbursable under this subdivision; and

(21) services performed by a certified pediatric nurse practitioner, a certified family nurse practitioner, a certified adult nurse practitioner, a certified obstetric/gynecological nurse practitioner, or a certified geriatric nurse practitioner in independent practice, if the services are otherwise covered under this chapter as a physician service, and if the service is within the scope of practice of the nurse practitioner's license as a registered nurse, as defined in section 148.171; and

(22) services of a certified public health nurse practicing in a public health nursing clinic that is a department of, or that operates under the direct authority of, a unit of government, if the service is within the scope of practice of the public health nurse's license as a registered nurse, as defined in section 148.171.

(b) For a recipient who is eligible under subdivision 3, paragraph (a), clause (1) or (2), general assistance medical care covers the services listed in paragraph (a) with the exception of special transportation services.

(c) In order to contain costs, the commissioner of human services shall select vendors of medical care who can provide the most economical care consistent with high medical standards and shall where possible contract with organizations on a prepaid capitation basis to provide these services. The commissioner shall consider proposals by counties and vendors for prepaid health plans, competitive bidding programs, block grants, or other vendor payment mechanisms designed to provide services in an economical manner or to control utilization, with safeguards to ensure that necessary services are provided. Before implementing prepaid programs in counties with a county operated or affiliated public teaching hospital or a hospital or clinic operated by the University of Minnesota, the commissioner shall consider the risks the prepaid program creates for the hospital and allow the county or hospital the opportunity to participate in the program in a manner that reflects the risk of adverse selection and the nature of the patients served by the hospital, provided the terms of participation in the program are competitive with the terms of other participants considering the nature of the population served. Payment for services provided pursuant to this subdivision shall be as provided to medical assistance vendors of these services under sections 256B.02, subdivision 8, and 256B.0625. For payments made during fiscal year 1990 and later years, the commissioner shall consult with an independent actuary in establishing prepayment rates, but shall retain final control over the rate methodology.

(d) The commissioner of human services may reduce payments provided under sections 256D.01 to 256D.21 and 261.23 in order to remain within the amount appropriated for general assistance medical care, within the following restrictions.

For the period July 1, 1985 to December 31, 1985, reductions below the cost per service unit allowable under section 256.966, are permitted only as follows: payments for inpatient and outpatient hospital care provided in response to a primary diagnosis of chemical dependency or mental illness may be reduced no more than 30 percent; payments for all other inpatient hospital care may be reduced no more than 20 percent. Reductions below the payments allowable under general assistance medical care for the remaining general assistance medical care services allowable under this subdivision may be reduced no more than ten percent.

For the period January 1, 1986 to December 31, 1986, reductions below the cost per service unit allowable under section 256.966 are permitted only as follows: payments for inpatient and outpatient hospital care provided in response to a primary diagnosis of chemical dependency or mental illness may be reduced no more than 20 percent; payments for all other inpatient hospital care may be reduced no more than 15 percent. Reductions below the payments allowable under general assistance medical care for the remaining general assistance medical care services allowable under this subdivision may be reduced no more than five percent.

For the period January 1, 1987 to June 30, 1987, reductions below the cost per service unit allowable under section 256.966 are permitted only as follows: payments for inpatient and outpatient hospital care provided in response to a primary diagnosis of chemical dependency or mental illness may be reduced no more than 15 percent; payments for all other inpatient hospital care may be reduced no more than ten percent. Reductions below the payments allowable under medical assistance for the remaining general assistance medical care services allowable under this subdivision may be reduced no more than five percent.

For the period July 1, 1987 to June 30, 1988, reductions below the cost per service unit allowable under section 256.966 are permitted only as follows: payments for inpatient and outpatient hospital care provided in response to a primary diagnosis of chemical dependency or mental illness may be reduced no more than 15 percent; payments for all other inpatient hospital care may be reduced no more than five percent. Reductions below the payments allowable under medical assistance for the remaining general assistance medical care services allowable under this subdivision may be reduced no more than five percent.

For the period July 1, 1988 to June 30, 1989, reductions below the cost per service unit allowable under section 256.966 are permitted only as follows: payments for inpatient and outpatient hospital care provided in response to a primary diagnosis of chemical dependency or mental illness may be reduced no more than 15 percent; payments for all other inpatient hospital care may not be reduced. Reductions below the payments allowable under medical assistance for the remaining general assistance medical care services allowable under this subdivision may be reduced no more than five percent.

There shall be no copayment required of any recipient of benefits for any services provided under this subdivision. A hospital receiving a reduced

payment as a result of this section may apply the unpaid balance toward satisfaction of the hospital's bad debts.

(e) Any county may, from its own resources, provide medical payments for which state payments are not made.

(f) Chemical dependency services that are reimbursed under chapter 254B must not be reimbursed under general assistance medical care.

(g) The maximum payment for new vendors enrolled in the general assistance medical care program after the base year shall be determined from the average usual and customary charge of the same vendor type enrolled in the base year.

(h) The conditions of payment for services under this subdivision are the same as the conditions specified in rules adopted under chapter 256B governing the medical assistance program, unless otherwise provided by statute or rule.

Sec. 42. Minnesota Statutes 1992, section 256D.425, is amended by adding a subdivision to read:

Subd. 4. [COOPERATION.] To be eligible for the Minnesota supplemental aid program, applicants and recipients must cooperate with the state and local agency to identify potentially liable third party payers and assist the state in obtaining third party payments. Cooperation includes identifying any third party who may be liable for benefits provided under chapter 256D, to the applicant, recipient, or any other family member for whom application is made, and providing relevant information to assist the state in pursuing a potentially liable third party.

Sec. 43. [REPEALER.]

Minnesota Statutes 1992, section 252.275, subdivisions 4a and 10, are repealed.

Sec. 44. [EFFECTIVE DATE.]

Subdivision 1. Except as provided in this section, sections 1 to 43 are effective July 1, 1994.

Subd. 2. Section 21 is effective for admissions occurring on or after October 25, 1993.

Subd. 3. Section 34 and the portion of section 35 relating to the age of a medical assistance recipient for purposes of estate claims, are effective for the total amount of medical assistance rendered to persons age 55 or older, on or after July 1, 1994.

Subd. 4. Sections 27 to 30 are effective October 1, 1993, except that the portion of section 28 that is subject to federal approval is effective July 1, 1994. However, if any required federal approval has not been received before that date, the portion of section 28 that requires federal approval may not be implemented until federal approval is received.

Subd. 5. Sections 11, 12, and 43 are effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to health care; amending Minnesota Statutes 1992, sections 252.275, subdivisions 3 and 4; 256.015, subdivisions 2 and 7; 256.969, subdivisions 10 and 16; 256B.042, subdivision 2; 256B.059, subdivision 1; 256B.06, subdivision 4; 256B.15, subdivision 1a; 256B.69, subdivision 4, and by adding a subdivision; 256D.03, subdivisions 3a and 3b; and 256D.425, by adding a subdivision; Minnesota Statutes 1993 Supplement, sections 245.492, subdivisions 2, 6, 9, and 23; 245.493, subdivision 2; 245.4932, subdivisions 1, 2, 3, and 4; 245.494, subdivisions 1 and 3; 245.495; 245.496, subdivision 3, and by adding a subdivision; 256.9685, subdivision 1; 256B.059, subdivisions 3 and 5; 256B.0595, subdivisions 1, 2, 3, and 4; 256B.0625, subdivisions 20 and 37; 256B.15, subdivision 2; and 256D.03, subdivisions 3 and 4; proposing coding for new law in Minnesota Statutes, chapter 245; repealing Minnesota Statutes 1992, section 252.275, subdivisions 4a and 10."

And when so amended the bill do pass.

Pursuant to Joint Rule 2.03, the bill was referred to the Committee on Rules and Administration.

SUSPENSION OF RULES

Mr. Moe, R.D. moved that Joint Rule 2.03 be suspended as to the Committee Report on S.F. No. 2640. The motion prevailed.

Mr. Moe, R.D. moved the adoption of the Committee Report on S.F. No. 2640. The motion prevailed. Amendments adopted. Report adopted.

Mr. Merriam from the Committee on Finance, to which was re-referred

S.F. No. 2206: A bill for an act relating to education; prekindergarten through grade 12; providing for general education revenue; transportation; special programs; community programs; facilities; organization and cooperation; commitment to excellence; other education programs; miscellaneous provisions; libraries; state agencies; conforming references to repealed law; appropriating money; amending Minnesota Statutes 1992, sections 13.04, by adding a subdivision; 120.062, subdivision 12, and by adding a subdivision; 120.101, subdivision 5, and by adding a subdivision; 120.17, subdivision 1; 121.612, subdivision 7; 121.904, subdivision 4e; 121.935, subdivision 6; 122.23, subdivisions 6, 8, 10, 13, and by adding a subdivision; 122.531, subdivision 9; 122.533; 122.91, subdivision 3; 122.937, subdivision 4; 123.35, subdivision 19a, and by adding subdivisions; 123.3514, subdivisions 3 and 4; 123.39, subdivision 1; 123.58, subdivisions 2 and 4; 123.78, by adding a subdivision; 124.17, subdivision 1d; 124.19, subdivision 1b; 124.195, subdivision 3a; 124.214, subdivision 2; 124.223, subdivision 1, and by adding subdivisions; 124.225, by adding subdivisions; 124.244, subdivision 4; 124.248, subdivision 3; 124.26, subdivision 1b; 124.2601, subdivisions 3, 5, and 7; 124.2711, by adding a subdivision; 124.2713, by adding a subdivision; 124.2721, subdivisions 1 and 5; 124.2725, subdivision 16; 124.46, subdivision 3; 124.573, by adding a subdivision; 124.90, by adding a subdivision; 124.912, subdivision 6, and by adding a subdivision; 124.914, subdivision 1; 124.95, subdivision 4; 124A.02, by adding a subdivision; 124A.26, by adding a subdivision; 124A.28, by adding a subdivision; 125.09, subdivision 1; 125.135, subdivision 2; 125.188, subdivision 1; 126.02, subdivision 1; 126.23;

126.51, subdivision 1; 126.69, subdivisions 1 and 3; 126A.04, subdivision 5; 127.03, subdivision 3; 127.27, subdivision 5; 129C.15, by adding a subdivision; 134.195, subdivision 10; 136A.125, subdivision 3; 136D.23, subdivision 2; 136D.26; 136D.281, by adding a subdivision; 136D.74, subdivision 2a; 136D.741, by adding a subdivision; 136D.83, subdivision 2; 136D.86; 136D.88, by adding a subdivision; 169.01, subdivision 6; 169.442, subdivision 1; 169.443, subdivision 8; 169.445, subdivisions 1 and 2; 169.446, subdivision 3; 169.447, subdivision 6; 169.64, subdivision 8; 171.01, subdivision 22; 171.321, subdivision 3, and by adding subdivisions; 171.3215; 272.02, subdivision 8; 475.61, subdivision 4; 631.40, subdivision 1a; Minnesota Statutes 1993 Supplement, sections 16A.152, subdivision 2; 120.064, subdivisions 3, 8, 9, and 16; 120.101, subdivision 5b; 120.17, subdivisions 3, 11b, 12, and 17; 121.11, subdivision 7d; 121.702, subdivisions 2 and 9; 121.703; 121.705; 121.706; 121.707; 121.708; 121.709; 121.710; 121.8355, subdivision 1; 121.885, subdivisions 1, 2, and 4; 121.904, subdivisions 4a and 4c; 123.351, subdivision 8; 123.58, subdivisions 6, 7, 8, and 9; 124.155, subdivisions 1 and 2; 124.17, subdivision 1; 124.19, subdivision 1; 124.225, subdivision 1; 124.226, subdivisions 3a and 9; 124.243, subdivision 8; 124.244, subdivision 1; 124.248, subdivision 4; 124.26, subdivisions 1c and 2; 124.2711, subdivision 1; 124.2714; 124.2727, subdivisions 6a, 6d, and 8; 124.573; subdivisions 2b, 2e, and 3; 124.83, subdivision 1; 124.91, subdivisions 3 and 5; 124.914, subdivision 4; 124.95, subdivision 1; 124A.03, subdivisions 1c and 3b; 124A.22, subdivisions 5 and 9; 124A.225, subdivisions 1, 4, and by adding a subdivision; 124A.23, subdivision 1; 124A.29, subdivision 1; 124A.292, subdivision 3; 124C.60; 125.05, subdivision 1a; 125.138, subdivision 9; 125.185, subdivision 4; 125.230, subdivisions 3, 4, and 6; 125.231, subdivisions 1 and 4; 125.623, subdivision 3; 126.239, subdivision 3; 126.70, subdivisions 1 and 2a; 171.321, subdivision 2; 275.48; Laws 1993, chapter 224, articles 1, section 38; 4, section 44, subdivision 6; 5, sections 43 and 46, subdivisions 2, 3, and 4; 7, section 28, subdivisions 3, 4, and 11; 8, section 22, subdivision 12; 12, sections 26 and 39; and 15, section 2; proposing coding for new law in Minnesota Statutes, chapters 120; 121; 122; 123; 124; 126; 134; 169; repealing Minnesota Statutes 1992, sections 121.935, subdivision 7; 122.91, subdivisions 5 and 7; 122.93, subdivision 7; 122.937; 122.94, subdivisions 2, 3, and 6; 122.945; 136D.22, subdivision 3; 136D.27; 136D.71, subdivision 2; 136D.73, subdivision 3; 136D.74, subdivisions 2a, 2b, and 4; 136D.82, subdivision 3; 136D.87; 169.441, subdivisions 2 and 3; 169.442, subdivisions 2 and 3; 169.445, subdivision 3; 169.447, subdivision 3; 169.45; Minnesota Statutes 1993 Supplement, sections 121.935, subdivision 5; 123.80; 124.2727, subdivisions 6, 7, and 8; Laws 1992, chapter 499, article 6, section 39, subdivision 3; Laws 1993, chapter 224, article 8, section 14; Minnesota Rules 1991, parts 3520.3600; and 3520.3700.

Reports the same back with the recommendation that the bill be amended as follows:

Page 14, line 14, strike "pupil units" and insert "*pupils*"

Page 20, line 31, delete "1995" and insert "1994"

Page 51, line 17, delete everything after the period

Page 51, delete lines 18 to 21

Page 75, line 32, delete the second "or" and insert "and"

Page 109, line 9, delete "1995" and insert "1994"

Page 112, after line 19, insert:

"Sec. 35. Laws 1992, chapter 499, article 6, section 34, subdivision 2, is amended to read:

Subd. 2. The authority in subdivision 1 expires if the members of the joint school district have not combined according to Minnesota Statutes 1990, section 122.244, by July 1, ~~1996~~ 1997."

Page 114, line 12, delete "35" and insert "36"

Renumber the sections of article 6 in sequence

Page 119, delete section 7

Page 122, line 31, delete "11" and insert "10"

Renumber the sections of article 7 in sequence

Page 130, line 6, before "Each" insert "(a)"

Page 130, line 21, after the period, insert:

"(b)"

Page 145, after line 4, insert:

"Sec. 30. [135A.081] [REMEDIAL INSTRUCTION; CHARGE BACK.]

Subdivision 1. [CONDITIONS.] If:

- (1) a public high school in the state graduates a student;*
- (2) the student meets the minimum admission standards of a public post-secondary institution in the state;*
- (3) the student is admitted to an entry level course or program at the institution;*
- (4) within 12 months of first enrollment, the institution determines that the student's English language reading or writing ability, or both, or the student's mathematic ability does not rise to the level that is a necessary prerequisite to minimally acceptable comprehension of entry level courses or programs at the institution; and*
- (5) the institution's determination is confirmed by independently administered tests,*

then the institution may provide remedial instruction to the student to try to increase the student's ability to permit the student to comprehend the entry level course or program at the institution's minimally acceptable standards.

Subd. 2. [CONFIRMATION.] The institution's determination of a student's substandard ability is confirmed if the student scores below 12th grade level in a standardized test in any of the following areas covered by the determination: English language reading comprehension, English language composition, or mathematics. The test must be administered by some responsible person or entity other than the student's high school or the post-secondary institution seeking the confirmation.

Subd. 3. [CHARGE BACK.] (a) The post-secondary institution that ordered the confirming tests may charge back to the student's high school the full cost of a test that confirms the institution's determination.

(b) The institution may also charge back to the student's high school, according to the following schedule, the actual incremental cost to the institution of the remedial instruction not to exceed the per course or per comparable program cost of entry level courses or programs at the institution:

<i>Percent of cost of remedial instruction provided in academic year after high school graduation</i>	<i>Academic year</i>
<i>60 percent</i>	<i>first</i>
<i>40 percent</i>	<i>second</i>
<i>20 percent</i>	<i>third</i>
<i>10 percent</i>	<i>fourth</i>

(c) If a second determination of substandard ability is confirmed in the same subject area, the institution may charge back to the student's high school the full cost of the confirming test and half the amount otherwise permitted under the schedule in paragraph (b).

Subd. 4. [NO CREDITS; STUDENT COSTS.] (a) A post-secondary institution providing remedial instruction under this section must not award credit to a student toward a degree or program completion for remedial instruction provided under this section.

(b) The institution may charge the student for the actual incremental costs of the remedial instruction less the amount charged back to the student's high school.

Subd. 5. [JUST CLAIM.] A valid charge back for remedial instruction to a student under this section is, under section 123.40, subdivision 1, a just claim against the school district that includes the student's high school."

Page 146, delete section 32

Renumber the sections of article 8 in sequence

Page 203, line 24, delete "revenue" and insert "aid"

Page 203, line 25, delete "123.799" and insert "124.225, subdivision 8m"

Amend the title as follows:

Page 2, line 31, after the third semicolon, insert "Laws 1992, chapter 499, article 6, section 34, subdivision 2;"

Page 2, delete line 35 and insert "3 and 11; 12,"

Page 2, line 38, after "134;" insert "135A;"

And when so amended the bill do pass and be re-referred to the Committee on Taxes and Tax Laws. Amendments adopted. Report adopted.

SECOND READING OF SENATE BILLS

S.F. Nos. 2371, 2036, 1961, 1863, 1726, 614, 609 and 2640 were read the second time.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Merriam moved that the name of Mr. Johnson, D.E. be added as a co-author to S.F. No. 2523. The motion prevailed.

APPOINTMENTS

Mr. Moe, R.D. from the Subcommittee on Committees recommends that the following Senators be and they hereby are appointed as a Conference Committee on:

H.F. No. 2248: Messrs. Benson, D.D.; Vickerman and Dille.

Mr. Moe, R.D. moved that the foregoing appointments be approved. The motion prevailed.

MOTIONS AND RESOLUTIONS - CONTINUED

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 2378 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 2378: A bill for an act relating to crime prevention; providing mandatory minimum prison sentences for persons convicted of a drive-by shooting; requiring prosecutors to report sentencing practices under the mandatory minimum sentencing law relating to certain weapon-related offenses; prohibiting waiver of the mandatory minimum sentence for firearms offenses for a repeat offender; increasing felony penalties for furnishing a minor with a firearm, ammunition, or explosives or recklessly furnishing another with a dangerous weapon; broadening the scope of the gun control act to apply to transfers of firearms by persons who are not federally licensed dealers; requiring a license to sell firearms or ammunition in the metropolitan area; prohibiting assault weapons in the metropolitan area; requiring maintenance of records regarding firearms sales in the metropolitan area; allowing metropolitan city attorneys to obtain assistance from the attorney general in prosecuting firearms offenses; allowing law enforcement agencies to charge a fee to conduct firearms eligibility background checks; clarifying that weapons may be seized in connection with certain offenses; requiring inspection of correctional facilities and lockups at least once every biennium; authorizing the commissioner of corrections to impose disciplinary confinement periods comparable to periods in place for inmates sentenced before August 1, 1993; modifying eligibility criteria for the challenge incarceration program; defining the length of phase III of the program; authorizing the commissioner of corrections to limit placement of convicted felons awaiting completion of presentence investigation reports in state correctional facilities; providing for good time reduction of sentences in local correctional facilities; providing a separate definition of "mentally incapacitated" for certain victims under 18; expanding first-degree criminal sexual conduct to cover sexual contact with a child under 13; increasing the penalty for assault and malicious punishment of a child under three; expanding the forfeiture law's definition of "weapon used"; requiring the destruction of forfeited weapons used, firearms, ammunition, and firearm accessories; increasing the maximum fine applicable to petty misdemeanor traffic violations; clarifying the elements of the driving after license suspension, revocation, and cancellation offenses; increasing the

penalty for committing certain escapes from custody; modifying criminal provisions relating to blasting agents and explosives; requiring county attorneys to adopt charging and plea bargaining practices; providing for two work and learn facilities for youth; appropriating money for public defense, criminal justice, corrections, and related purposes; providing for the transfer of certain money in the state treasury; amending Minnesota Statutes 1992, sections 2.722, subdivision 1; 13.99, by adding a subdivision; 169.89, subdivision 2; 171.18, subdivision 1; 219.383, subdivision 4; 241.021, subdivision 2; 241.26, subdivision 7; 243.18, subdivision 1; 243.23, subdivision 2; 243.24, subdivision 1; 244.09, by adding a subdivision; 244.12, subdivisions 1 and 2; 244.15, subdivision 4; 244.172, subdivision 3; 260.132, by adding a subdivision; 260.165, subdivision 1; 299A.31; 299A.32, subdivision 3; 299A.34, subdivisions 1 and 2; 299A.36; 299A.38, subdivision 3; 299C.065, as amended; 299F.72, subdivision 2, and by adding a subdivision; 299F.73; 299F.74; 299F.75; 299F.77; 299F.78, subdivision 1; 299F.79; 299F.80; 299F.82; 299F.83; 383B.225, subdivision 6; 388.051, by adding a subdivision; 477A.012, by adding a subdivision; 487.25, by adding a subdivision; 609.0331; 609.0332; 609.115, subdivision 1; 609.185; 609.20; 609.223, by adding a subdivision; 609.224, subdivision 3; 609.245; 609.28; 609.341, subdivisions 4, 7, 11, and 12; 609.342, subdivision 1; 609.377; 609.485, subdivision 4; 609.5315, subdivision 6, and by adding a subdivision; 609.5316, subdivisions 1 and 3; 609.66, subdivisions 1b and 1c; 609.746, subdivision 1; 609.855; 611.26, subdivisions 4 and 6; 611A.19, subdivision 1; 624.21; 624.712, by adding subdivisions; 624.7131, subdivisions 2 and 3; 624.714, subdivision 6; 624.731, subdivision 8; 626.76; 626.846, subdivision 6; 626A.05, subdivision 2; 631.021; 631.425, subdivision 6; and 642.09; Minnesota Statutes 1993 Supplement, sections 171.24; 241.021, subdivision 1; 243.18, subdivision 2; 260.221, subdivision 1; 299A.35, subdivision 1; 518B.01, subdivision 6; 609.11, subdivisions 8, 9, and by adding a subdivision; 609.345, subdivision 1; 609.531, subdivision 1; 609.5315, subdivisions 1 and 2; 609.66, subdivision 1d; 609.902, subdivision 4; 611.17; 611.20, subdivision 2; 611.27, subdivision 4; 624.713, subdivision 1, and by adding subdivisions; 624.7131, subdivision 10; 624.7132, subdivisions 1, 2, 4, 8, 11, 12, and 14; 626.556, subdivision 2; and 628.26; proposing coding for new law in Minnesota Statutes, chapters 242; 299A; 299F; 609; and 629; repealing Minnesota Statutes 1992, sections 299F.71; 299F.72, subdivisions 3 and 4; 299F.78, subdivision 2; 299F.815, subdivision 2; and 609.855, subdivision 4; Minnesota Statutes 1993 Supplement, sections 243.18, subdivision 3; 299F.811; 299F.815, subdivision 1; and 624.7132, subdivisions 7 and 10; Laws 1993, chapter 146, article 2, sections 15 and 18.

SUSPENSION OF RULES

Mr. Moe, R.D. moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota, with respect to S.F. No. 2378 and that the rules of the Senate be so far suspended as to give S.F. No. 2378, now on General Orders, its third reading and place it on its final passage. The motion prevailed.

Mr. Spear moved to amend S.F. No. 2378 as follows:

Page 57, delete section 18

Renumber the sections of article 3 in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Spear then moved to amend S.F. No. 2378 as follows:

Page 45, line 5, delete "in an" and insert "of \$250"

Page 45, delete line 6

Page 45, line 7, delete "exceed \$500,"

Page 58, line 4, delete "\$....." and insert "\$10."

Page 60, line 32, delete "\$....." and insert "\$10."

Page 62, line 27, delete "\$....." and insert "\$10."

The motion prevailed. So the amendment was adopted.

Mr. Kelly moved to amend S.F. No. 2378 as follows:

Page 6, line 31, delete "\$250,000" and insert "\$900,000"

Page 7, line 11, delete "1,693,000" and insert "1,043,000"

Correct the subdivision and section totals and the summaries by fund accordingly

The motion prevailed. So the amendment was adopted.

Mr. Bertram moved to amend S.F. No. 2378 as follows:

Page 86, after line 1, insert:

"Sec. 3. Minnesota Statutes 1992, section 241.021, subdivision 4, is amended to read:

Subd. 4. [HEALTH CARE.] The commissioner of corrections shall provide *necessary and adequate* professional health care, *including examination, diagnosis, and treatment*, to persons confined in institutions under the control of the commissioner of corrections and pay the costs of their care in hospitals and other medical facilities not under the control of the commissioner of corrections, including the secure treatment unit operated by the St. Paul - Ramsey Hospital. All reimbursements for these health care services shall be deposited in the general fund. *The commissioner may not pay the cost of purely elective surgery, or treatments or surgery that are purely cosmetic in nature, unless the commissioner's costs will be reimbursed in full under the inmate's health insurance policy.*"

Page 91, after line 19, insert:

"Sec. 15. Minnesota Statutes 1992, section 641.15, subdivision 2, is amended to read:

Subd. 2. [MEDICAL AID.] Except as provided in section 466.101, the county board shall pay the costs of medical services provided to prisoners. *The county may not pay for purely elective surgery, or treatments or surgery that are purely cosmetic in nature, unless the cost will be reimbursed in full by the prisoner's health insurance policy.* The county is entitled to reimbursement from the prisoner 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 services. If a prisoner is covered by health or medical insurance or other health plan when medical services are provided, the county providing the medical services has a right of subrogation to be reimbursed by the insurance carrier for all sums spent by it for medical services 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. The county may maintain an action to enforce this subrogation right. The county does not have a right of subrogation against the medical assistance program or the general assistance medical care program."

Renumber the sections of article 6 in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. McGowan moved to amend S.F. No. 2378 as follows:

Page 17, after line 3, insert:

"Sec. 11. Minnesota Statutes 1992, section 609.152, is amended by adding a subdivision to read:

Subd. 2a. [DANGEROUS REPEAT OFFENDERS; MANDATORY MINIMUM SENTENCE.] Unless a longer mandatory minimum sentence is otherwise required by law or a longer prison sentence is presumed under the sentencing guidelines, a person who is convicted of a violent crime must be committed to the commissioner of corrections for not less than ten years, notwithstanding the statutory maximum sentence otherwise applicable to the offense, if the court determines on the record at the time of sentencing that the person has two or more prior convictions for violent crimes. Any person convicted and sentenced as required by this subdivision is not eligible for probation, parole, discharge, or work release, until that person has served the full sentence as provided by law, notwithstanding sections 241.26, 242.19, 243.05, 244.04, 609.12, and 609.135."

Renumber the sections of article 2 in sequence and correct the internal references

Amend the title accordingly

Ms. Berglin moved to amend the McGowan amendment to S.F. No. 2378 as follows:

Page 1, after line 1, insert:

"Page 11, after line 4, insert:

"Sec. 6. Minnesota Statutes 1992, section 290.06, is amended by adding a subdivision to read:

Subd. 2g. [TAX INCREASE TO FUND MANDATORY MINIMUM SENTENCES.] Each of the brackets as determined under subdivisions 2c and 2d shall be adjusted annually by the commissioner of revenue to produce additional income tax revenue to pay for the cost of mandatory minimum sentences for dangerous repeat offenders. For each of the taxable years beginning after December 31, 1993, and before January 1, 1996, the revenue

required to be produced under this subdivision is \$75,000,000. For taxable years beginning after December 31, 1995, the revenue required to be produced under this subdivision is \$77,000,000. For taxable years beginning after 1996, the revenue required to be produced under this subdivision shall be the amount determined by the commissioner of corrections to reflect the cost of the sentences, with those amounts to be enacted by the legislature.”

Renumber the sections in sequence

Mr. Frederickson questioned whether the amendment to the amendment was germane.

The President ruled that the amendment to the amendment was germane.

Mr. McGowan withdrew his amendment.

Mr. Knutson moved to amend S.F. No. 2378 as follows:

Page 110, after line 36, insert:

“ARTICLE 11
MISCELLANEOUS

Section 1. Minnesota Statutes 1992, section 8.06, is amended to read:

8.06 [ATTORNEY FOR STATE OFFICERS, BOARDS, OR COMMISSIONS;
EMPLOY COUNSEL.]

(a) The attorney general shall act as the attorney for all state officers and all boards or commissions created by law in all matters pertaining to their official duties, *except that if a state officer, board, or commission believes that representation by the attorney general could create a conflict of interest or breach of confidentiality, the officer, board, or commission may hire outside counsel. The department of finance may assess the office of the attorney general for such representation.*

(b) When requested by the attorney general, it shall be the duty of any county attorney of the state to appear within the county and act as attorney for any such board, commission, or officer in any court of such county. The attorney general may, upon request in writing, employ, and fix the compensation of, a special attorney for any such board, commission, or officer when, in the attorney general's judgment, the public welfare will be promoted thereby. Such special attorney's fees or salary shall be paid from the appropriation made for such board, commission, or officer.

(c) A state agency that is current with its billings from the attorney general for legal services may contract with the attorney general for additional legal and investigative services.

(d) Except as ~~herein~~ provided in paragraph (a), no board, commission, or officer shall ~~hereafter~~ employ any attorney at the expense of the state.

(e) Whenever the attorney general, the governor, and the chief justice of the supreme court shall certify, in writing, filed in the office of the secretary of state, that it is necessary, in the proper conduct of the legal business of the state, either civil or criminal, that the state employ additional counsel, the attorney general shall thereupon be authorized to employ such counsel and,

with the governor and the chief justice, fix the additional counsel's compensation. Except as herein stated provided in this paragraph and paragraph (a), no additional counsel shall be employed and the legal business of the state shall be performed exclusively by the attorney general and the attorney general's assistants."

Amend the title accordingly

Mr. Spear questioned whether the amendment was germane.

The President ruled that the amendment was not germane.

Mr. Betzold moved to amend S.F. No. 2378 as follows:

Page 92, after line 29, insert:

"Sec. 17. [INMATE MENTAL HEALTH TRAINING STUDY.]

Subdivision 1. [STUDY.] The commissioners of corrections and human services shall convene a group to evaluate current training programs and practices relating to appropriate identification, care, and treatment of inmates who are mentally ill for correctional staff who have direct contact with inmates. The study group shall determine whether current practices are appropriate and sufficient to help correctional staff identify and understand mental illness and treatment issues. The study group shall:

(1) make a specific recommendation whether correctional staff who have direct contact with inmates should be required to attend continuing education on mental health issues; and

(2) develop a plan for addressing inmate mental health issues, including early intervention.

Subd. 2. [PARTICIPANTS.] In convening the study group, the commissioners shall include representatives of the following:

(1) the ombudsman for corrections;

(2) the ombudsman for mental health and mental retardation;

(3) mental health experts;

(4) mental health advocates;

(5) inmate advocates; and

(6) correctional officers.

Subd. 3. [REPORT.] The study group shall submit a joint report to the chairs of the senate crime prevention committee and the house of representatives judiciary committee and the chairs of the senate health care committee and the house of representatives health and human services committee by December 15, 1994, with its recommendations.

Sec. 18. [INMATE HIV/AIDS TRAINING STUDY.]

Subdivision 1. [STUDY.] The commissioners of corrections and health shall convene a group to evaluate current training programs and practices relating to appropriate identification, care, and treatment of inmates who are affected with HIV/AIDS for correctional staff who have direct contact with inmates. The study group shall determine whether current practices are appropriate

and sufficient to help correctional staff identify and understand HIV/AIDS issues. The study group shall:

(1) make a specific recommendation whether correctional staff who have direct contact with inmates should be required to attend continuing education on HIV/AIDS issues; and

(2) develop a plan for addressing inmate HIV/AIDS issues, including prevention and education, early intervention, health care, release preparations, and risks of discrimination and harassing treatment.

Subd. 2. [PARTICIPANTS.] In convening the study group, the commissioners shall include representatives of the following:

(1) the ombudsman for corrections;

(2) HIV/AIDS advocates;

(3) inmate advocates; and

(4) correctional officers.

Subd. 3. [REPORT.] The study group shall submit a joint report to the chairs of the senate crime prevention committee and the house of representatives judiciary committee and the chairs of the senate health care committee and the house of representatives health and human services committee by December 15, 1994, with their recommendations."

Renumber the sections of article 6 in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Lessard moved to amend S.F. No. 2378 as follows:

Pages 43 to 46, delete section 3 and insert:

"Sec. 3. [299A.05] [MINNESOTA RETAIL FIREARMS DEALERS LICENSE.]

Subdivision 1. [LICENSE REQUIRED.] A person who engages in the business of dealing in firearms at retail in this state under a federal firearms license shall obtain a retail firearms dealers license under this section. For purposes of this section, "dealer" has the meaning given in United States Code, title 18, sections 921(a)(11)(A), (a)(21)(C), and (a)(22).

Subd. 2. [APPLICATION.] The commissioner of public safety shall prescribe a form for license applications which shall require the applicant's social security number; fingerprints, residential addresses for the last ten years, any other information deemed necessary by the commissioner, and a signed consent by the applicant to an eligibility investigation, including a check of state and federal criminal records, police department records, and state and private mental health records including probate court records. The application must include the valid sales tax identification number of the applicant and a copy of the federal firearms license or the application for the license.

Subd. 3. [ELIGIBILITY.] The commissioner shall issue a retail firearms dealers license, valid for three years, to any applicant who has complied with

subdivision 2. The license shall be issued not later than 30 business days after the application is delivered to the commissioner unless the commissioner has determined that the applicant is not eligible under this subdivision. The license shall specify the premises for which the license is effective. The commissioner may not issue, transfer, or renew a license if the investigation under subdivision 5 establishes that the applicant:

(1) is not eligible to possess a handgun or semiautomatic military-style assault weapon under section 624.713;

(2) has had a license revoked under this section within five years of the license application; or

(3) has been convicted within ten years of the license application of a violation of a federal or state law involving the illegal use or possession of a firearm or ammunition other than a crime of violence as defined in section 624.712, subdivision 5, or has been convicted within five years of the license application of any felony.

Subd. 4. [INVESTIGATION OF ELIGIBILITY.] On initial application for a license, or on application for a transfer or renewal of an existing license, the commissioner shall conduct a background investigation of the applicant to determine eligibility under this section. An investigation fee, in an amount reflecting the cost of the licensing program, not to exceed \$150, shall be charged to an applicant by the commissioner.

Subd. 5. [LICENSE DENIAL OR REVOCATION.] The commissioner shall deny or revoke a license under this section on a finding that the licensee has intentionally violated a provision of this section or has been convicted of a violation of a provision of a federal or state law involving the use or possession of a firearm. In addition, the commissioner may impose a fine of up to \$5,000 for each violation for willfully providing materially false information in the application. A license denial or revocation under this section is a contested case under sections 14.57 to 14.69 of the administrative procedure act.

Subd. 6. [DUTIES.] A licensee shall:

(1) maintain an accurate record of each commercial transaction involving a firearm including the date, name and address of purchaser, item purchased, and the form of identification offered. Records kept pursuant to federal law meet this requirement;

(2) surrender the license to the commissioner within seven days after becoming ineligible under subdivision 4;

(3) file transferee reports with the appropriate law enforcement agency and otherwise comply with chapter 624 to determine the eligibility of each person to whom a handgun or semiautomatic military-style assault weapon is sold or transferred; and

(4) post the license in a conspicuous place in the premises for which it is used.

Subd. 7. [LICENSE LIMITED TO SPACE SPECIFIED.] The commissioner may issue a retail firearms dealers license for a permanent business location that is located in an area in which local zoning laws authorized by section 471.635 permit the operation of the business but no license shall be denied to a qualified applicant who elects to sell only at gun shows. The

license is only effective for the licensed premises specified in the approved license application except that a licensee may also sell firearms at gun shows as permitted by federal law.

Subd. 8. [LICENSE TRANSFER.] A license may be transferred only to another qualified person. Where a license is held by a corporation, a change in ownership of ten percent or more of the stock of the corporation must be reported in writing to the commissioner within ten days of the transfer.

Subd. 9. [LICENSEE MAY NOT SELL FOR RESALE.] A retail firearms dealers licensee may not sell a firearm to any person for the purpose of resale or to any person whom the licensee has reason to believe intends to resell the firearm without written approval of the commissioner. This subdivision does not apply to a sale or transfer between licensed firearms dealers.

Subd. 10. [DATA CLASSIFICATION.] Data maintained by the commissioner under this section are private data on individuals or nonpublic data as defined in section 13.02, except that the list of names of licensees and their designated public addresses are public data. An applicant shall designate a public address which may be different than the business address listed on the license application. The public address may be a post office box.

Subd. 11. [PENALTY.] A person who sells a firearm without the license required by subdivision 2 is guilty of a gross misdemeanor. A person who otherwise violates this section is guilty of a misdemeanor."

Page 53, after line 17, insert:

"Sec. 14. Minnesota Statutes 1993. Supplement, section 624.712, subdivision 7, is amended to read:

Subd. 7. "Semiautomatic military-style assault weapon" means:

(+) any of the following firearms:

- (i) Avtomat Kalashnikov (AK-47) semiautomatic rifle ~~type~~;
- (ii) Beretta AR-70 and BM-59 semiautomatic rifle ~~types~~;
- (iii) Colt AR-15 semiautomatic rifle ~~type~~;
- (iv) Daewoo Max-1 and Max-2 semiautomatic rifle ~~types~~;
- (v) Famas MAS semiautomatic rifle ~~type~~;
- (vi) Fabrique Nationale FN-LAR and FN-FNC semiautomatic rifle ~~types~~;
- (vii) Galil semiautomatic rifle ~~type~~;
- (viii) Heckler & Koch HK-91, HK-93, and HK-94 semiautomatic rifle ~~types~~;
- (ix) Ingram MAC-10 and MAC-11 semiautomatic pistol and carbine ~~types~~;
- (x) Intratec TEC-9 semiautomatic ~~pistol handgun~~ ~~type~~;
- (xi) Sigarms SIG 550SP and SIG 551SP semiautomatic rifle ~~types~~;
- (xii) SKS with detachable magazine semiautomatic rifle ~~type~~;
- (xiii) Steyr AUG semiautomatic rifle ~~type~~;
- (xiv) Street Sweeper and Striker-12 revolving-cylinder shotgun ~~types~~;

(xv) USAS-12 semiautomatic shotgun type;

(xvi) Uzi semiautomatic pistol *handgun* and carbine types; or

(xvii) Valmet M76 and M78 semiautomatic rifle types;

(2) any firearm that is another model made by the same manufacturer as one of the firearms listed in clause (1), and has the same action design as one of the listed firearms, and is a redesigned, renamed, or renumbered version of one of the firearms listed in clause (1), or has a slight modification or enhancement, including but not limited to a folding or retractable stock; adjustable sight; ease deflector for left handed shooters; shorter barrel; wooden, plastic, or metal stock; larger clip size; different caliber; or a bayonet mount; and

(3) any firearm that has been manufactured or sold by another company under a licensing agreement with a manufacturer of one of the firearms listed in clause (1) entered into after the effective date of Laws 1993, chapter 326, to manufacture or sell firearms that are identical or nearly identical to those listed in clause (1), or described in clause (2), regardless of the company of production or country of origin.

The weapons listed in clause (1), except those listed in items (iii), (ix), (x), (xiv), and (xv), are the weapons the importation of which was barred by the Bureau of Alcohol, Tobacco, and Firearms of the United States Department of the Treasury in July 1989.

Except as otherwise specifically provided in paragraph (d), A firearm is not a "semiautomatic military style assault weapon" if it is generally recognized as particularly suitable for or readily adaptable to sporting purposes under United States Code, title 18, section 925, paragraph (d)(3), or any regulations adopted pursuant to that law."

Page 57, delete section 18

Pages 60 and 61, delete section 27

Page 62, line 31, delete "in the metropolitan area"

Page 62, after line 33, insert:

"Sec. 30. [CONSTITUTIONAL AMENDMENT PROPOSED.]

Subdivision 1. [AMENDMENT PROPOSED.] An amendment to the Minnesota Constitution, adding a section to Article I, is proposed to the people of the state. If the amendment is adopted, the section will read:

Sec. 18. The right of a citizen to keep and bear arms for the defense and security of the person, family, or home, or for lawful hunting, recreation, or marksmanship training is fundamental and shall not be abridged.

Subd. 2. [SUBMISSION TO VOTERS.] The amendment shall be submitted at the 1994 general election. The following question shall be proposed:

"Shall the Minnesota Constitution be amended to provide that the right of a citizen to keep and bear arms for the defense and security of the person,

family, home, or for lawful hunting, recreation, or marksmanship training is fundamental and shall not be abridged?

Yes

No"

Page 62, line 36, delete "*subdivisions 7 and 10, are*" and insert "*subdivision 7, is*"

Page 63, delete line 2 and insert:

"Section 3 is effective January 1, 1995, if the constitutional amendment proposed in section 30 is adopted by the people at the 1994 general election, and applies to"

Page 63, line 5, delete "*December 31, 1994*" and insert "*June 1, 1995*" and delete "*2*" and insert "*3*"

Page 63, line 6, delete "*December 31, 1994*" and insert "*June 1, 1995*" and delete "*3*" and insert "*4*"

ReNUMBER the sections of article 3 in sequence and correct the internal references

Amend the title accordingly

Mr. Spear questioned whether the amendment was germane.

The President ruled that the amendment was germane.

Ms. Flynn moved to amend the Lessard amendment to S.F. No. 2378 as follows:

Page 6, after line 8, insert:

"Sec. 31. [CONSTITUTIONAL AMENDMENT PROPOSED.]

Subdivision 1. [AMENDMENT PROPOSED.] An amendment to the Minnesota Constitution, adding a section to Article 1, is proposed to the people of the state. If the amendment is adopted, the section will read:

Sec. 19. The sale and possession of semiautomatic military-style assault weapons, as defined by state law, are prohibited within the state of Minnesota.

Subd. 2. [SUBMISSION TO VOTERS.] The amendment shall be submitted at the 1994 general election. The following question shall be proposed:

"Shall the Minnesota Constitution be amended to prohibit the sale and possession of semiautomatic military-style assault weapons?"

Yes

No"

The question was taken on the adoption of the Flynn amendment to the Lessard amendment.

The roll was called, and there were yeas 22 and nays 42, as follows:

Those who voted in the affirmative were:

Anderson	Hottinger	Merriam	Pogemiller	Spear
Berglin	Kroening	Moe, R.D.	Price	Wiener
Betzold	Langseth	Mondale	Ranum	
Cohen	Luther	Novak	Reichgott Junge	
Flynn	Marty	Piper	Riveness	

Those who voted in the negative were:

Adkins	Day	Johnston	Morse	Samuelson
Beckman	Dille	Kiscaden	Murphy	Solon
Belanger	Finn	Krentz	Neuville	Stevens
Benson, D.D.	Frederickson	Laidig	Oliver	Stumpf
Benson, J.E.	Hanson	Larson	Olson	Terwilliger
Berg	Janezich	Lesewski	Pariseau	Vickerman
Bertram	Johnson, D.E.	Lessard	Robertson	
Chandler	Johnson, D.J.	McGowan	Runbeck	
Chmielewski	Johnson, J.B.	Metzen	Sams	

The motion did not prevail. So the amendment to the amendment was not adopted.

Mr. Laidig moved to amend the Lessard amendment to S.F. No. 2378 as follows:

Page 4, lines 4 and 5, reinstate the stricken language

Page 4, lines 30 to 36, reinstate the stricken language

Page 5, lines 1 to 21, reinstate the stricken language

The motion prevailed. So the amendment to the amendment was adopted.

The question recurred on the Lessard amendment, as amended.

The roll was called, and there were yeas 41 and nays 23, as follows:

Those who voted in the affirmative were:

Adkins	Finn	Krentz	Murphy	Solon
Beckman	Frederickson	Kroening	Neuville	Stevens
Benson, D.D.	Hanson	Laidig	Oliver	Stumpf
Benson, J.E.	Janezich	Langseth	Olson	Terwilliger
Berg	Johnson, D.E.	Larson	Pariseau	Vickerman
Bertram	Johnson, D.J.	Lessard	Robertson	
Chmielewski	Johnson, J.B.	McGowan	Runbeck	
Day	Johnston	Metzen	Sams	
Dille	Kiscaden	Morse	Samuelson	

Those who voted in the negative were:

Anderson	Cohen	Marty	Piper	Riveness
Belanger	Flynn	Merriam	Pogemiller	Spear
Berglin	Hottinger	Moe, R.D.	Price	Wiener
Betzold	Kelly	Mondale	Ranum	
Chandler	Luther	Novak	Reichgott Junge	

The motion prevailed. So the Lessard amendment, as amended, was adopted.

Mr. Spear moved that S.F. No. 2378 be laid on the table. The motion prevailed.

MOTIONS AND RESOLUTIONS - CONTINUED

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate proceeded to the Order of Business of Introduction and First Reading of Senate Bills.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time and referred to the committees indicated.

Mr. Novak introduced—

S.F. No. 2915: A bill for an act relating to economic development; adding New Brighton and Mounds View to a pilot project; appropriating money.

Referred to the Committee on Jobs, Energy and Community Development.

Messrs. Kroening, Kelly, Frederickson, Ms. Johnson, J.B. and Mr. Novak introduced—

S.F. No. 2916: A bill for an act relating to public administration; authorizing spending to acquire and to better public land and buildings and other public improvements of a capital nature with certain conditions; authorizing issuance of bonds; establishing and maintaining a teacher training institute and related activities; appropriating money; amending Laws 1993, chapter 373, section 25, subdivision 5.

Referred to the Committee on Finance.

Ms. Runbeck introduced—

S.F. No. 2917: A bill for an act relating to the state building code; requiring diaper changing areas in certain water closets and lavatories; amending Minnesota Statutes 1992, section 16B.61, by adding a subdivision.

Referred to the Committee on Governmental Operations and Reform.

MOTIONS AND RESOLUTIONS – CONTINUED

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate reverted to the Order of Business of Messages From the House.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S.F. No. 1758: A bill for an act relating to welfare reform; requiring pregnant and parenting minors to live with their parents in order to receive aid to families with dependent children (AFDC); providing an exception to the AFDC overpayment statute; allowing start work offset to AFDC recipients in the first month of work; broadening the scope of the employment and training statute by requiring more AFDC recipients to participate in job search; allowing vendor emergency assistance payments for damage deposit; providing required workers' compensation insurance for community work experience program workers; expanding cost-neutral fraud prevention programs; allowing emergency assistance damage deposit be returned to the county; allowing the county to pay monthly general assistance differently; making general assistance and work readiness lump-sum criteria the same as the AFDC lump-sum criteria, with some exceptions; requiring a study to expand the parent's fair share pilot project statewide; requiring the departments of human services and revenue to design and implement a plan which supports working families; directing the commissioner of human services to seek

several waivers from the federal government which support and promote moving off welfare and becoming self-sufficient; expanding the parent's fair share pilot project into Ramsey county; expanding state support for basic sliding fee day care program; appropriating money; amending Minnesota Statutes 1992, sections 256.73, by adding subdivisions; 256.737, by adding a subdivision; 256.81; 256.979, by adding a subdivision; 256.983, subdivision 1; 256D.05, subdivision 6; 256D.09, by adding a subdivision; 256H.05, subdivision 1b; and 268.672, subdivision 6; Minnesota Statutes 1993 Supplement, sections 256.031, subdivision 3; 256.73, subdivision 8; and 256.736, subdivisions 10 and 14; proposing coding for new law in Minnesota Statutes, chapters 256; and 256D; repealing Minnesota Statutes 1993 Supplement, section 256.734.

Senate File No. 1758 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 12, 1994

Mr. Samuelson moved that S.F. No. 1758 be laid on the table. The motion prevailed.

MEMBERS EXCUSED

Mr. Beckman was excused from the Session of today from 8:00 to 9:00 a.m. Mr. Johnson, D.J. was excused from the Session of today from 8:00 to 9:25 a.m. Mr. Solon was excused from the Session of today from 12:00 noon to 1:00 p.m. Mr. Morse was excused from the Session of today from 1:30 to 2:00 p.m. Ms. Pappas was excused from the Session of today at 4:15 p.m. Mr. Knutson was excused from the Session of today at 5:55 p.m.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 8:30 a.m., Wednesday, April 13, 1994. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

EIGHTY-NINTH DAY

St. Paul, Minnesota, Wednesday, April 13, 1994

The Senate met at 8:30 a.m. and was called to order by the President.

CALL OF THE SENATE

Mr. Moe, R.D. imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

Prayer was offered by Senator Pat Piper.

The roll was called, and the following Senators answered to their names:

Adkins	Day	Kiscaden	Moe, R.D.	Reichgott Junge
Anderson	Dille	Knutson	Mondale	Riveness
Beckman	Finn	Krentz	Morse	Robertson
Belanger	Flynn	Kroening	Murphy	Runbeck
Benson, D.D.	Frederickson	Laidig	Neuville	Sams
Benson, J.E.	Hanson	Langseth	Oliver	Samuelson
Berg	Hottinger	Larson	Olson	Solon
Berglin	Janezich	Lesewski	Pappas	Spear
Bertram	Johnson, D.E.	Lessard	Pariseau	Stevens
Betzold	Johnson, D.J.	Luther	Piper	Stumpf
Chandler	Johnson, J.B.	Marty	Pogemiller	Terwilliger
Chmielewski	Johnston	Merriam	Price	Vickerman
Cohen	Kelly	Metzen	Ranum	Wiener

The President declared a quorum present.

The reading of the Journal was dispensed with and the Journal, as printed and corrected, was approved.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communication was received.

April 11, 1994

The Honorable Allan H. Spear
President of the Senate

Dear President Spear:

It is my honor to inform you that I have received, approved, signed and deposited in the Office of the Secretary of State, S.F. Nos. 2425 and 2199.

Warmest regards,
Arne H. Carlson, Governor

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, herewith returned: S.F. No. 2066.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 12, 1994

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S.F. No. 2900: A bill for an act relating to education; appropriating money for education and related purposes to the state board of technical colleges, higher education board, state university board, and board of regents of the University of Minnesota, with certain conditions; modifying the award of grants for faculty exchange and temporary assignment programs; designating community colleges; establishing the mission of Fond du Lac campus; changing certain financial aid grants; modifying the child care grant program; clarifying an exemption to private, business, trade, and correspondence school licensing; providing for appointments; permitting rulemaking; adopting a post-secondary funding formula; permitting the higher education board to establish tuition rates for the 1995-1996 academic year; postponing mandated planning; amending Minnesota Statutes 1992, sections 135A.01; 135A.03, subdivisions 1a, and by adding subdivisions; 136.60, subdivisions 1 and 3; 136A.101, subdivision 5; 136A.121, subdivisions 5, 17, and by adding subdivisions; 136A.125, subdivisions 2, 4, and by adding a subdivision; 136A.15, subdivision 6; and 141.35; Minnesota Statutes 1993 Supplement, sections 125.138, subdivisions 1, 6, and 8; and 135A.05; 136A.121, subdivision 6; Laws 1993, First Special Session chapter 2, article 5, section 2; proposing coding for new law in Minnesota Statutes, chapters 135A; and 136; repealing Minnesota Statutes 1992, sections 135A.02; 135A.03, subdivisions 1, 2, 3, 4, 5, and 6; 136.60, subdivision 4; and 136C.36.

Senate File No. 2900 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 12, 1994

Mr. Stumpf moved that the Senate do not concur in the amendments by the House to S.F. No. 2900, and that a Conference Committee of 5 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following

House Files, herewith transmitted: H.F. Nos. 2023, 2124 and 2478.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 12, 1994

FIRST READING OF HOUSE BILLS

The following bills were read the first time and referred to the committees indicated.

H.F. No. 2023: A bill for an act relating to family law; adding a relevant factor in determination of a child's best interests; amending Minnesota Statutes 1992, section 518.17, subdivision 1.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1895, now on General Orders.

H.F. No. 2124: A bill for an act relating to retirement; state university and state community college individual retirement account plans; clarifying various plan provisions; providing for plan coverage for technical college teachers; providing for an optional election of plan coverage for certain state university and community college teachers; mandating the preparation of plan recodification legislation; amending Minnesota Statutes 1992, sections 353.27, subdivision 7a; 354.05, subdivision 2a; 354.42, subdivision 7; 354B.01, by adding a subdivision; 354B.015; and 354B.02, subdivision 2, and by adding a subdivision; Minnesota Statutes 1993 Supplement, sections 352.04, subdivision 9; 354A.011, subdivision 27; 354B.02, subdivision 1; and 354B.05, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 354B; proposing coding for new law as Minnesota Statutes, chapter 354C.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1860, now on General Orders.

H.F. No. 2478: A bill for an act relating to retirement; first class city teachers; defining salary; authorizing purchase of service credit for parental or maternity leave; resumption of teaching by basic program retirees; authorizing certain bylaw amendments by the Minneapolis and St. Paul teachers retirement fund associations; amending Minnesota Statutes 1992, sections 354A.011, subdivision 24; 354A.095; and 354A.31, subdivision 3.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2251, now on General Orders.

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was referred

S.F. No. 2558: A bill for an act relating to taxation; increasing the rate of tax on the income of certain individuals, estates, and trusts; abolishing the tax on hospitals and health care providers; appropriating the revenue from the rate increase to the health care access fund; amending Minnesota Statutes 1992,

sections 290.06, subdivisions 2c and 2d; and 290.62; Minnesota Statutes 1993 Supplement, sections 62P.04, subdivision 1; 214.16, subdivision 3; and 270B.01, subdivision 8; repealing Minnesota Statutes 1992, sections 295.50, as amended; 295.52, as amended; and 295.55, as amended; Minnesota Statutes 1993 Supplement, sections 144.1484, subdivision 2; 295.51, subdivision 1; 295.53; 295.54; 295.57; 295.58; 295.582; and 295.59.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1993 Supplement, section 214.16, subdivision 3, is amended to read:

Subd. 3. [GROUNDS FOR DISCIPLINARY ACTION.] The board shall take disciplinary action, which may include license revocation, against a regulated person for:

(1) intentional failure to provide the commissioner of health or the health care analysis unit established under section 62J.30 with the data required under chapter 62J;

(2) intentional failure to provide the commissioner of revenue with data on gross revenue and other information required for the commissioner to implement sections 295.50 to 295.58; and

(3) intentional failure to pay the health care provider tax required under section 295.52.

Sec. 2. Minnesota Statutes 1992, section 290.06, subdivision 2c, is amended to read:

Subd. 2c. [SCHEDULES OF RATES FOR INDIVIDUALS, ESTATES, AND TRUSTS.] (a) The income taxes imposed by this chapter upon married individuals filing joint returns and surviving spouses as defined in section 2(a) of the Internal Revenue Code of 1986 as amended through December 31, 1991, must be computed by applying to their taxable net income the following schedule of rates:

(1) On the first ~~\$19,910~~ \$22,880, 6 percent;

(2) On all over ~~\$19,910~~ \$22,880, but not over ~~\$79,120~~ \$75,000, 8 percent;

(3) On all over ~~\$79,120, 8.5~~ \$75,000, 9.7 percent.

Married individuals filing separate returns, estates, and trusts must compute their income tax by applying the above rates to their taxable income, except that the income brackets will be one-half of the above amounts.

(b) The income taxes imposed by this chapter upon unmarried individuals must be computed by applying to taxable net income the following schedule of rates:

(1) On the first ~~\$13,620~~ \$15,650, 6 percent;

(2) On all over ~~\$13,620~~ \$15,650, but not over ~~\$44,750~~ \$42,420, 8 percent;

(3) On all over ~~\$44,750, 8.5~~ \$42,420, 9.7 percent.

(c) The income taxes imposed by this chapter upon unmarried individuals qualifying as a head of household as defined in section 2(b) of the Internal Revenue Code of 1986, as amended through December 31, 1991, must be computed by applying to taxable net income the following schedule of rates:

- (1) On the first ~~\$16,770~~ \$19,270, 6 percent;
- (2) On all over ~~\$16,770~~ \$19,270, but not over ~~\$67,390~~ \$63,870, 8 percent;
- (3) On all over ~~\$67,390~~ ~~8.5~~ \$63,870, 9.7 percent.

(d) In lieu of a tax computed according to the rates set forth in this subdivision, the tax of any individual taxpayer whose taxable net income for the taxable year is less than an amount determined by the commissioner must be computed in accordance with tables prepared and issued by the commissioner of revenue based on income brackets of not more than \$100. The amount of tax for each bracket shall be computed at the rates set forth in this subdivision, provided that the commissioner may disregard a fractional part of a dollar unless it amounts to 50 cents or more, in which case it may be increased to \$1.

(e) An individual who is not a Minnesota resident for the entire year must compute the individual's Minnesota income tax as provided in this subdivision. After the application of the nonrefundable credits provided in this chapter, the tax liability must then be multiplied by a fraction in which:

(1) The numerator is the individual's Minnesota source federal adjusted gross income as defined in section 62 of the Internal Revenue Code of 1986, as amended through December 31, 1991, less the deduction allowed by section 217 of the Internal Revenue Code of 1986, as amended through December 31, 1991, after applying the allocation and assignability provisions of section 290.081, clause (a), or 290.17; and

(2) the denominator is the individual's federal adjusted gross income as defined in section 62 of the Internal Revenue Code of 1986, as amended through December 31, 1991, increased by the addition required for interest income from non-Minnesota state and municipal bonds under section 290.01, subdivision 19a, clause (1).

Sec. 3. Minnesota Statutes 1992, section 290.06, subdivision 2d, is amended to read:

Subd. 2d. [INFLATION ADJUSTMENT OF BRACKETS.] (a) For taxable years beginning after December 31, 1991, the minimum and maximum dollar amounts for each rate bracket for which a tax is imposed in subdivision 2c shall be adjusted for inflation by the percentage determined under paragraph (b). For the purpose of making the adjustment as provided in this subdivision all of the rate brackets provided in subdivision 2c shall be the rate brackets as they existed for taxable years beginning after December 31, 1990, and before January 1, 1992, *except that the minimum and maximum dollar amounts for each rate bracket as amended in section 2 shall be adjusted according to this subdivision for taxable years beginning after December 31, 1995.* The rate applicable to any rate bracket must not be changed. The dollar amounts setting forth the tax shall be adjusted to reflect the changes in the rate brackets. The rate brackets as adjusted must be rounded to the nearest \$10 amount. If the rate bracket ends in \$5, it must be rounded up to the nearest \$10 amount.

(b) The commissioner shall adjust the rate brackets and by the percentage determined pursuant to the provisions of section 1(f) of the Internal Revenue Code of 1986, as amended through December 31, 1991, except that in section 1(f)(3)(B) the word "1990" shall be substituted for the word "1987." For 1991, the commissioner shall then determine the percent change from the 12 months ending on August 31, 1990, to the 12 months ending on August 31, 1991, and in each subsequent year, from the 12 months ending on August 31, 1990, to the 12 months ending on August 31 of the year preceding the taxable year. *For taxable years beginning after December 31, 1995, the rate brackets amended in section 2 shall be adjusted according to the percentage change from the 12 months ending on August 31, 1994, to the 12 months ending on August 31 of the year preceding the taxable year.* The determination of the commissioner pursuant to this subdivision shall not be considered a "rule" and shall not be subject to the administrative procedure act contained in chapter 14.

No later than December 15 of each year, the commissioner shall announce the specific percentage that will be used to adjust the tax rate brackets.

Sec. 4. Minnesota Statutes 1992, section 290.62, is amended to read:

290.62 [DISTRIBUTION OF REVENUES.]

(a) *Except as provided in paragraph (b), all revenues derived from the taxes, interest, penalties and charges under this chapter shall, notwithstanding any other provisions of law, be paid into the state treasury and credited to the general fund, and be distributed as follows:*

(1) There shall, notwithstanding any other provision of the law, be paid from this general fund all refunds of taxes erroneously collected from taxpayers under this chapter as provided herein;

(2) There is hereby appropriated to the persons entitled to payment herein, from the fund or account in the state treasury to which the money was credited, an amount sufficient to make the refund and payment.

(b) *The amount of revenue determined by the commissioner to have been derived from the rate increase in section 2 shall be paid into the state treasury and credited to the health care access fund.*

Sec. 5. Minnesota Statutes 1993 Supplement, section 295.50, subdivision 3, is amended to read:

Subd. 3. [GROSS REVENUES.] "Gross revenues" are total amounts received in money or otherwise by:

- (1) a resident hospital for patient services;
- (2) a resident surgical center for patient services;
- (3) a nonresident hospital for patient services provided to patients domiciled in Minnesota; *and*
- (4) a nonresident surgical center for patient services provided to patients domiciled in Minnesota;
- (5) ~~a resident health care provider, other than a staff model health carrier, for patient services;~~

(6) a nonresident health care provider for patient services provided to an individual domiciled in Minnesota;

(7) a wholesale drug distributor for sale or distribution of prescription drugs that are delivered: (i) to a Minnesota resident by a wholesale drug distributor who is a nonresident pharmacy directly, by common carrier, or by mail; or (ii) in Minnesota by the wholesale drug distributor, by common carrier, or by mail, unless the prescription drugs are delivered to another wholesale drug distributor. Prescription drugs do not include nutritional products as defined in Minnesota Rules, part 9505.0325;

(8) a staff model health carrier as gross premiums for enrollees, copayments, deductibles, coinsurance, and fees for patient services covered under its contracts with groups and enrollees;

(9) a resident pharmacy for medical supplies, appliances, and equipment; and

(10) a nonresident pharmacy for medical supplies, appliances, and equipment.

Sec. 6. Minnesota Statutes 1993 Supplement, section 295.50, subdivision 9b, is amended to read:

Subd. 9b. [PATIENT SERVICES.] "Patient services" means inpatient and outpatient services and other goods and services provided by hospitals, or surgical centers, or health care providers. They include the following health care goods and services provided to a patient or consumer:

- (1) bed and board;
- (2) nursing services and other related services;
- (3) use of hospitals, or surgical centers, or health care provider facilities;
- (4) medical social services;
- (5) drugs, biologicals, supplies, appliances, and equipment;
- (6) other diagnostic or therapeutic items or services;
- (7) medical or surgical services;
- (8) items and services furnished to ambulatory patients not requiring emergency care;
- (9) emergency services; and
- (10) covered services listed in section 256B.0625 and in Minnesota Rules, parts 9505.0170 to 9505.0475.

Sec. 7. Minnesota Statutes 1993 Supplement, section 295.51, subdivision 1, is amended to read:

Subdivision 1. [BUSINESS TRANSACTIONS IN MINNESOTA.] A hospital, or surgical center, pharmacy, or health care provider is subject to tax under sections 295.50 to 295.58 if it is "transacting business in Minnesota." A hospital, or surgical center, pharmacy, or health care provider is transacting business in Minnesota only if it:

- (1) maintains an office in Minnesota used in the trade or business of providing patient services or medical supplies, appliances, or equipment;

(2) has employees, representatives, or independent contractors conducting business in Minnesota related to the trade or business of providing patient services ~~or medical supplies, appliances, or equipment~~;

(3) regularly provides patient services ~~or medical supplies, appliances, or equipment~~ to customers that receive the services in Minnesota;

(4) regularly solicits business from potential customers in Minnesota. A hospital, ~~or surgical center, pharmacy, or health care provider~~ is presumed to regularly solicit business within Minnesota if it receives gross receipts for patient services ~~or medical supplies, appliances, or equipment~~ from 20 or more patients domiciled in Minnesota in a calendar year;

(5) regularly performs services outside Minnesota the benefits of which are consumed in Minnesota;

(6) owns or leases tangible personal or real property physically located in Minnesota and used in the trade or business of providing patient services ~~or medical supplies, appliances, or equipment~~; or

(7) receives medical assistance payments from the state of Minnesota.

Sec. 8. Minnesota Statutes 1993 Supplement, section 295.53, subdivision 1, is amended to read:

Subdivision 1. [EXEMPTIONS.] The following payments are excluded from the gross revenues subject to the hospital, ~~or surgical center, or health care provider~~ taxes under sections 295.50 to 295.57:

(1) payments received for services provided under the Medicare program, including payments received from the government, and organizations governed by sections 1833 and 1876 of title XVIII of the federal Social Security Act, United States Code, title 42, section 1395, and enrollee deductibles, coinsurance, and copayments, whether paid by the individual or by insurer or other third party. Payments for services not covered by Medicare are taxable;

(2) medical assistance payments including payments received directly from the government or from a prepaid plan;

(3) payments received for home health care services;

(4) payments received from hospitals or surgical centers for goods and services on which liability for tax is imposed under section 295.52 or the source of funds for the payment is exempt under clause (1), (2), (7), (8), or (10);

(5) payments received from health care providers for goods and services on which liability for tax is imposed under sections 295.52 to 295.57 or the source of funds for the payment is exempt under clause (1), (2), (7), (8), or (10);

(6) amounts paid for prescription drugs, other than nutritional products, to a wholesale drug distributor reduced by reimbursements received for prescription drugs under clauses (1), (2), (7), and (8);

(7) payments received under the general assistance medical care program including payments received directly from the government or from a prepaid plan;

~~(8)~~ (4) payments received for providing services under the MinnesotaCare program including payments received directly from the government or from a prepaid plan and enrollee deductibles, coinsurance, and copayments;

~~(9)~~ payments received by a resident health care provider or the wholly owned subsidiary of a resident health care provider for care provided outside Minnesota to a patient who is not domiciled in Minnesota;

~~(10)~~ (5) payments received from the chemical dependency fund under chapter 254B;

~~(11)~~ (6) payments received in the nature of charitable donations that are not designated for providing patient services to a specific individual or group;

~~(12)~~ (7) payments received for providing patient services if the services are incidental to conducting medical research; and

~~(13)~~ (8) payments received from any governmental agency for services benefiting the public, not including payments made by the government in its capacity as an employer or insurer;

~~(14)~~ payments received for services provided by community residential mental health facilities licensed under Minnesota Rules, parts 9520.0500 to 9520.0690, community support programs and family community support programs approved under Minnesota Rules, parts 9535.1700 to 9535.1760, and community mental health centers as defined in section 245.62, subdivision 2; and

~~(15)~~ government payments received by a regional treatment center.

Sec. 9. Minnesota Statutes 1993 Supplement, section 295.53, subdivision 3, is amended to read:

Subd. 3. [RESTRICTION ON ITEMIZATION.] A hospital, or surgical center, ~~pharmacy, or health care provider~~ must not separately state the tax obligation under section 295.52 on bills provided to individual patients.

Sec. 10. Minnesota Statutes 1993 Supplement, section 295.53, subdivision 4, is amended to read:

Subd. 4. [DEDUCTION FOR RESEARCH.] (a) In addition to the exemptions allowed under subdivision 1, a hospital or ~~health care provider~~ which is exempt under section 501(c)(3) of the Internal Revenue Code of 1986 or is owned and operated under authority of a governmental unit, may deduct from its gross revenues subject to the hospital or ~~health care provider~~ taxes ~~tax~~ under sections 295.50 to 295.57 revenues equal to expenditures for allowable research programs.

(b) For purposes of this subdivision, expenditures for allowable research programs are the direct and general program costs for activities which are part of a formal program of medical and health care research approved by the governing body of the hospital or ~~health care provider~~ which also includes active solicitation of research funds from government and private sources. Any allowable research on humans or animals must be subject to review by appropriate regulatory committees operating in conformity with federal regulations such as an institutional review board or an institutional animal care and use committee. Costs of clinical research activities paid directly for the benefit of an individual patient are excluded from this exemption. Basic

research in fields including biochemistry, molecular biology, and physiology are also included if such programs are subject to a peer review process.

(c) No deduction shall be allowed under this subdivision for any revenue received by the hospital or health care provider in the form of a grant, gift, or otherwise, whether from a government or nongovernment source, on which the tax liability under section 295.52 is not imposed or for which the tax liability under section 295.52 has been received from a third party as provided for in section 295.582.

(d) Effective beginning with calendar year 1995, the taxpayer shall not take the deduction under this section into account in determining estimated tax payments or the payment made with the annual return under section 295.55. The total deduction allowable to all taxpayers under this section for calendar years beginning after December 31, 1994, may not exceed \$65,000,000. To implement this limit, each qualifying hospital and qualifying health care provider shall submit to the commissioner by March 15 its total expenditures qualifying for the deduction under this section for the previous calendar year. The commissioner shall sum the total expenditures of all taxpayers qualifying under this section for the calendar year. If the resulting amount exceeds \$65,000,000, the commissioner shall allocate a part of the \$65,000,000 deduction limit to each qualifying hospital and health care provider in proportion to its share of the total deductions. The commissioner shall pay a refund to each qualifying hospital or provider equal to its share of the deduction limit multiplied by two percent. The commissioner shall pay the refund no later than May 15 of the calendar year.

Sec. 11. Minnesota Statutes 1993 Supplement, section 295.54, is amended to read:

295.54 [CREDIT FOR TAXES PAID TO ANOTHER STATE.]

A resident hospital, or resident surgical center, pharmacy, or resident health care provider who is liable for taxes payable to another state or province or territory of Canada measured by gross receipts and is subject to tax under section 295.52 is entitled to a credit for the tax paid to another state or province or territory of Canada to the extent of the lesser of (1) the tax actually paid to the other state or province or territory of Canada, or (2) the amount of tax imposed by Minnesota on the gross receipts subject to tax in the other taxing jurisdictions.

Sec. 12. Minnesota Statutes 1992, section 295.55, subdivision 3, is amended to read:

Subd. 3. [ESTIMATED TAX; OTHER TAXPAYERS.] (a) Each taxpayer, other than a hospital, surgical center must make estimated payments of the taxes for the calendar year in quarterly installments to the commissioner by April 15, July 15, October 15, and January 15 of the following calendar year.

(b) Estimated tax payments are not required if the tax for the calendar year is less than \$500.

(c) Underpayment of estimated installments bear interest at the rate specified in section 270.75, from the due date of the payment until paid or until the due date of the annual return at the rate specified in section 270.75. An underpayment of an estimated installment is the difference between the amount paid and the lesser of (1) 90 percent of one-quarter of the tax for the

calendar year or (2) the tax for the actual gross revenues received during the quarter.

Sec. 13. Minnesota Statutes 1993 Supplement, section 295.582, is amended to read:

295.582 [AUTHORITY.]

A hospital, ~~or surgical center, pharmacy, or health care provider~~ that is subject to a tax under section 295.52 may transfer additional expense generated by section 295.52 obligations on to all third-party contracts for the purchase of health care services on behalf of a patient or consumer. The expense must not exceed two percent of the gross revenues received under the third-party contract, including copayments and deductibles paid by the individual patient or consumer. The expense must not be generated on revenues derived from payments that are excluded from the tax under section 295.53. All third-party purchasers of health care services including, but not limited to, third-party purchasers regulated under chapter 60A, 62A, 62C, 62D, 64B, or 62H, must pay the transferred expense in addition to any payments due under existing or future contracts with the hospital, ~~or surgical center, pharmacy, or health care provider~~, to the extent allowed under federal law. Nothing in this subdivision limits the ability of a hospital, ~~or surgical center, pharmacy, or health care provider~~ to recover all or part of the section 295.52 obligation by other methods, including increasing fees or charges.

Sec. 14. [REPEALER.]

Minnesota Statutes 1992, sections 295.50, subdivisions 6, 8, and 11; and 295.52, subdivisions 2, 3, and 4; Minnesota Statutes 1993 Supplement, sections 295.50, subdivisions 4, 9a, 10a, 10b, 12a, 12b, and 14; 295.52, subdivisions 1b and 5; and 295.53, subdivisions 2 and 5, are repealed.

Sec. 15. [EFFECTIVE DATE.]

Section 2 is effective for taxable years beginning after December 31, 1994. Sections 5 to 14 are effective for gross revenues generated by services performed and goods sold after September 30, 1994."

Delete the title and insert:

"A bill for an act relating to taxation; increasing the rate of tax on the income of certain individuals, estates, and trusts; abolishing the tax on health care providers; appropriating the revenue from the rate increase to the health care access fund; amending Minnesota Statutes 1992, sections 290.06, subdivisions 2c and 2d; 290.62; and 295.55, subdivision 3; Minnesota Statutes 1993 Supplement, sections 214.16, subdivision 3; 295.50, subdivisions 3 and 9b; 295.51, subdivision 1; 295.53, subdivisions 1, 3, and 4; 295.54; and 295.582; repealing Minnesota Statutes 1992, sections 295.50, subdivisions 6, 8, and 11; 295.52, subdivisions 2, 3, and 4; Minnesota Statutes 1993 Supplement, sections 295.50, subdivisions 4, 9a, 10a, 10b, 12a, 12b, and 14; 295.52, subdivisions 1b and 5; and 295.53, subdivisions 2 and 5."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was referred

S.F. No. 2494: A bill for an act relating to taxation; imposing a surtax on the tax liabilities of individuals, estates, and trusts; abolishing the tax on hospitals and health care providers; appropriating the proceeds of the surtax to the health care access fund; amending Minnesota Statutes 1992, sections 290.06, by adding a subdivision; and 290.62; Minnesota Statutes 1993 Supplement, sections 62P.04, subdivision 1; 214.16, subdivision 3; and 270B.01, subdivision 8; repealing Minnesota Statutes 1992, sections 295.50, as amended; 295.51, as amended; 295.52, as amended; 295.53, as amended; 295.54, as amended; 295.55, as amended; 295.57, as amended; 295.58, as amended; and 295.59, as amended; Minnesota Statutes 1993 Supplement, sections 144.1484, subdivision 2; and 295.582.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. [STATEMENT OF LEGISLATIVE INTENT.]

Universal health care coverage is the cornerstone of our ongoing health care reform efforts, which involve achieving control over the cost of health care and providing high quality health care in an efficient manner to all who need it. Therefore, it is the intention of the legislature that the state keep its commitment to the people of Minnesota to provide universal health care coverage without delay. In order to provide this coverage, the legislature in this act provides a temporary source of funding that will make this coverage possible now while awaiting enactment of a law by the 1995 legislature that will provide a permanent funding source.

Sec. 2. [HEALTH CARE ACCESS RESERVE ACCOUNT.]

Subdivision 1. [HEALTH CARE ACCESS ESTABLISHMENT.] There is established a health care access reserve account in the general fund of the state treasury for the deposit of funds to ensure adequate funding for providing universal health care coverage for the biennium beginning July 1, 1995.

Subd. 2. [INITIAL TRANSFER.] The commissioner of finance shall transfer \$75,000,000 to the health care access reserve account on July 1, 1994.”

Delete the title and insert:

“A bill for an act relating to health care financing; stating the intent of the legislature to provide universal health care coverage; providing for transfer of funds to the health care access reserve account.”

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 2666 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
2666	2421				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 2666 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2666 and insert the language after the enacting clause of S.F. No. 2421, the first engrossment; further, delete the title of H.F. No. 2666 and insert the title of S.F. No. 2421, the first engrossment.

And when so amended H.F. No. 2666 will be identical to S.F. No. 2421, and further recommends that H.F. No. 2666 be given its second reading and substituted for S.F. No. 2421, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 2433 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
2433	2205				

and that the above Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 664 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
664	614				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 664 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 664 and insert the language after the enacting clause of S.F. No. 614, the first engrossment; further, delete the title of H.F. No. 664 and insert the title of S.F. No. 614, the first engrossment.

And when so amended H.F. No. 664 will be identical to S.F. No. 614, and

further recommends that H.F. No. 664 be given its second reading and substituted for S.F. No. 614, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate, on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was re-referred

S.F. No. 2033: A bill for an act relating to local government; authorizing the board of county commissioners of Benton county to establish an economic development authority.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 17, delete the comma and insert a period

Page 1, delete lines 18 to 20 and insert "A project may not be commenced by the authority until it has been approved by (1) a majority of the overall economic development committee created by action of the county board on December 15, 1987, (2) a majority of the members of that committee who represent cities on the committee, and (3) in the case of a project that is to be located within the corporate limits of a city, a majority of the governing body of"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was referred

S.F. No. 2704: A bill for an act relating to taxation; property; expanding open space valuation to include certain lawn bowling or croquet green property; amending Minnesota Statutes 1993 Supplement, section 273.112, subdivision 3.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 12, delete "green"

Page 1, line 17, after "individuals" insert "or, in the case of a lawn bowling or croquet green, by private individuals or corporations,"

Page 2, after line 36, insert:

"Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective for taxes levied in 1994, payable in 1995, and thereafter."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was re-referred

H.F. No. 1901: A bill for an act relating to local government; permitting the city of Hutchinson to incur debt for certain improvements; authorizing a reverse referendum on the issuance of city bonds.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 1, after "I" insert "*by June 30, 1994*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was re-referred

S.F. No. 2206: A bill for an act relating to education; prekindergarten through grade 12; providing for general education revenue; transportation; special programs; community programs; facilities; organization and cooperation; commitment to excellence; other education programs; miscellaneous provisions; libraries; state agencies; conforming references to repealed law; appropriating money; amending Minnesota Statutes 1992, sections 13.04, by adding a subdivision; 120.062, subdivision 12, and by adding a subdivision; 120.101, subdivision 5, and by adding a subdivision; 120.17, subdivision 1; 121.612, subdivision 7; 121.904, subdivision 4e; 121.935, subdivision 6; 122.23, subdivisions 6, 8, 10, 13, and by adding a subdivision; 122.531, subdivision 9; 122.533; 122.91, subdivision 3; 122.937, subdivision 4; 123.35, subdivision 19a, and by adding subdivisions; 123.3514, subdivisions 3 and 4; 123.39, subdivision 1; 123.58, subdivisions 2 and 4; 123.78, by adding a subdivision; 124.17, subdivision 1d; 124.19, subdivision 1b; 124.195, subdivision 3a; 124.214, subdivision 2; 124.223, subdivision 1, and by adding subdivisions; 124.225, by adding subdivisions; 124.244, subdivision 4; 124.248, subdivision 3; 124.26, subdivision 1b; 124.2601, subdivisions 3, 5, and 7; 124.2711, by adding a subdivision; 124.2713, by adding a subdivision; 124.2721, subdivisions 1 and 5; 124.2725, subdivision 16; 124.46, subdivision 3; 124.573, by adding a subdivision; 124.90, by adding a subdivision; 124.912, subdivision 6, and by adding a subdivision; 124.914, subdivision 1; 124.95, subdivision 4; 124A.02, by adding a subdivision; 124A.26, by adding a subdivision; 124A.28, by adding a subdivision; 125.09, subdivision 1; 125.135, subdivision 2; 125.188, subdivision 1; 126.02, subdivision 1; 126.23; 126.51, subdivision 1; 126.69, subdivisions 1 and 3; 126A.04, subdivision 5; 127.03, subdivision 3; 127.27, subdivision 5; 129C.15, by adding a subdivision; 134.195, subdivision 10; 136A.125, subdivision 3; 136D.23, subdivision 2; 136D.26; 136D.281, by adding a subdivision; 136D.74, subdivision 2a; 136D.741, by adding a subdivision; 136D.83, subdivision 2; 136D.86; 136D.88, by adding a subdivision; 169.01, subdivision 6; 169.442, subdivision 1; 169.443, subdivision 8; 169.445, subdivisions 1 and 2; 169.446, subdivision 3; 169.447, subdivision 6; 169.64, subdivision 8; 171.01, subdivision 22; 171.321, subdivision 3, and by adding subdivisions; 171.3215; 272.02, subdivision 8; 475.61, subdivision 4; 631.40, subdivision 1a; Minnesota Statutes 1993 Supplement, sections 16A.152, subdivision 2; 120.064, subdivisions 3, 8, 9, and 16; 120.101, subdivision 5b; 120.17, subdivisions 3, 11b, 12, and 17; 121.11, subdivision 7d; 121.702, subdivisions 2 and 9; 121.703; 121.705; 121.706; 121.707; 121.708; 121.709; 121.710; 121.8355, subdivision 1; 121.885, subdivisions 1, 2, and 4; 121.904, subdivisions 4a and 4c; 123.351, subdivision 8; 123.58, subdivisions 6, 7, 8, and 9; 124.155, subdivisions 1 and 2; 124.17, subdivision 1; 124.19, subdivision 1; 124.225,

subdivision 1; 124.226, subdivisions 3a and 9; 124.243, subdivision 8; 124.244, subdivision 1; 124.248, subdivision 4; 124.26, subdivisions 1c and 2; 124.2711, subdivision 1; 124.2714; 124.2727, subdivisions 6a, 6d, and 8; 124.573, subdivisions 2b, 2e, and 3; 124.83, subdivision 1; 124.91, subdivisions 3 and 5; 124.914, subdivision 4; 124.95, subdivision 1; 124A.03, subdivisions 1c and 3b; 124A.22, subdivisions 5 and 9; 124A.225, subdivisions 1, 4, and by adding a subdivision; 124A.23, subdivision 1; 124A.29, subdivision 1; 124A.292, subdivision 3; 124C.60; 125.05, subdivision 1a; 125.138, subdivision 9; 125.185, subdivision 4; 125.230, subdivisions 3, 4, and 6; 125.231, subdivisions 1 and 4; 125.623, subdivision 3; 126.239, subdivision 3; 126.70, subdivisions 1 and 2a; 171.321, subdivision 2; 275.48; Laws 1992, chapter 499, article 6, section 34, subdivision 2; Laws 1993, chapter 224, articles 1, section 38; 4, section 44, subdivision 6; 5, sections 43 and 46, subdivisions 2, 3, and 4; 7, section 28, subdivisions 3 and 11; 12, sections 26 and 39; and 15, section 2; proposing coding for new law in Minnesota Statutes, chapters 120; 121; 122; 123; 124; 126; 134; 135A; 169; repealing Minnesota Statutes 1992, sections 121.935, subdivision 7; 122.91, subdivisions 5 and 7; 122.93, subdivision 7; 122.937; 122.94, subdivisions 2, 3, and 6; 122.945; 136D.22, subdivision 3; 136D.27; 136D.71, subdivision 2; 136D.73, subdivision 3; 136D.74, subdivisions 2a, 2b, and 4; 136D.82, subdivision 3; 136D.87; 169.441, subdivisions 2 and 3; 169.442, subdivisions 2 and 3; 169.445, subdivision 3; 169.447, subdivision 3; 169.45; Minnesota Statutes 1993 Supplement, sections 121.935, subdivision 5; 123.80; 124.2727, subdivisions 6, 7, and 8; Laws 1992, chapter 499, article 6, section 39, subdivision 3; Laws 1993, chapter 224, article 8, section 14; Minnesota Rules 1991, parts 3520.3600; and 3520.3700.

Reports the same back with the recommendation that the bill be amended as follows:

Pages 13 and 14, delete section 13

Page 16, after line 26, insert:

“Sec. 19. [SUPPLEMENTAL REVENUE REDUCTION.]

For fiscal year 1995 only, if a district's ratio of 1992 adjusted net tax capacity divided by 1994-1995 actual pupil units to the equalizing factor is less than or equal to .25, then the difference under Minnesota Statutes, section 124A.22, subdivision 9, clause (2), is equal to \$50 for purposes of computing the district's supplemental revenue under Minnesota Statutes, section 124A.22, subdivision 8. For purposes of computing the referendum allowance reduction under Minnesota Statutes, section 124A.03, subdivision 3b, the supplemental revenue reduction shall be computed according to Minnesota Statutes, section 124A.22, subdivision 9.”

Page 17, line 26, delete “one-half” and insert “.8”

Page 17, line 35, delete “\$66,730,000” and insert “\$66,930,000”

Page 18, after line 1, insert:

“Sec. 25. [REPEALER.]

Minnesota Statutes 1992; sections 124A.02; 124A.029, subdivisions 1, 2, 3; 124A.03, subdivisions 1b, 1d, 1e, 1h, 1i, 2a, and 2b; 124A.032; 124A.034; 124A.035; 124A.036, subdivisions 1, 2, 3, and 4; 124A.04, subdivision 1; 124A.22, subdivisions 1, 2a, 3, 4a, 4b, 6a, 8a, and 8b; 124A.23, subdivisions

2, 3, and 4; 124A.24; 124A.26, subdivisions 1a, 2, and 3; 124A.28; 124A.29, subdivision 2; 124A.30; 124A.31; 124A.697; 124A.71; 124A.72; 124A.73; Minnesota Statutes 1993 Supplement, sections 124A.029, subdivision 4; 124A.03, subdivisions 1c, 1f, 1g, 2, and 3b; 124A.036, subdivision 5; 124A.04, subdivision 2; 124A.22, subdivisions 2, 4, 5, 6, 8, and 9; 124A.225; 124A.23, subdivisions 1 and 5; 124A.24; 124A.26, subdivisions 1 and 4; 124A.29, subdivision 1; 124A.291; 124A.292; 124A.698; and 124A.70; 124A.711, are repealed July 1, 1997.

Laws 1993, chapter 224, article 1, section 37, is repealed."

Page 18, line 6, delete "18" and insert "17"

Page 18, line 15, delete "14" and insert "13"

Page 18, line 16, delete "19" and insert "18"

ReNUMBER the sections of article 1 in sequence

Page 85, delete lines 24 to 30 and insert:

"Notwithstanding any law to the contrary, the department of education shall not make a levy adjustment for fiscal year 1995 for levies payable in 1995 for the change in the capital equipment allowance in section 2."

Page 120, line 32, delete "up to ..."

Page 122, line 23, delete "\$1,000,000" and insert "\$800,000"

Page 129, line 9, delete "\$3" and insert "\$2"

Page 163, after line 16, insert:

"Sec. 11. Minnesota Statutes 1993 Supplement, section 125.706, is amended to read:

125.706 [PREPARATION TIME.]

Beginning with agreements effective July 1, 1995, and thereafter, all collective bargaining agreements for teachers provided for under chapter 179A, must include provisions for preparation time or a provision indicating that the parties to the agreement chose not to include preparation time in the contract.

If the parties cannot agree on preparation time the following provision shall apply and be incorporated as part of the agreement: "Within the student day for every 25 minutes of *classroom* instructional time, a minimum of five additional minutes of preparation time shall be provided to each licensed teacher. Preparation time shall be provided in one or two uninterrupted blocks during the student day. Exceptions to this may be made by mutual agreement between the district and the exclusive representative of the teachers."

Pages 163 and 164, delete section 12

ReNUMBER the sections of article 9 in sequence

Page 205, line 11, delete "1991"

Amend the title as follows:

Page 1, line 8, after the first semicolon, insert "providing for appointments;"

Page 2, line 23, delete "subdivisions" and insert "subdivision" and delete "and 9"

Page 2, line 30, after the first semicolon, insert "125.706;"

Page 2, line 36, delete "sections 26 and 39" and insert "section 39"

Page 2, line 39, after "sections" insert "124A.02; 124A.029, subdivisions 1, 2, 3; 124A.03, subdivisions 1b, 1d, 1e, 1h, 1i, 2a, and 2b; 124A.032; 124A.034; 124A.035; 124A.036, subdivisions 1, 2, 3, and 4; 124A.04, subdivision 1; 124A.22, subdivisions 1, 2a, 3, 4a, 4b, 6a, 8a, and 8b; 124A.23, subdivisions 2, 3, and 4; 124A.24; 124A.26, subdivisions 1a, 2, and 3; 124A.28; 124A.29, subdivision 2; 124A.30; 124A.31; 124A.697; 124A.71; 124A.72; 124A.73;"

Page 2, line 49, before "Laws" insert "124A.029, subdivision 4; 124A.03, subdivisions 1c, 1f, 1g, 2, and 3b; 124A.036, subdivision 5; 124A.04, subdivision 2; 124A.22, subdivisions 2, 4, 5, 6, 8, and 9; 124A.225; 124A.23, subdivisions 1 and 5; 124A.24; 124A.26, subdivisions 1 and 4; 124A.29, subdivision 1; 124A.291; 124A.292; 124A.698; 124A.70; 124A.711;"

Page 2, line 52, delete "1991"

And when so amended the bill do pass. Amendments adopted. Report adopted.

SECOND READING OF SENATE BILLS

S.F. Nos. 2558, 2033, 2704 and 2206 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 2666, 2433, 664 and 1901 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Larson introduced—

Senate Resolution No. 76: A Senate resolution commending Jim Vetter, State Commander of the Minnesota Veterans of Foreign Wars, for his dedicated and effective service.

Referred to the Committee on Rules and Administration.

Ms. Lesewski introduced—

Senate Resolution No. 77: A Senate resolution congratulating the Pipestone-Jasper Arrow Marching Band for its performance at the Tournament of Roses Parade.

Referred to the Committee on Rules and Administration.

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate take up the Calendar. The motion prevailed.

CALENDAR

S.F. No. 2004: A bill for an act relating to the city of Two Harbors; permitting an additional lodging tax.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dille	Knutson	Morse	Runbeck
Anderson	Finn	Krentz	Murphy	Sams
Beckman	Flynn	Kroening	Neuville	Solon
Belanger	Frederickson	Laidig	Oliver	Spear
Benson, D.D.	Hanson	Langseth	Olson	Stevens
Benson, J.E.	Hottinger	Larson	Pariseau	Stumpf
Berg	Janezich	Lesewski	Piper	Terwilliger
Berglin	Johnson, D.E.	Lessard	Pogemiller	Vickerman
Betzold	Johnson, D.J.	Luther	Price	Wiener
Chandler	Johnson, J.B.	Marty	Ranum	
Chmielewski	Johnston	Metzen	Reichgott Junge	
Cohen	Kelly	Moe, R.D.	Riveness	
Day	Kiscaden	Mondale	Robertson	

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate take up the Consent Calendar. The motion prevailed.

CONSENT CALENDAR

H.F. No. 2623: A bill for an act relating to state lands; authorizing sale of certain tax-forfeited land that borders public water in Itasca county.

Mr. Finn moved to amend H.F. No. 2623, as amended pursuant to Rule 49, adopted by the Senate April 6, 1994, as follows:

(The text of the amended House File is identical to S.F. No. 2562.)

Page 4, after line 27, insert:

“Sec. 4. [EXCHANGE OF STATE LAND; BEMIDJI STATE UNIVERSITY AND CITY OF BEMIDJI.]

(a) *Notwithstanding Minnesota Statutes, sections 94.341 to 94.349, and subject to the approval of the land exchange board, the state shall exchange the Bemidji state university property described in paragraph (c) for the property of the city of Bemidji described in paragraph (d), without delay.*

(b) *The exchange must be in a form approved by the attorney general after the attorney general has determined, in the manner provided 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. The land the state receives must be substantially equal in value to the state land exchanged, as provided in Minnesota Statutes, section 94.343, subdivision 3, and any deficiency in value must be paid to the state.*

(c) *The state property to be exchanged is located in Beltrami county and is described as follows:*

Parcel B. That part of Lot 5, Block 1, Omichs Second Addition to Bemidji described as follows:

Commencing at the Northwest corner of Lot 5; thence East along the North line of Lot 5 a distance of 63.83 feet to the actual point of beginning; thence continuing East along said North line of Lot 5 a distance of 101.17 feet to a point which is the Northeast corner of the West one-half (1/2) of Lot 5; thence South along the East line of the West one-half (1/2) of Lot 5 a distance of 70.78 feet; thence deflecting Northwesterly to the right 126 degrees on a bearing of North 54 degrees West a distance of 94.15 feet; thence continuing Northwesterly along a curve concave to the left, having a radius of 243 feet and a cord bearing of North 58 degrees 18 minutes 13 seconds West with a cord distance of 29.39 feet, to the point of beginning;

containing .14 acres, more or less.

(d) *The land to be received by the state in the exchange is located in Beltrami county and is described as follows:*

Parcel A. That part of Lot 4 and Lot 7, Block 1, Omichs Second Addition to Bemidji described as follows:

Commencing at the Southeast corner of Lot 7; thence West along the South line of Lot 7 a distance of 240.00 feet; thence North along a line drawn at right angles to the South line of Lot 7 a distance of 31.08 feet; thence East along a line drawn at right angles to the last described course and parallel with the South line of Lot 7 a distance of 186.02 feet; thence Southeasterly along a curve concave to the right, having a radius of 243.00 feet and a cord bearing of South 75 degrees 12 minutes 36 seconds East with a cord distance of 121.75 feet to a point on the South line of Lot 4, thence West along the South line of Lot 4 a distance of 63.83 feet to the point of beginning;

containing .19 acres, more or less.

(e) *As part of state aid project no. 105-121-01, the city of Bemidji is realigning a portion of municipal street right-of-way designated as 23rd Street NE, and the property described in paragraph (c) is needed to accomplish the relocation. The city and Bemidji state university have determined that the exchange would be mutually beneficial."*

Page 4, line 28, delete "4" and insert "5"

Page 4, line 29, delete "3" and insert "4"

Amend the title as follows:

Page 1, line 6, after the semicolon, insert "authorizing an exchange of state land for land owned by the city of Bemidji;"

The motion prevailed. So the amendment was adopted.

Ms. Robertson moved that H.F. No. 2623, No. 1 on the Consent Calendar, be stricken and placed on General Orders. The motion prevailed.

MOTIONS AND RESOLUTIONS – CONTINUED

Mr. Moe, R.D. moved that H.F. No. 2189 be taken from the table. The motion prevailed.

H.F. No. 2189: A bill for an act relating to education; prekindergarten through grade 12; providing for general education revenue; transportation; special programs; community education; facilities; organization and cooperation; commitment to excellence; other programs; miscellaneous provisions;

libraries; state agencies; school bus safety; conforming amendments; providing for appointments; appropriating money; amending Minnesota Statutes 1992, sections 13.04, by adding a subdivision; 120.101, by adding a subdivision; 120.17, subdivision 1; 121.612, subdivision 7; 121.912, subdivision 5; 121.935, subdivision 6; 122.23, subdivisions 6, 8, 10, 13, and by adding a subdivision; 122.531, subdivision 9; 122.533; 122.91, subdivision 3; 122.937, subdivision 4; 123.35, subdivision 19a, and by adding subdivisions; 123.3514, subdivision 4; 123.39, subdivision 1; 123.58, subdivisions 2 and 4; 124.195, subdivisions 3, 6, and by adding a subdivision; 124.223, subdivision 1; 124.244, subdivision 4; 124.26, subdivision 1b; 124.2601, subdivisions 3, 5, and 7; 124.2711, by adding a subdivision; 124.2713, by adding a subdivision; 124.2721, subdivisions 1 and 5; 124.2725, subdivision 16; 124.278, subdivision 1; 124.6472, subdivision 1; 124.84, by adding a subdivision; 124.85; 124.90, by adding a subdivision; 124.912, by adding a subdivision; 124.95, subdivision 4; 124A.02, by adding subdivisions; 124A.03, subdivision 2a; 124A.22, subdivision 2a; 124A.26, by adding a subdivision; 124C.49; 125.09, subdivision 1; 125.188, subdivision 1; 126.02, subdivision 1; 126.15, subdivision 4; 126.23; 126.69, subdivisions 1 and 3; 126.77, subdivision 1; 126.78; 127.27, subdivision 5; 127.30, by adding a subdivision; 127.31, by adding a subdivision; 127.38; 129C.15, by adding a subdivision; 134.195, subdivision 10; 136D.22, by adding subdivisions; 136D.72, by adding subdivisions; 136D.82, by adding subdivisions; 169.01, subdivision 6; 169.21, subdivision 2; 169.442, subdivision 1; 169.443, subdivision 8, and by adding a subdivision; 169.445, subdivisions 1 and 2; 169.446, subdivision 3; 169.447, subdivision 6; 169.45, subdivision 1; 169.64, subdivision 8; 171.01, subdivision 22; 171.321, subdivision 3; 171.3215; 179A.07, subdivision 6; 260.181, subdivision 2; 272.02, subdivision 8; 475.61, subdivision 4; and 631.40, subdivision 1a; Minnesota Statutes 1993 Supplement, sections 120.062, subdivision 5; 120.064, subdivision 16; 120.17, subdivisions 11b, 12, and 17; 121.11, subdivisions 7c and 7d; 121.702, subdivisions 2 and 9; 121.703; 121.705; 121.706; 121.707; 121.708; 121.709; 121.710; 121.831, subdivision 9; 121.885, subdivisions 1, 2, and 4; 123.3514, subdivisions 6 and 6b; 123.58, subdivisions 6, 7, 8, and 9; 123.951; 124.155, subdivisions 1 and 2; 124.17, subdivisions 1 and 2f; 124.225, subdivisions 1 and 7e; 124.226, subdivisions 3a and 9; 124.2455; 124.26, subdivisions 1c and 2; 124.2711, subdivision 1; 124.2713, subdivision 5; 124.2714; 124.2727, subdivisions 6 and 6a; 124.573, subdivision 2b; 124.6469, subdivision 3; 124.91, subdivisions 3 and 5; 124.914, subdivision 4; 124.95, subdivision 1; 124A.029, subdivision 4; 124A.03, subdivisions 1c, 2, and 3b; 124A.22, subdivisions 5, 6, 8, and 9; 124A.225, subdivisions 1, 3, 4, and 5; 124A.29, subdivision 1; 124A.292, subdivision 3; 125.05, subdivision 1a; 125.138, subdivision 9; 125.185, subdivision 4; 125.230, subdivisions 3, 4, and 6; 125.231, subdivisions 1 and 4; 125.623, subdivision 3; 125.706; 126.239, subdivision 3; 126.70, subdivisions 1 and 2a; 127.46; 171.321, subdivision 2; 275.48; Laws 1992, chapter 499, articles 6, section 34; and 11, section 9; Laws 1993, chapter 224, articles 2, section 15, subdivision 2, as amended; 3, sections 36, subdivision 2; 38, subdivision 22; 5, sections 43; 46, subdivisions 2, 3, and 4; 6, section 30, subdivisions 2 and 6; 7, section 28, subdivisions 3, 4, 9, and 11; 8, sections 20, subdivision 2; 22, subdivisions 6, 7, and 12; 12, sections 39 and 41; and 15, section 2; proposing coding for new law in Minnesota Statutes, chapters 120; 121; 123; 124; 124A; 125; 126; 127; 134; and 169; 473; repealing Minnesota Statutes 1992, sections 121.935, subdivision 7; 122.23, subdivision 13a; 122.91, subdivisions 5 and 7; 122.93, subdivision 7; 122.937; 122.94, subdivisions 2, 3, and 6; 122.945; 136D.22,

subdivisions 1 and 3; 136D.71, subdivision 2; 136D.72, subdivisions 1, 2, and 5; 136D.82, subdivisions 1 and 3; 169.441, subdivisions 2 and 3; 169.442, subdivisions 2 and 3; 169.445, subdivision 3; 169.447, subdivision 3; Minnesota Statutes 1993 Supplement, sections 121.935, subdivision 5; 123.80; 124.2727, subdivision 8; 124A.225, subdivision 2; Laws 1992, chapter 499, article 6, section 39, subdivision 3; Law 1993, chapter 224, articles 1, section 37; 8, section 14; Minnesota Rules, parts 3520.3600; 3520.3700; 8700.6410; 8700.9000; 8700.9010; 8700.9020; and 8700.9030.

SUSPENSION OF RULES

Mr. Moe, R.D. moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota, with respect to H.F. No. 2189 and that the rules of the Senate be so far suspended as to give H.F. No. 2189 its second and third reading and place it on its final passage. The motion prevailed.

H.F. No. 2189 was read the second time.

Mr. Pogemiller moved to amend H.F. No. 2189 as follows:

Delete everything after the enacting clause, and delete the title, of H.F. No. 2189, and insert the language after the enacting clause, and the title, of S.F. No. 2206, the third engrossment.

The motion prevailed. So the amendment was adopted.

Mr. Price moved to amend H.F. No. 2189, as amended by the Senate April 13, 1994, as follows:

(The text of the amended House File is identical to S.F. No. 2206.)

Page 115, line 14, strike "in fiscal year 1994," and delete "three" and strike "percent in fiscal year 1995, and"

Page 115, line 15, strike "thereafter"

CALL OF THE SENATE

Mr. Pogemiller imposed a call of the Senate for the balance of the proceedings on H.F. No. 2189. The Sergeant at Arms was instructed to bring in the absent members.

The question was taken on the adoption of the Price amendment.

Mr. Merriam moved that those not voting be excused from voting.

The question was taken on the adoption of the motion.

The roll was called, and there were yeas 37 and nays 25, as follows:

Those who voted in the affirmative were:

Adkins	Flynn	Kroening	Morse	Solon
Berglin	Hanson	Langseth	Pappas	Spear
Bertram	Hottinger	Luther	Piper	Stumpf
Betzold	Janezich	Marty	Ranum	Vickerman
Chandler	Johnson, D.J.	Merriam	Reichgott Junge	Wiener
Chmielewski	Johnson, J.B.	Metzen	Riveness	
Cohen	Kelly	Moe, R.D.	Robertson	
Finn	Krentz	Mondale	Sams	

Those who voted in the negative were:

Beckman	Day	Kiscaden	Murphy	Pogemiller
Belanger	Dille	Knutson	Neuville	Price
Benson, D.D.	Frederickson	Laidig	Oliver	Runbeck
Benson, J.E.	Johnson, D.E.	Larson	Olson	Stevens
Berg	Johnston	Lesewski	Pariseau	Terwilliger

The motion prevailed.

The roll was called on the Price amendment, and there were yeas 31 and nays 31, as follows:

Those who voted in the affirmative were:

Belanger	Day	Laidig	Murphy	Runbeck
Benson, D.D.	Dille	Lesewski	Neuville	Stevens
Benson, J.E.	Frederickson	Luther	Oliver	Terwilliger
Berg	Johnson, D.E.	Marty	Olson	
Betzold	Johnson, J.B.	Merriam	Pariseau	
Chandler	Johnston	Metzen	Price	
Cohen	Kiscaden	Morse	Riveness	

Those who voted in the negative were:

Adkins	Hanson	Kroening	Pogemiller	Stumpf
Beckman	Hottinger	Langseth	Ranum	Vickerman
Berglin	Janezich	Larson	Reichgott Junge	Wiener
Bertram	Johnson, D.J.	Moe, R.D.	Robertson	
Chmielewski	Kelly	Mondale	Sams	
Finn	Knutson	Pappas	Solon	
Flynn	Krentz	Piper	Spear	

The motion did not prevail. So the amendment was not adopted.

Mrs. Benson, J.E. moved to amend H.F. No. 2189, as amended by the Senate April 13, 1994, as follows:

(The text of the amended House File is identical to S.F. No. 2206.)

Page 115, line 14, reinstate the stricken "two" and delete "three"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 32 and nays 33, as follows:

Those who voted in the affirmative were:

Belanger	Dille	Laidig	Morse	Riveness
Benson, D.D.	Frederickson	Larson	Murphy	Runbeck
Benson, J.E.	Johnson, D.E.	Lesewski	Neuville	Stevens
Berg	Johnson, J.B.	Luther	Oliver	Terwilliger
Chandler	Johnston	Marty	Olson	
Cohen	Kiscaden	Merriam	Pariseau	
Day	Knutson	Metzen	Price	

Those who voted in the negative were:

Adkins	Finn	Krentz	Piper	Solon
Anderson	Flynn	Kroening	Pogemiller	Spear
Beckman	Hanson	Langseth	Ranum	Stumpf
Berglin	Hottinger	Lessard	Reichgott Junge	Vickerman
Bertram	Janezich	Moe, R.D.	Robertson	Wiener
Betzold	Johnson, D.J.	Mondale	Sams	
Chmielewski	Kelly	Pappas	Samuelson	

The motion did not prevail. So the amendment was not adopted.

Mr. Chmielewski moved to amend H.F. No. 2189, as amended by the Senate April 13, 1994, as follows:

(The text of the amended House File is identical to S.F. No. 2206.)

Page 164, after line 13, insert:

“Sec. 12. [126.116] [PROHIBITION AGAINST PROGRAMS OR ACTIVITIES SUPPORTING HOMOSEXUALITY.]

A public elementary, middle, or secondary school shall not implement or carry out a program or activity that has either the purpose or effect of encouraging or supporting homosexuality as a positive lifestyle alternative. For the purposes of this section, “program or activity” means the distribution of instructional materials, instruction, counseling, or other services on school grounds, or referral of a pupil to an organization that affirms a homosexual lifestyle.”

Renumber the sections of article 9 in sequence and correct the internal references

Amend the title accordingly

Mr. Benson, D.D. moved to amend the Chmielewski amendment to H.F. No. 2189 as follows:

Page 1, line 9, delete “either”

Page 1, line 10, delete “or effect”

The motion prevailed. So the amendment to the amendment was adopted.

Mr. Chmielewski moved to amend the Chmielewski amendment to H.F. No. 2189 as follows:

Page 1, line 14, delete everything after “school” and insert “grounds.””

Page 1, delete line 15

The motion prevailed. So the amendment to the amendment was adopted.

Mr. Spear moved to amend the first Chmielewski amendment to H.F. No. 2189 as follows:

Page 1, delete lines 6 to 15 and insert:

“Sec. 12. [126.116] [PROHIBITION AGAINST PROGRAMS OR ACTIVITIES SUPPORTING SEXUAL ACTIVITIES BY MINORS.]

A public elementary, middle, or secondary school shall not implement or carry out a program, activity, or curriculum that has the purpose of encouraging sexual activity by minors.”

The question was taken on the adoption of the Spear amendment to the Chmielewski amendment.

The roll was called, and there were yeas 55 and nays 9, as follows:

Those who voted in the affirmative were:

Adkins	Benson, J.E.	Betzold	Dille	Hanson
Anderson	Berg	Chandler	Finn	Hottinger
Belanger	Berglin	Cohen	Flynn	Janezich
Benson, D.D.	Bertram	Day	Frederickson	Johnson, D.E.

Johnson, D.J.	Laidig	Mondale	Piper	Sams
Johnson, J.B.	Langseth	Morse	Pogemiller	Samuelson
Kelly	Luther	Murphy	Price	Solon
Kiscaden	Marty	Oliver	Ranum	Spear
Knutson	Merriam	Olson	Reichgott Junge	Stumpf
Krentz	Metzen	Pappas	Riveness	Terwilliger
Kroening	Moe, R.D.	Pariseau	Robertson	Wiener

Those who voted in the negative were:

Chmielewski	Larson	Lessard	Runbeck	Vickerman
Johnston	Lesewski	Neuville	Stevens	

The motion prevailed. So the amendment to the amendment was adopted.

Mr. Neuville moved to amend the Spear amendment to the first Chmielewski amendment to H.F. No. 2189 as follows:

Page 1, line 8, after "*minors*" insert "*before marriage*"

The motion did not prevail. So the amendment to the amendment was not adopted.

Mr. Chmielewski withdrew his amendment, as amended.

Mr. Chmielewski then moved to amend H.F. No. 2189, as amended by the Senate April 13, 1994, as follows:

(The text of the amended House File is identical to S.F. No. 2206.)

Page 161, after line 1, insert:

"Sec. 7. [121.889] [VOLUNTARY PARTICIPATION IN PRAYER.]

It shall be lawful for any teacher in any of the schools of the state which are supported, in whole or in part, by the public funds of the state, to permit the voluntary participation by students or others in silent prayer or other religious observation. Nothing contained in this section shall authorize any teacher or other school authority in a public school to prescribe the form or content of any silent prayer."

Renumber the sections of article 9 in sequence and correct the internal references

Amend the title accordingly

Mr. Benson, D.D. moved to amend the Chmielewski amendment to H.F. No. 2189 as follows:

Page 1, delete lines 7 to 13 and insert:

"It shall be lawful for any parent, child, or other individual to voluntarily participate in prayer at home or in any building or facility which is used primarily for religious purposes."

The question was taken on the adoption of the Benson amendment to the Chmielewski amendment.

The roll was called, and there were yeas 41 and nays 23, as follows:

Those who voted in the affirmative were:

Anderson	Flynn	Laidig	Morse	Riveness
Belanger	Frederickson	Langseth	Murphy	Robertson
Benson, D.D.	Hottinger	Larson	Oliver	Spear
Berg	Janezich	Luther	Pappas	Terwilliger
Berglin	Johnson, D.E.	Marty	Piper	Wiener
Betzold	Johnson, J.B.	Merriam	Pogemiller	
Chandler	Kelly	Metzen	Price	
Cohen	Kiscaden	Moe, R.D.	Ranum	
Finn	Krentz	Mondale	Reichgott Junge	

Those who voted in the negative were:

Adkins	Day	Knutson	Olson	Solon
Beckman	Dille	Kroening	Pariseau	Stumpf
Benson, J.E.	Hanson	Lesewski	Runbeck	Vickerman
Bertram	Johnson, D.J.	Lessard	Sams	
Chmielewski	Johnston	Neuville	Samuelson	

The motion prevailed. So the amendment to the amendment was adopted.

The question recurred on the Chmielewski amendment, as amended. The motion prevailed. So the amendment, as amended, was adopted.

Mr. Price moved to amend H.F. No. 2189, as amended by the Senate April 13, 1994, as follows:

(The text of the amended House File is identical to S.F. No. 2206.)

Pages 145 and 146, delete section 30

Renumber the sections of article 8 in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 29 and nays 32, as follows:

Those who voted in the affirmative were:

Adkins	Cohen	Luther	Olson	Sams
Anderson	Finn	Marty	Pappas	Samuelson
Benson, J.E.	Hanson	Merriam	Pariseau	Spear
Berglin	Kelly	Metzen	Price	Terwilliger
Betzold	Krentz	Moe, R.D.	Ranum	Wiener
Chandler	Laidig	Murphy	Reichgott Junge	

Those who voted in the negative were:

Beckman	Frederickson	Kiscaden	Mondale	Robertson
Belanger	Hottinger	Knutson	Morse	Runbeck
Benson, D.D.	Janezich	Kroening	Neuville	Stumpf
Berg	Johnson, D.E.	Langseth	Oliver	Vickerman
Day	Johnson, D.J.	Larson	Piper	
Dille	Johnson, J.B.	Lesewski	Pogemiller	
Flynn	Johnston	Lessard	Riveness	

The motion did not prevail. So the amendment was not adopted.

Mr. Knutson moved to amend H.F. No. 2189, as amended by the Senate April 13, 1994, as follows:

(The text of the amended House File is identical to S.F. No. 2206.)

Page 115, after line 8, insert:

“Section 1. Minnesota Statutes 1993 Supplement, section 121.11, subdivision 7c, is amended to read:

Subd. 7c. [RESULTS-ORIENTED GRADUATION RULE.] The legislature is committed to establishing a rigorous, results-oriented graduation rule for Minnesota’s public school students. To that end, the state board shall ~~use its rulemaking authority under subdivision 7b to adopt~~ *propose to the commissioner and legislature* a statewide, results-oriented graduation rule to be implemented starting with students beginning high school in 1996. The board shall not prescribe in rule or otherwise the delivery system, form of instruction, or a single statewide form of assessment that local sites must use to meet the requirements contained in this rule.

Sec. 2. Minnesota Statutes 1993 Supplement, section 121.11, subdivision 7d, is amended to read:

Subd. 7d. [DESEGREGATION, INCLUSIVE EDUCATION, AND LICENSURE RULES.] The state board may ~~make~~ *propose to the commissioner and legislature* rules relating to desegregation, inclusive education, and licensure of school personnel not licensed by the board of teaching.”

Page 123, after line 14, insert:

“Sec. 14. [REPEALER.]

Laws 1992, chapter 499, article 8, section 33, as amended by Laws 1992, chapter 603, section 6, is repealed.”

Renumber the sections of article 7 in sequence and correct the internal references

Page 170, after line 35, insert:

“Section 1. Minnesota Statutes 1992, section 121.02, subdivision 1, is amended to read:

Subdivision 1. A state department of education is hereby created which shall be ~~maintained under the direction of~~ *advised by* a state board of education composed of nine representative citizens of the state, at least one of whom shall reside in each congressional district in the state.

Of the nine representative citizens of the state who are appointed to the state board of education not less than three members thereof shall previously thereto have served as an elected member of a board of education of a school district however organized.

The members of the state board shall be appointed by the governor, with the advice and consent of the senate. One member shall be chosen annually as president, but no member shall serve as president more than three consecutive years. The state board shall hold its annual meeting in August. It shall hold meetings on dates and at places as it designates. No member shall hold any public office, or represent or be employed by any board of education or school district, public or private, and shall not voluntarily have any personal financial interest in any contract with a board of education or school district, or be engaged in any capacity where a conflict of interest may arise.

Sec. 2. Minnesota Statutes 1993 Supplement, section 121.11, subdivision 7, is amended to read:

Subd. 7. [GENERAL SUPERVISION OVER EDUCATIONAL AGENCIES.] The state board of education shall ~~adopt goals for and exercise general supervision over public schools and public educational agencies in the state,~~ classify and standardize public elementary and secondary schools, and prepare for them outlines and suggested courses of study. ~~The board shall develop a plan to attain the adopted goals.~~ At the board's request, the commissioner may assign department of education staff to assist the board in attaining its goals. The commissioner shall explain to the board in writing any reason for refusing or delaying a request for staff assistance. The state board may recognize educational accrediting agencies for the sole purposes of sections 120.101, 120.102, and 120.103.

Renumber the sections of article 11 in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 23 and nays 38, as follows:

Those who voted in the affirmative were:

Belanger	Frederickson	Laidig	Oliver	Runbeck
Benson, D.D.	Johnson, D.E.	Larson	Olson	Stevens
Benson, J.E.	Johnston	Lesewski	Pariseau	Terwilliger
Day	Kiscaden	Lessard	Price	
Dille	Knutson	Neuville	Robertson	

Those who voted in the negative were:

Anderson	Cohen	Krentz	Morse	Sams
Beckman	Finn	Kroening	Murphy	Samuelson
Berg	Flynn	Luther	Pappas	Spear
Berglin	Hottinger	Marty	Piper	Stumpf
Bertram	Janezich	Merriam	Pogemiller	Vickerman
Betzold	Johnson, D.J.	Metzen	Ranum	Wiener
Chandler	Johnson, J.B.	Moe, R.D.	Reichgott Junge	
Chmielewski	Kelly	Mondale	Riveness	

The motion did not prevail. So the amendment was not adopted.

Mr. Johnson, D.E. moved to amend H.F. No. 2189, as amended by the Senate April 13, 1994, as follows:

(The text of the amended House File is identical to S.F. No. 2206.)

Page 81, after line 12, insert:

"Sec. 8. Minnesota Statutes 1992, section 124.95, is amended by adding a subdivision to read:

Subd. 7. [EFFECT OF RECEIPT OF CERTAIN AIDS.] The receipt of aid under section 273.1398, this section, or any successor provisions to be used to pay debt service for repayment of the principal and interest on school district bonds shall not for any purpose constitute the financing of a project in whole or in part by state funds."

Page 86, line 21, before "Section" insert "Section 8 is retroactively effective to July 1, 1992."

Renumber the sections of article 5 in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

Mr. Pogemiller moved that those not voting be excused from voting. The motion prevailed.

The roll was called, and there were yeas 22 and nays 38, as follows:

Those who voted in the affirmative were:

Belanger	Day	Kiscaden	Olson	Stevens
Benson, D.D.	Dille	Knutson	Pariseau	Terwilliger
Benson, J.E.	Frederickson	Laidig	Robertson	
Berg	Johnson, D.E.	Larson	Runbeck	
Bertram	Johnston	Oliver	Sams	

Those who voted in the negative were:

Adkins	Flynn	Langseth	Murphy	Samuelson
Anderson	Hanson	Lesewski	Pappas	Solon
Beckman	Hottinger	Luther	Piper	Spear
Berglin	Johnson, D.J.	Marty	Pogemiller	Stumpf
Betzold	Johnson, J.B.	Merriam	Price	Vickerman
Chandler	Kelly	Metzen	Ranum	Wiener
Cohen	Krentz	Mondale	Reichgott Junge	
Finn	Kroening	Morse	Riveness	

The motion did not prevail. So the amendment was not adopted.

Mr. Larson moved to amend H.F. No. 2189, as amended by the Senate April 13, 1994, as follows:

(The text of the amended House File is identical to S.F. No. 2206.)

Page 164, after line 22, insert:

“Sec. 13. Minnesota Statutes 1992, section 179A.16, is amended by adding a subdivision to read:

Subd. 1a. [TEACHERS.] (a) For contracts between exclusive representatives of teachers and public employers of teachers other than the state, procedures for negotiation of agreements, mediation and interest arbitration must be as otherwise provided in this chapter until September 1 of the odd-numbered year. If either the public employer or the exclusive representative of the teachers requests interest arbitration after September 1 of the odd-numbered year, the commissioner shall request necessary information from the parties, shall determine the matters not agreed upon based on the efforts to mediate the dispute and the positions submitted by the parties during negotiations or mediation, and shall prepare a list of the items to be decided by an arbitration panel. The commissioner shall submit the list of items to be decided by an arbitration panel to the parties. Within 15 days of its receipt of the list of items to be decided by an arbitration panel, the public employer shall notify the commissioner whether it agrees to submission of those items to interest arbitration.

(b) If the public employer agrees to submission of those items to interest arbitration, those items must be submitted to final-offer total-package interest arbitration and the result is final and binding on the parties. The parties may mutually stipulate items to be excluded from arbitration.

(c) If the public employer does not respond to the commissioner within 15 days of its receipt of the list of items to be decided by an arbitration panel or

if it rejects submission of those items to interest arbitration, the teachers may strike if they have complied with the following:

(1) the exclusive representative of the teachers has submitted the last offer of the public employer to a secret vote by the membership of the teacher bargaining unit and it has been rejected; and

(2) after the rejection of the public employer's last offer, the teachers have complied with the notice procedures of section 179A.18, subdivision 3.

(d) If neither the public employer nor the exclusive representative of the teachers requests interest arbitration, this chapter applies.

Sec. 14. Minnesota Statutes 1992, section 179A.17, subdivision 1, is amended to read:

Subdivision 1. [FOR TEACHERS.] If a new or different exclusive representative of teachers employed by a local school district is certified by the commissioner at any time other than the period between 120 days before the termination date of a contract and the termination date of the contract, or if on July 1 of any odd-numbered year a representation proceeding involving the employer and the employer's teachers is before the commissioner, section 179A.18, subdivision 2, clause (1), shall apply. In those cases, however, the employer and the exclusive representative of the teachers shall execute a written contract or memorandum of contract no later than 60 days after a certification by the commissioner of a new or different exclusive representative or the resolution by the commissioner of a representation proceeding. Either party may petition the commissioner for assistance in reaching an agreement. If the employer and the exclusive representative of the teachers fail to execute a contract by 60 days after the certification of a new or different exclusive representative or the resolution by the commissioner of a representation proceeding, they shall be conclusively presumed to be at an impasse after having participated in mediation as specified in section 179A.18, subdivision 2, clause (1)(b). After the 60 days, section 179A.16, subdivision 1a, applies as though agreement had not been reached by September 1 of the odd-numbered year."

Page 168, after line 23, insert:

"Sec. 18. [REPEALER.]

Minnesota Statutes 1992, section 124A.22, subdivision 2a, is repealed."

Renumber the sections of article 9 in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

Mr. Pogemiller moved that those not voting be excused from voting. The motion prevailed.

The roll was called, and there were yeas 18 and nays 45, as follows:

Those who voted in the affirmative were:

Adkins	Berg	Kiscaden	Olson	Stevens
Belanger	Day	Larson	Pariseau	Terwilliger
Benson, D.D.	Dille	Neuville	Robertson	
Benson, J.E.	Johnston	Oliver	Runbeck	

Those who voted in the negative were:

Anderson	Frederickson	Kroening	Moe, R.D.	Reichgott Junge
Beckman	Hanson	Laidig	Mondale	Riveness
Berglin	Hottinger	Langseth	Morse	Sams
Bertram	Johnson, D.E.	Lesewski	Murphy	Samuelson
Betzold	Johnson, D.J.	Lessard	Pappas	Solon
Chandler	Johnson, J.B.	Luther	Piper	Spear
Cohen	Kelly	Marty	Pogemiller	Stumpf
Finn	Knutson	Merriam	Price	Vickerman
Flynn	Krentz	Metzen	Ranum	Wiener

The motion did not prevail. So the amendment was not adopted.

Ms. Olson moved to amend H.F. No. 2189, as amended by the Senate April 13, 1994, as follows:

(The text of the amended House File is identical to S.F. No. 2206.)

Page 115, after line 8, insert:

“Section 1. Minnesota Statutes 1993 Supplement, section 121.11, subdivision 7c, is amended to read:

Subd. 7c. [RESULTS-ORIENTED GRADUATION RULE.] (a) The legislature is committed to establishing a rigorous, results-oriented graduation rule for Minnesota’s public school students. To that end, the state board shall use its rulemaking authority under subdivision 7b to adopt a statewide, results-oriented graduation rule to be implemented starting with students beginning high school in 1996. The board shall not prescribe in rule or otherwise the delivery system, form of instruction, or a single statewide form of assessment that local sites must use to meet the requirements contained in this rule.

(b) Assessments under paragraph (a) shall not pertain to the personal characteristics, values, attitudes, or conscientiously held beliefs of students.”

Renumber the sections of article 7 in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

Mr. Pogemiller moved that those not voting be excused from voting. The motion prevailed.

The roll was called, and there were yeas 26 and nays 32, as follows:

Those who voted in the affirmative were:

Belanger	Finn	Knutson	Olson	Stevens
Benson, D.D.	Frederickson	Laidig	Pariseau	Terwilliger
Benson, J.E.	Hanson	Larson	Price	
Berg	Johnson, D.E.	Lesewski	Robertson	
Day	Johnston	Lessard	Runbeck	
Dille	Kiscaden	Neuville	Sams	

Those who voted in the negative were:

Adkins	Cohen	Langseth	Pappas	Spear
Anderson	Flynn	Luther	Piper	Stumpf
Beckman	Hottinger	Marty	Pogemiller	Vickerman
Berglin	Janezich	Merriam	Ranum	Wiener
Bertram	Johnson, D.J.	Moe, R.D.	Reichgott Junge	
Betzold	Krentz	Mondale	Riveness	
Chandler	Kroening	Morse	Solon	

The motion did not prevail. So the amendment was not adopted.

Mr. Frederickson moved to amend H.F. No. 2189, as amended by the Senate April 13, 1994, as follows:

(The text of the amended House File is identical to S.F. No. 2206.)

Page 3, line 16, strike "to reduce the property tax levy"

Page 3, strike lines 17 and 18

Page 3, line 19, strike everything before the period and insert "*an amount not to exceed \$180,000,000 shall transfer to the school aids reserve account in the general fund of the state treasury*" and delete "*\$180,000,000 of the*"

Page 3, delete lines 20 and 21 and insert "*Further unrestricted budgetary general fund balances shall reduce the property tax levy recognition percent under section 121.904, subdivision 4a, to zero before money is allocated to the budget reserve and cash flow account under the first sentence of this subdivision. There is established a school aids reserve account in the general fund of the state treasury for the deposit of funds under this section.*"

Page 18, delete lines 21 and 22

Reletter the paragraphs in sequence

The question was taken on the adoption of the amendment.

Mr. Pogemiller moved that those not voting be excused from voting. The motion prevailed.

The roll was called, and there were yeas 19 and nays 38, as follows:

Those who voted in the affirmative were:

Belanger	Dille	Kiscaden	Lessard	Robertson
Benson, D.D.	Frederickson	Knutson	Neuville	Runbeck
Benson, J.E.	Johnson, D.E.	Laidig	Olson	Stevens
Bertram	Johnston	Lesewski	Pariseau	

Those who voted in the negative were:

Adkins	Cohen	Krentz	Morse	Riveness
Anderson	Finn	Kroening	Murphy	Solon
Beckman	Flynn	Langseth	Pappas	Spear
Berg	Hanson	Luther	Piper	Stumpf
Berglin	Hottinger	Marty	Pogemiller	Vickerman
Betzold	Janezich	Merriam	Price	Wiener
Chandler	Johnson, D.J.	Metzen	Ranum	
Chmielewski	Johnson, J.B.	Moe, R.D.	Reichgott Junge	

The motion did not prevail. So the amendment was not adopted.

Ms. Kiscaden moved to amend H.F. No. 2189, as amended by the Senate April 13, 1994, as follows:

(The text of the amended House File is identical to S.F. No. 2206.)

Page 168, after line 23, insert:

"Sec. 16. [REPEALER.]

Minnesota Statutes 1992, section 126.12, subdivision 1, is repealed."

Renumber the sections of article 9 in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

RECONSIDERATION

Having voted on the prevailing side, Mr. Johnson, D.J. moved that the vote whereby the Kiscaden amendment to H.F. No. 2189 was adopted on April 13, 1994, be now reconsidered.

The question was taken on the adoption of the motion.

Mr. Pogemiller moved that those not voting be excused from voting. The motion prevailed.

The roll was called, and there were yeas 46 and nays 16, as follows:

Those who voted in the affirmative were:

Adkins	Dille	Johnston	Morse	Samuelson
Anderson	Finn	Knutson	Murphy	Solon
Beckman	Flynn	Krentz	Olson	Spear
Berg	Frederickson	Laidig	Pappas	Stevens
Berglin	Hanson	Larson	Pariseau	Stumpf
Bertram	Hottinger	Lesewski	Pogemiller	Vickerman
Chandler	Janezich	Lessard	Ranum	
Chmielewski	Johnson, D.E.	Metzen	Reichgott Junge	
Cohen	Johnson, D.J.	Moe, R.D.	Riveness	
Day	Johnson, J.B.	Mondale	Sams	

Those who voted in the negative were:

Belanger	Kiscaden	Merriam	Price	Terwilliger
Benson, D.D.	Kroening	Neuville	Robertson	Wiener
Benson, J.E.	Luther	Piper	Runbeck	
Betzold	Marty			

The motion prevailed.

The question was taken on the adoption of the amendment.

Mr. Riveness moved that those not voting be excused from voting. The motion prevailed.

The roll was called, and there were yeas 25 and nays 37, as follows:

Those who voted in the affirmative were:

Anderson	Betzold	Kiscaden	Morse	Riveness
Beckman	Chandler	Krentz	Pariseau	Robertson
Belanger	Cohen	Luther	Piper	Runbeck
Benson, D.D.	Johnson, J.B.	Marty	Pogemiller	Spear
Benson, J.E.	Johnston	Merriam	Price	Wiener

Those who voted in the negative were:

Adkins	Flynn	Kroening	Murphy	Solon
Berg	Frederickson	Laidig	Neuville	Stevens
Berglin	Hanson	Langseth	Olson	Stumpf
Bertram	Hottinger	Larson	Pappas	Terwilliger
Chmielewski	Janezich	Lesewski	Ranum	Vickerman
Day	Johnson, D.E.	Lessard	Reichgott Junge	
Dille	Johnson, D.J.	Metzen	Sams	
Finn	Knutson	Mondale	Samuelson	

The motion did not prevail. So the amendment was not adopted.

Ms. Kiscaden moved to amend H.F. No. 2189, as amended by the Senate April 13, 1994, as follows:

(The text of the amended House File is identical to S.F. No. 2206.)

Page 139, line 3, after "that" insert "one of"

Page 139, line 4, after "*program*" insert "*is to*"

The motion prevailed. So the amendment was adopted.

Mr. Price moved to amend H.F. No. 2189, as amended by the Senate April 13, 1994, as follows:

(The text of the amended House File is identical to S.F. No. 2206.)

Page 157, line 23, after the second comma, insert "*or*"

Page 157, line 24, delete everything after the first "*Minnesota*"

Page 157, line 25, delete the new language

Page 157, line 29, delete "*50*" and insert "*30*"

Page 158, line 10, delete "*or a*"

Page 158, line 11, delete everything before "*under*"

The motion did not prevail. So the amendment was not adopted.

Ms. Kiscaden moved to amend H.F. No. 2189, as amended by the Senate April 13, 1994, as follows:

(The text of the amended House File is identical to S.F. No. 2206.)

Page 155, line 5, after "*sites*" insert "*and two control sites*"

The motion prevailed. So the amendment was adopted.

Mr. Neuville moved to amend H.F. No. 2189, as amended by the Senate April 13, 1994, as follows:

(The text of the amended House File is identical to S.F. No. 2206.)

Pages 14 and 15, delete section 14

Renumber the sections of article 1 in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

Mr. Pogemiller moved that those not voting be excused from voting. The motion prevailed.

The roll was called, and there were yeas 24 and nays 38, as follows:

Those who voted in the affirmative were:

Beckman	Cohen	Johnston	Larson	Sams
Belanger	Day	Kelly	Neuville	Stevens
Benson, D.D.	Dille	Kiscaden	Olson	Terwilliger
Benson, J.E.	Frederickson	Knutson	Robertson	Vickerman
Berg	Johnson, D.E.	Laidig	Runbeck	

Those who voted in the negative were:

Adkins	Flynn	Langseth	Morse	Riveness
Anderson	Hanson	Lessard	Murphy	Samuelson
Berglin	Hottinger	Luther	Pappas	Solon
Bertram	Janezich	Marty	Piper	Spear
Betzold	Johnson, D.J.	Merriam	Pogemiller	Stumpf
Chandler	Johnson, J.B.	Metzen	Price	Wiener
Chmielewski	Krentz	Moe, R.D.	Ranum	
Finn	Kroening	Mondale	Reichgott Junge	

The motion did not prevail. So the amendment was not adopted.

H.F. No. 2189 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

The roll was called, and there were yeas 63 and nays 1, as follows:

Those who voted in the affirmative were:

Adkins	Day	Kiscaden	Moe, R.D.	Robertson
Anderson	Dille	Knutson	Mondale	Runbeck
Beckman	Finn	Krentz	Morse	Sams
Belanger	Flynn	Kroening	Murphy	Samuelson
Benson, D.D.	Frederickson	Laidig	Neuville	Solon
Benson, J.E.	Hanson	Langseth	Olson	Spear
Berg	Hottinger	Larson	Pappas	Stevens
Berglin	Janezich	Lesewski	Pariseau	Stumpf
Bertram	Johnson, D.E.	Lessard	Piper	Terwilliger
Betzold	Johnson, D.J.	Luther	Pogemiller	Vickerman
Chandler	Johnson, J.B.	Marty	Ranum	Wiener
Chmielewski	Johnston	Merriam	Reichgott Junge	
Cohen	Kelly	Metzen	Riveness	

Mr. Price voted in the negative.

So the bill, as amended, was passed and its title was agreed to.

Mr. Pogemiller moved that S.F. No. 2206, on General Orders, be stricken and laid on the table. The motion prevailed.

MOTIONS AND RESOLUTIONS - CONTINUED

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 1775 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 1775: A bill for an act relating to the financing and operation of state and local government; enforcing the federal income tax law changes; providing income and premium tax credits; modifying capital equipment sales tax provisions; providing sales and excise tax exemptions and modifications; altering taconite production tax rates and distributions; providing for use of taconite economic development funds; altering procedures of the board of government innovation and cooperation and appropriating money to the board; modifying provisions relating to property tax classification procedures, appeals, and levies; changing property tax refund processes; limiting the amount of targeting refunds; altering truth in taxation requirements; providing for payments of aids to local governments; abolishing the local government trust fund and the advisory commission on intergovernmental relations; providing for a unified state sales tax rate; modifying requirements relating to tax increment financing; eliminating certain conditions relating to the contamination tax; authorizing a property tax abatement; providing for creation of certain tax increment financing districts, special service districts, a port authority, a county economic development authority; authorizing issuances of bonds, creation of a bond guarantee fund, and imposition of a lodging tax; providing for creation and operation of the Cross Lake area water and sewer board and the Chilsholm/Hibbing airport authority; appropriating money; amending Minnesota Statutes 1992, sections 60A.15, by adding a subdivision; 97A.135, subdivision 3; 256E.06, subdivision 5, and by adding a subdivision;

270B.12, by adding subdivisions; 271.06, subdivision 7; 273.138, by adding a subdivision; 273.1398, by adding a subdivision; 273.1399, by adding subdivisions; 276.04, subdivision 3; 276.09; 276.10; 276.111; 278.05, subdivision 6; 289A.02, by adding a subdivision; 289A.25, subdivision 5; 290.01, subdivisions 19b, 19d, and by adding a subdivision; 290.05, subdivision 3; 290.06, subdivision 2c, and by adding a subdivision; 290.068, subdivision 2; 290.0802, subdivision 1; 290.0921, subdivision 2; 290.35, by adding a subdivision; 290A.04, subdivision 2; 290A.07; 297.01, by adding a subdivision; 297A.01, by adding a subdivision; 297A.02, subdivision 2, and by adding a subdivision; 297A.135, subdivision 1; 297A.15, subdivision 5; 297A.25, by adding subdivisions; 297A.44, subdivision 1; 297C.03, by adding a subdivision; 298.017, subdivision 2; 298.24, subdivision 1; 298.28, by adding a subdivision; 298.296, subdivision 2, and by adding a subdivision; 469.004, subdivision 1a; 469.176, subdivision 4f; 469.1761, subdivision 1; 477A.012, subdivision 6; and 477A.014, subdivision 5; Minnesota Statutes 1993 Supplement, sections 116J.556; 270.78; 270.91, subdivision 4; 270.94; 273.11, subdivision 16, and by adding a subdivision; 273.124, subdivisions 1 and 13; 273.13, subdivision 23; 273.1399, subdivision 1; 273.166, by adding a subdivision; 275.065, subdivision 3; 276.04, subdivision 2; 278.01, subdivision 1; 289A.26, subdivision 7; 289A.60, subdivision 21; 290.01, subdivision 19; 290.091, subdivision 2; 290A.04, subdivision 2h; 296.02, subdivision 1a; 297A.01, subdivisions 3 and 16; 297B.03; 298.227; 298.28, subdivision 9a; 383A.75, subdivision 3; 465.795, subdivision 7; 465.796, subdivision 2; 465.797, subdivisions 1, 2, 3, 4, and 5; 465.798; 465.799; 469.174, subdivision 19; 469.176, subdivisions 1b and 4c; 477A.013, subdivisions 8 and 9; and 477A.03, by adding a subdivision; Laws 1981, chapter 281, section 1; proposing coding for new law in Minnesota Statutes, chapters 17; 276; 290A; 297A; 465; 469; 473; and 477A; repealing Minnesota Statutes 1992, sections 3.862; 16A.711; 273.1381; 273.1398, subdivision 7; 290.067, subdivision 6; 297A.021; 297A.44, subdivision 4; 297B.09, subdivision 3; 465.80, subdivision 3; and 477A.0132; Minnesota Statutes 1993, Supplement, sections 16A.712; 82.19, subdivision 9; 256E.06, subdivision 12; 273.166, subdivision 4; 289A.25, subdivision 5a; 290A.23; 465.80, subdivisions 1, 2, 4, and 5; 469.175, subdivision 7a; and 477A.03, subdivision 1; Laws 1973, chapter 640, article 24, section 6.

Mr. Johnson, D.J. moved to amend S.F. No. 1775 as follows:

Page 46, line 8, delete "*imported into*" and insert "*exported from*" and after "*of*" insert "(1)" and after "*products*" insert "*resold or*"

Page 46, line 9, after "*or*" insert "(2)"

Page 46, line 10, after "*state*" insert "*and shipped outside of the state*"

Pages 61 and 62, delete sections 1 and 2

Renumber the sections of article 5 in sequence and correct the internal references

Page 96, line 29, delete "\$....." and insert "\$500,000"

Page 98, line 13, delete "*three*" and insert "*2.5*"

Page 107, line 5, after the first "*services*" insert "*as defined in section 256F.03, subdivision 5*"

Page 107, line 10, after "*the*" insert "*calendar*"

Page 107, line 18, after "recent" insert "calendar"

Page 107, line 33, after the period, insert "If the amount appropriated does not equal the aid amounts calculated under this subdivision, the commissioner of revenue shall proportionately reduce or increase the aid amounts so that their sum equals the amount appropriated."

Page 110, lines 6, 17, and 27, delete "three" and insert "2.5"

Page 118, line 5, delete "redevelopment" and insert "economic development"

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Spear moved to amend S.F. No. 1775 as follows:

Page 66, after line 5, insert:

"Sec. 6. Minnesota Statutes 1993 Supplement, section 273.112, subdivision 3, is amended to read:

Subd. 3. Real estate shall be entitled to valuation and tax deferral under this section only if it is:

(a) actively and exclusively devoted to golf, skiing, lawn bowling, croquet, or archery or firearms range recreational use or uses and other recreational uses carried on at the establishment;

(b) five acres in size or more, except in the case of a lawn bowling or croquet green or an archery or firearms range;

(c)(1) operated by private individuals or, in the case of a lawn bowling or croquet green, by private individuals or corporations, and open to the public; or

(2) operated by firms or corporations for the benefit of employees or guests; or

(3) operated by private clubs having a membership of 50 or more or open to the public, provided that the club does not discriminate in membership requirements or selection on the basis of sex or marital status; and

(d) made available, in the case of real estate devoted to golf, for use without discrimination on the basis of sex during the time when the facility is open to use by the public or by members, except that use for golf may be restricted on the basis of sex no more frequently than one, or part of one, weekend each calendar month for each sex and no more than two, or part of two, weekdays each week for each sex.

If a golf club membership allows use of golf course facilities by more than one adult per membership, the use must be equally available to all adults entitled to use of the golf course under the membership, except that use may be restricted on the basis of sex as permitted in this section. Memberships that permit play during restricted times may be allowed only if the restricted times apply to all adults using the membership. A golf club may not offer a membership or golfing privileges to a spouse of a member that provides greater or less access to the golf course than is provided to that person's

spouse under the same or a separate membership in that club, except that the terms of a membership may provide that one spouse may have no right to use the golf course at any time while the other spouse may have either limited or unlimited access to the golf course.

A golf club may have or create an individual membership category which entitles a member for a reduced rate to play during restricted hours as established by the club. The club must have on record a written request by the member for such membership.

A golf club that has food or beverage facilities or services must allow equal access to those facilities and services for both men and women members in all membership categories at all times. Nothing in this paragraph shall be construed to require service or access to facilities to persons under the age of 21 years or require any act that would violate law or ordinance regarding sale, consumption, or regulation of alcoholic beverages.

For purposes of this subdivision and subdivision 7a, discrimination means a pattern or course of conduct and not linked to an isolated incident."

Page 75, line 28, delete "8, 9, 11 and 12" and insert "7, 9, 10, 12, and 13"

Renumber the sections of article 6 in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Belanger moved to amend S.F. No. 1775 as follows:

Page 13, line 18, delete "and"

Page 13, line 22, before the period, insert "; and

(10) the amount of social security benefits included in federal taxable income due to the provisions of section 13215 of the Omnibus Budget Reconciliation Act of 1993, Public Law Number 103-66"

Page 22, line 15, strike "and"

Page 22, line 21, before the period, insert "; and

(iv) the amount of social security benefits as provided by section 290.01, subdivision 19b, clause (10)"

Page 31, line 18, before the period, insert " , except that the portion of section 8 adding clause (10), is effective for taxable years beginning after December 31, 1993"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 22 and nays 38, as follows:

Those who voted in the affirmative were:

Belanger	Frederickson	Laidig	Pariseau	Stevens
Benson, D.D.	Johnson, D.E.	Larson	Riveness	Terwilliger
Benson, J.E.	Johnston	Lesewski	Robertson	
Day	Kiscaden	Neuville	Runbeck	
Dille	Knutson	Olson	Samuelson	

Those who voted in the negative were:

Adkins	Cohen	Kelly	Metzen	Reichgott Junge
Anderson	Finn	Krentz	Moe, R.D.	Solon
Beckman	Flynn	Kroening	Mondale	Spear
Berg	Hanson	Langseth	Morse	Stumpf
Bertram	Hottinger	Lessard	Murphy	Vickerman
Betzold	Janezich	Luther	Piper	Wiener
Chandler	Johnson, D.J.	Marty	Price	
Chmielewski	Johnson, J.B.	Merriam	Ranum	

The motion did not prevail. So the amendment was not adopted.

Mr. Marty moved to amend S.F. No. 1775 as follows:

Pages 36 to 42, delete sections 3 to 6

Pages 42 and 43, delete section 8

Page 43, delete section 10

Page 46, delete lines 27 and 28

Page 46, line 29, delete “, 4 to 6, 8, 10,”

Renumber the sections of article 2 in sequence and correct the internal references

Page 97, after line 21, insert:

“Sec. 2. Minnesota Statutes 1993 Supplement, section 124A.22, subdivision 2, is amended to read:

Subd. 2. [BASIC REVENUE.] The basic revenue for each district equals the formula allowance times the actual pupil units for the school year. ~~The formula allowance for fiscal years 1993 and 1994 is \$3,050. The formula allowance for fiscal year 1995 and subsequent fiscal years is \$3,150, for fiscal year 1996, \$3,175, and for fiscal year 1997, \$3,200. The formula allowance for fiscal year 1998 and subsequent fiscal years is \$3,220.”~~

Renumber the sections of article 7 in sequence and correct the internal references

Amend the title accordingly

Ms. Reichgott Junge moved to amend the Marty amendment to S.F. No. 1775 as follows:

Page 1, delete lines 9 to 21

The question was taken on the adoption of the Reichgott Junge amendment to the Marty amendment.

The roll was called, and there were yeas 51 and nays 14, as follows:

Those who voted in the affirmative were:

Beckman	Frederickson	Langseth	Olson	Solon
Belanger	Janezich	Larson	Pappas	Spear
Benson, D.D.	Johnson, D.E.	Lesewski	Pariseau	Stevens
Benson, J.E.	Johnson, D.J.	Lessard	Pogemiller	Stumpf
Berg	Johnston	Merriam	Price	Terwilliger
Bertram	Kelly	Metzen	Ranum	Vickerman
Betzold	Kiscaden	Moe, R.D.	Reichgott Junge	Wiener
Chmielewski	Knutson	Mondale	Robertson	
Day	Krentz	Murphy	Rumbeck	
Dille	Kroening	Neuville	Sams	
Flynn	Laidig	Oliver	Samuelson	

Those who voted in the negative were:

Adkins	Chandler	Hanson	Luther	Piper
Anderson	Cohen	Hottinger	Marty	Riveness
Berglin	Finn	Johnson, J.B.	Morse	

The motion prevailed. So the amendment to the amendment was adopted.

The question recurred on the Marty amendment, as amended.

The roll was called, and there were yeas 13 and nays 51, as follows:

Those who voted in the affirmative were:

Anderson	Finn	Marty	Piper	Speär
Berglin	Hottinger	Merriam	Ranum	
Chandler	Johnson, J.B.	Morse	Riveness	

Those who voted in the negative were:

Adkins	Dille	Krentz	Murphy	Samuelson
Beckman	Flynn	Kroening	Neuville	Solon
Belanger	Frederickson	Laidig	Oliver	Stevens
Benson, D.D.	Hanson	Langseth	Olson	Stumpf
Benson, J.E.	Janezich	Larson	Pappas	Terwilliger
Berg	Johnson, D.E.	Lesewski	Pariseau	Vickerman
Bertram	Johnson, D.J.	Lessard	Price	Wiener
Betzold	Johnston	Luther	Reichgott Junge	
Chmielewski	Kelly	Metzen	Robertson	
Cohen	Kiscaden	Moe, R.D.	Runbeck	
Day	Knutson	Mondale	Sams	

The motion did not prevail. So the Marty amendment, as amended, was not adopted.

Mr. Belanger moved to amend S.F. No. 1775 as follows:

Page 37, line 20, delete "or"

Page 37, line 22, before the period, insert "; or

(5) for sales and purchases made after June 30, 1998, repair and replacement parts, including accessories, whether purchased as spare parts, repair parts, or as upgrades or modifications to machinery and equipment."

Page 37, line 27, strike "repair or replacement parts, including accessories."

Page 37, strike lines 28 to 33

Page 37, line 34, delete "(2)"

Page 37, line 35, strike "(3)" and insert "(2)"

Page 38, line 1, strike "(4)" and insert "(3)"

Page 38, line 3, strike "(5)" and insert "(4)"

Page 38, line 16, strike "(6)" and insert "(5)"

Page 38, line 19, after "20" insert "*for sales after June 30, 1994, and before July 1, 1998*"

Page 38, line 20, strike "(7)" and insert "(6)"

Pages 41 and 42, delete section 6 and insert:

"Sec. 6. Minnesota Statutes 1992, section 297A.02, is amended by adding a subdivision to read:

Subd. 5. [REPLACEMENT CAPITAL EQUIPMENT.] Notwithstanding the provisions of subdivision 1, the rate of excise tax imposed upon retail sales of replacement capital equipment is:

*for purchases after June 30, 1994, and prior to July 1, 1995, 4.8 percent,
for purchases after June 30, 1995, and prior to July 1, 1996, 3.6 percent,
for purchases after June 30, 1996, and prior to July 1, 1997, 2.4 percent,
for purchases after June 30, 1997, and prior to July 1, 1998, 1.2 percent,
and*

for purchases after June 30, 1998, zero.

Sec. 7. Minnesota Statutes 1992, section 297A.021, is amended by adding a subdivision to read:

Subd. 1a. [REPLACEMENT EQUIPMENT RATE.] Notwithstanding the provisions of subdivision 1, if a local sales and use tax is imposed, the rate of tax imposed upon retail sales of replacement capital equipment is:

*for purchases after June 30, 1994, and prior to July 1, 1995, .4 percent,
for purchases after June 30, 1995, and prior to July 1, 1996, .3 percent,
for purchases after June 30, 1996, and prior to July 1, 1997, .2 percent,
for purchases after June 30, 1997, and prior to July 1, 1998, .1 percent, and
for purchases after June 30, 1998, zero.”*

Pages 42 and 43, delete section 8 and insert:

“Sec. 9. Minnesota Statutes 1992, section 297A.15, subdivision 5, is amended to read:

Subd. 5. [REFUND; APPROPRIATION.] (a) Notwithstanding the provisions of ~~section~~ sections 297A.02, subdivision 5, 297A.021, subdivision 1a, and 297A.25, subdivisions 42 and 50, the tax on sales of capital equipment, replacement capital equipment, and construction materials and supplies under section 297A.25, subdivision 50, shall be imposed and collected as if the rates under sections 297A.02, subdivision 1, and 297A.021, applied. Upon application by the purchaser, on forms prescribed by the commissioner, a refund equal to the reduction in the tax due as a result of the application of the exemption under section 297A.25, subdivision 42 or 50, and the rates under sections 297A.02, subdivision 5, and 297A.021, subdivision 1a, shall be paid to the purchaser. In the case of building materials qualifying under section 297A.25, subdivision 50, where the tax was paid by a contractor, application must be made by the owner for the sales tax paid by all the contractors, subcontractors, and builders for the project. The application must include sufficient information to permit the commissioner to verify the sales tax paid for the project. The application shall include information necessary for the commissioner initially to verify that the purchases qualified as capital equipment under section 297A.25, subdivision 42, replacement capital equipment under section 297A.01, subdivision 20, or capital equipment or construction materials and supplies under section 297A.25, subdivision 50. No more than two applications for refunds may be filed under this subdivision in a calendar year. No owner may apply for a refund based on the exemption under section 297A.25, subdivision 50, before July 1, 1993. Unless otherwise

specifically provided by this subdivision, the provisions of section 289A.40 apply to the refunds payable under this subdivision. There is annually appropriated to the commissioner of revenue the amount required to make the refunds.

The amount to be refunded shall bear interest at the rate in section 270.76 from the date the refund claim is filed with the commissioner.

(b) In the case of capital equipment and replacement capital equipment, this subdivision applies only to sales and purchases of capital equipment made before July 1, 1998, and to sales and purchases of replacement capital equipment made after June 30, 1994, and before July 1, 1998."

Page 44, after line 33, insert:

"Sec. 15. Minnesota Statutes 1992, section 297A.44, subdivision 4, is amended to read:

Subd. 4. [LOCAL OPTION TAX.] (a) The commissioner shall deposit all revenues, including interest and penalties, derived from the local option excise taxes imposed under sections 297A.021 and 297A.14 in the local government trust fund.

(b) In addition, the commissioner shall deposit revenues derived from imposing a rate of 1.5 percent on all taxable sales, including interest and penalties, under this chapter in the local government trust fund. For sales and purchases made after June 30, 1994, and before July 1, 1998, the distribution to the local government trust fund shall be proportionally adjusted to reflect the reduced tax rate on replacement capital equipment."

Page 46, after line 30, insert:

"Sections 5, 6, 8, and 15 are effective for sales made after June 30, 1994, and before July 1, 1998."

Renumber the sections of article 2 in sequence and correct the internal references

Pages 75 to 111, delete articles 6 and 7

Renumber the articles in sequence and correct the internal references.

Amend the title accordingly

The motion did not prevail. So the amendment was not adopted.

Mr. Benson, D.D. moved to amend S.F. No. 1775 as follows:

Page 17, after line 36, insert:

"Sec. 12. Minnesota Statutes 1992, section 290.05, is amended by adding a subdivision to read:

Subd. 8. [AUTHORITY TO REVOKE EXEMPTION FOR FAILURE TO COMPLY WITH FEDERAL LAW.] The commissioner may examine or investigate an entity claiming exemption under this section and subpart F of the Internal Revenue Code. The commissioner may revoke the exemption under this section for violations of federal law that would permit the commissioner of internal revenue or the secretary of the treasury to revoke the exemption under federal law, regardless of whether such action has been taken under federal law."

Renumber the sections of article 1 in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Chandler moved to amend S.F. No. 1775 as follows:

Page 2, line 50, after "made" insert "for insolvencies which occur"

Page 24, line 2, after "made" insert "for insolvencies which occur"

The motion did not prevail. So the amendment was not adopted.

Mr. Metzen moved to amend S.F. No. 1775 as follows:

Page 25, line 33, before the period, insert " , or a city of the second class that is designated as an economically depressed area by the United States Department of Commerce"

Page 26, line 36, before the period, insert "or is an area within a city of the second class that is designated as an economically depressed area by the United States Department of Commerce"

Page 27, line 33, after the period, insert "Each city of the second class designated as an economically depressed area by the United States Department of Commerce is allocated \$300,000 to be used to provide credits under this section for the duration of the program."

Page 31, line 24, after "enactment" insert " , except that tax credits provided to businesses in cities of the second class designated as an economically depressed area by the United States Department of Commerce are available for taxable years beginning after December 31, 1994"

The motion prevailed. So the amendment was adopted.

Ms. Pappas moved to amend S.F. No. 1775 as follows:

Page 2, after line 42, insert:

"Section 1. Minnesota Statutes 1992, section 60A.02, is amended by adding a subdivision to read:

Subd. 4a. [MUTUAL PROPERTY AND CASUALTY INSURANCE COMPANY.] "Mutual property and casualty insurance company" includes a property and casualty insurance company that was converted to a stock company after December 31, 1987, and before January 1, 1994, if the company was controlled on the date of conversion by a mutual life insurance company and so long as the company continues to be controlled by a mutual life insurance company."

Page 8, after line 18, insert:

"Sec. 8. Minnesota Statutes 1992, section 290.01, is amended by adding a subdivision to read:

Subd. 4b. [MUTUAL PROPERTY AND CASUALTY INSURANCE COMPANY.] "Mutual property and casualty insurance company" includes a property and casualty insurance company that was converted to a stock company after December 31, 1987, and before January 1, 1994, if the company was controlled on the date of conversion by a mutual life insurance

company and so long as the company continues to be controlled by a mutual life insurance company."

Page 31, after line 1, insert:

"Sec. 34. [SEVERABILITY.]

If section 1 or 8 is for any reason found by a final nonappealable order of a court of competent jurisdiction to be unconstitutional or to have an unconstitutional effect on the application of the insurance premiums tax to other insurance companies, the legislature intends that only section 1 or section 8, as appropriate, be invalid and the otherwise applicable insurance premiums tax rates apply."

Page 31, after line 7, insert:

"Sections 1 and 8 are effective for taxable years beginning after December 31, 1995."

Renumber the sections of article 1 in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Neuville moved to amend S.F. No. 1775 as follows:

Page 13, line 18, delete "and"

Page 13, line 22, after "1993" insert "; and

(10) an amount equal to \$100, multiplied by the number of deductions for personal exemptions which the taxpayer is eligible to take under section 151 of the Internal Revenue Code for the taxable year"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 26 and nays 36, as follows:

Those who voted in the affirmative were:

Belanger	Dille	Knutson	Oliver	Stevens
Benson, D.D.	Finn	Kroening	Olson	Terwilliger
Benson, J.E.	Frederickson	Laidig	Pariseau	
Berg	Johnson, D.E.	Larson	Robertson	
Berglin	Johnston	Lesewski	Runbeck	
Day	Kiscaden	Neuville	Samuelson	

Those who voted in the negative were:

Adkins	Flynn	Langseth	Morse	Spear
Anderson	Hanson	Lessard	Murphy	Stumpf
Beckman	Hottinger	Luther	Pappas	Vickerman
Bertram	Janezich	Marty	Piper	Wiener
Betzold	Johnson, D.J.	Merriam	Price	
Chandler	Johnson, J.B.	Metzen	Ranum	
Chmielewski	Kelly	Moe, R.D.	Reichgott Junge	
Cohen	Krentz	Mondale	Sams	

The motion did not prevail. So the amendment was not adopted.

Ms. Kiscaden moved to amend S.F. No. 1775 as follows:

Page 106, line 32, delete "out-of-home placement of" and insert "programs of assistance to families and"

Page 107, delete lines 1 to 3

Page 107, line 4, delete "(b)" and insert "(a)"

Page 107, line 9, delete "(c)" and insert "(b)"

Page 107, line 11, after "1" delete the comma and insert "of" and after "1994" insert "and each subsequent year"

Page 107, line 12, delete "the number of children in"

Page 107, line 13, delete everything before "the"

Page 107, line 15, delete everything after the period

Page 107, delete lines 16 to 18

Page 107, line 20, delete "only, one-half of the aid amount" and insert a comma

Page 107, delete lines 21 to 23

Page 107, line 24, delete everything before the second "the"

Page 108, line 5, delete "out-of-home placement and"

The motion did not prevail. So the amendment was not adopted.

Mr. Betzold moved to amend S.F. No. 1775 as follows:

Page 13, line 18, delete "and"

Page 13, line 22, before the period, insert "; and

(10) the first \$1,000 of compensation for active duty personal services in the armed forces of the United States or the United Nations wholly performed outside the state of Minnesota"

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 32 and nays 32, as follows:

Those who voted in the affirmative were:

Beckman	Chmielewski	Johnston	Lessard	Runbeck
Belanger	Cohen	Kelly	Murphy	Spear
Benson, D.D.	Day	Kiscaden	Neuville	Stevens
Benson, J.E.	Frederickson	Knutson	Oliver	Vickerman
Berg	Hanson	Laidig	Olson	
Bertram	Johnson, D.E.	Larson	Pariseau	
Betzold	Johnson, J.B.	Lesewski	Robertson	

Those who voted in the negative were:

Adkins	Hottinger	Marty	Piper	Solon
Anderson	Janezich	Merriam	Pogemiller	Stumpf
Berglin	Johnson, D.J.	Metzen	Price	Terwilliger
Chandler	Krentz	Moe, R.D.	Ranum	Wiener
Dille	Kroening	Mondale	Reichgott Junge	
Finn	Langseth	Morse	Sams	
Flynn	Luther	Pappas	Samuelson	

The motion did not prevail. So the amendment was not adopted.

Ms. Olson moved to amend S.F. No. 1775 as follows:

Page 75, line 20, before "*Minnesota*" insert "(a)"

Page 75, after line 21, insert:

"(b) *Minnesota Statutes 1992, chapters 273, as amended, and 477A, as amended, are repealed.*"

Page 75, line 30, after "14" insert ", paragraph (a)."

Page 75, after line 30, insert:

"*Section 14, paragraph (b), is effective for taxes levied in 1997, payable in 1998 and aids payable in 1998, and thereafter.*"

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 28 and nays 36, as follows:

Those who voted in the affirmative were:

Anderson	Day	Kiscaden	Neuville	Runbeck
Belanger	Dille	Knutson	Oliver	Samuelson
Benson, D.D.	Frederickson	Krentz	Olson	Stevens
Benson, J.E.	Johnson, D.E.	Laidig	Pappas	Terwilliger
Berg	Johnston	Larson	Pariseau	
Cohen	Kelly	Lesewski	Robertson	

Those who voted in the negative were:

Adkins	Flynn	Lessard	Murphy	Spear
Beckman	Hanson	Luther	Piper	Stumpf
Berglin	Hottinger	Marty	Pogemiller	Vickerman
Bertram	Janezich	Merriam	Price	Wiener
Betzold	Johnson, D.J.	Metzen	Ranum	
Chandler	Johnson, J.B.	Moe, R.D.	Reichgott Junge	
Chmielewski	Kroening	Mondale	Sams	
Finn	Langseth	Morse	Solon	

The motion did not prevail. So the amendment was not adopted.

Mr. Johnson, D.J. moved that S.F. No. 1775 be laid on the table. The motion prevailed.

MOTIONS AND RESOLUTIONS - CONTINUED

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate reverted to the Orders of Business of Messages From the House and First Reading of House Bills.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following House File, herewith transmitted: H.F. No. 3209.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 13, 1994

FIRST READING OF HOUSE BILLS

The following bill was read the first time.

H.F. No. 3209: A bill for an act relating to the financing and operation of state and local government; conforming with changes in the federal income tax law; changing tax brackets, rates, bases, exemptions, withholding, payments, and refunds; allowing tax credits; providing aids to local governments; changing the calculation of property tax refunds; modifying property tax provisions relating to petitions, procedures, valuation, levies, classifications, homesteads, credits, and exemptions; abolishing limited market value; changing certain tax return or report requirements; changing operation of the local government trust fund; authorizing special assessments; authorizing local taxes; enacting provisions relating to certain cities, counties, special taxing districts, and towns; changing certain redemption provisions; reforming state budget procedures; changing the deposit of certain revenues; changing certain bonding provisions and authorizing bonding; modifying tax increment financing requirements; requiring certain permits and permit fees; requiring certain disclosures; requiring studies; transferring and appropriating money and limiting appropriations; amending Minnesota Statutes 1992, sections 16A.711, subdivisions 4 and 5; 60A.15, by adding a subdivision; 124.196; 271.06, subdivision 7; 272.121, subdivision 1; 273.111, subdivision 11; 273.1398, by adding a subdivision; 273.1399, by adding a subdivision; 273.165, subdivision 1; 278.05, subdivision 6; 289A.02, by adding a subdivision; 289A.25, subdivision 5; 290.01, subdivision 19d, and by adding a subdivision; 290.05, subdivision 3, and by adding a subdivision; 290.06, subdivisions 2c and 2d; 290.067, subdivision 1; 290.068, subdivision 2; 290.0802, subdivisions 1 and 2; 290.0921, subdivision 2; 290.35, by adding a subdivision; 290A.04, subdivisions 2 and 2a; 296.16, subdivision 1; 297.01, by adding a subdivision; 297A.01, by adding a subdivision; 297A.02, subdivision 2, and by adding a subdivision; 297A.021, by adding a subdivision; 297A.135, subdivision 1; 297A.15, subdivision 5; 297A.25, subdivision 9, and by adding subdivisions; 297A.256; 297A.44, subdivision 4; 297C.03, subdivision 6; 297C.13, subdivision 1; 298.017, subdivision 2; 298.26; 340A.311; 360.036, subdivisions 2 and 3; 360.037, subdivision 2; 360.042, subdivision 10; 469.004, subdivision 1a; 469.175, subdivisions 3, 4, and by adding a subdivision; 469.1761, subdivisions 1, 2, and 3; 469.177, subdivision 1a; 473.341; 473H.05, by adding a subdivision; 473H.18; and 580.23, as amended; Minnesota Statutes 1993 Supplement, sections 16A.712; 84.794, subdivision 1; 84.803, subdivision 1; 270.78; 273.11, subdivisions 5, 16, and by adding a subdivision; 273.121; 273.124, subdivision 1; 273.13, subdivisions 23 and 24; 275.065, subdivision 3; 276.04, subdivision 2; 278.01, subdivision 1; 289A.11, subdivision 1; 289A.26, subdivision 7; 289A.60, subdivision 21; 290.01, subdivision 19; 290.091, subdivision 2; 290A.03, subdivision 3; 290A.04, subdivisions 2h, as amended, and 6; 290A.23, subdivision 1; 296.02, subdivision 1a; 296.025, subdivision 1a; 297A.01, subdivision 16; 297B.03; 469.176, subdivisions 1b and 4c; and 477A.03, subdivision 1; Laws 1969, chapter 499, section 2; Laws 1993, chapter 375, article 9, section 51; proposing coding for new law in Minnesota Statutes, chapters 16A; 275; 296; 297A; 297B; 462C; 469; and 473; repealing Minnesota Statutes 1992, sections 290.05, subdivision 6; and 290.067, subdivision 6; Minnesota Statutes 1993 Supplement, sections 82.19, subdivision 9; 273.11, subdivision 1a; and 289A.25, subdivision 5a.

SUSPENSION OF RULES

Mr. Moe, R.D. moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota, with respect to H.F. No. 3209 and that the rules of the Senate be so far suspended as to give H.F. No. 3209 its second and third reading and place it on its final passage. The motion prevailed.

H.F. No. 3209 was read the second time.

Mr. Johnson, D.J. moved to amend H.F. No. 3209 as follows:

Delete everything after the enacting clause, and delete the title, of H.F. No. 3209, and insert the language after the enacting clause, and the title, of S.F. No. 1775, the first engrossment, as amended by the Senate April 13, 1994.

The motion prevailed. So the amendment was adopted.

H.F. No. 3209 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

The roll was called, and there were yeas 46 and nays 18, as follows:

Those who voted in the affirmative were:

Adkins	Cohen	Knutson	Mondale	Samuelson
Anderson	Day	Krentz	Morse	Solon
Beckman	Dille	Kroening	Murphy	Spear
Belanger	Flynn	Langseth	Pappas	Stumpf
Berg	Hanson	Larson	Piper	Vickerman
Berglin	Hottinger	Lessard	Pogemiller	Wiener
Bertram	Janezich	Luther	Price	
Betzold	Johnson, D.J.	Merriam	Ranum	
Chandler	Johnson, J.B.	Metzen	Reichgott Junge	
Chmielewski	Kelly	Moe, R.D.	Sams	

Those who voted in the negative were:

Benson, D.D.	Johnson, D.E.	Lesewski	Olson	Stevens
Benson, J.E.	Johnston	Marty	Pariseau	Terwilliger
Finn	Kiscaden	Neuville	Robertson	
Frederickson	Laidig	Oliver	Runbeck	

So the bill, as amended, was passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

Ms. Reichgott Junge moved that H.F. No. 2362 be taken from the table. The motion prevailed.

H.F. No. 2362: A bill for an act relating to animals; changing the definition of a potentially dangerous dog; changing the identification tag requirements for a dangerous dog; amending Minnesota Statutes 1992, sections 347.50, subdivision 3; and 347.51, subdivision 7.

Ms. Reichgott Junge moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 2362, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. Samuelson moved that S.F. No. 1758 be taken from the table. The motion prevailed.

S.F. No. 1758: A bill for an act relating to welfare reform; requiring pregnant and parenting minors to live with their parents in order to receive aid to families with dependent children (AFDC); providing an exception to the AFDC overpayment statute; allowing start work offset to AFDC recipients in the first month of work; broadening the scope of the employment and training statute by requiring more AFDC recipients to participate in job search; allowing vendor emergency assistance payments for damage deposit; providing required workers' compensation insurance for community work experience program workers; expanding cost-neutral fraud prevention programs; allowing emergency assistance damage deposit be returned to the county; allowing the county to pay monthly general assistance differently; making general assistance and work readiness lump-sum criteria the same as the AFDC lump-sum criteria, with some exceptions; requiring a study to expand the parent's fair share pilot project statewide; requiring the departments of human services and revenue to design and implement a plan which supports working families; directing the commissioner of human services to seek several waivers from the federal government which support and promote moving off welfare and becoming self-sufficient; expanding the parent's fair share pilot project into Ramsey county; expanding state support for basic sliding fee day care program; appropriating money; amending Minnesota Statutes 1992, sections 256.73, by adding subdivisions; 256.737, by adding a subdivision; 256.81; 256.979, by adding a subdivision; 256.983, subdivision 1; 256D.05, subdivision 6; 256D.09, by adding a subdivision; 256H.05, subdivision 1b; and 268.672, subdivision 6; Minnesota Statutes 1993 Supplement, sections 256.031, subdivision 3; 256.73, subdivision 8; and 256.736, subdivisions 10 and 14; proposing coding for new law in Minnesota Statutes, chapters 256; and 256D; repealing Minnesota Statutes 1993 Supplement, section 256.734.

CALL OF THE SENATE

Mr. Moe, R.D. imposed a call of the Senate for the balance of the proceedings on S.F. No. 1758. The Sergeant at Arms was instructed to bring in the absent members.

Mr. Samuelson moved that the Senate concur in the amendments by the House to S.F. No. 1758 and that the bill be placed on its repassage as amended.

Mr. Betzold moved that the Senate do not concur in the amendments by the House to S.F. No. 1758, and that a Conference Committee of 5 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House.

The question was taken on the adoption of the motion.

Mr. Chmielewski moved that those not voting be excused from voting. The motion did not prevail.

Mr. Johnson, D.E. moved that those not voting be excused from voting. The motion did not prevail.

Mr. Samuelson moved that those not voting be excused from voting.

The question was taken on the adoption of the motion.

The roll was called, and there were yeas 32 and nays 30, as follows:

Those who voted in the affirmative were:

Adkins	Dille	Kroening	Metzen	Stevens
Beckman	Frederickson	Laidig	Neuville	Stumpf
Benson, J.E.	Hanson	Langseth	Olson	Terwilliger
Berg	Johnson, D.E.	Larson	Pariseau	Vickerman
Bertram	Johnston	Lesewski	Runbeck	
Chmielewski	Kelly	Lessard	Sams	
Day	Knutson	Merriam	Samuelson	

Those who voted in the negative were:

Anderson	Finn	Krentz	Murphy	Ranum
Benson, D.D.	Flynn	Luther	Oliver	Reichgott Junge
Berglin	Hottinger	Marty	Pappas	Robertson
Betzold	Janezich	Moe, R.D.	Piper	Solon
Chandler	Johnson, J.B.	Mondale	Pogemiller	Spear
Cohen	Kiscaden	Morse	Price	Wiener

The motion did not prevail.

Mr. Berg moved that those not voting be excused from voting. The motion did not prevail.

Mr. Johnson, D.E. moved that those not voting be excused from voting. The motion did not prevail.

Mr. Samuelson moved that those not voting be excused from voting.

The question was taken on the adoption of the motion.

The roll was called, and there were yeas 33 and nays 31, as follows:

Those who voted in the affirmative were:

Adkins	Chmielewski	Kelly	Lessard	Sams
Beckman	Day	Knutson	Merriam	Samuelson
Belanger	Dille	Kroening	Metzen	Stevens
Benson, D.D.	Frederickson	Laidig	Neuville	Stumpf
Benson, J.E.	Hanson	Langseth	Olson	Vickerman
Berg	Johnson, D.E.	Larson	Pariseau	
Bertram	Johnston	Lesewski	Runbeck	

Those who voted in the negative were:

Anderson	Hottinger	Moe, R.D.	Pogemiller	Spear
Berglin	Janezich	Mondale	Price	Terwilliger
Betzold	Johnson, J.B.	Morse	Ranum	Wiener
Chandler	Kiscaden	Murphy	Reichgott Junge	
Cohen	Krentz	Oliver	Riveness	
Finn	Luther	Pappas	Robertson	
Flynn	Marty	Piper	Solon	

The motion did not prevail.

Mr. Samuelson moved that the President be directed to close the role.

The roll was called and there were yeas 34 and nays 31, as follows:

Those who voted in the affirmative were:

Adkins	Chmielewski	Johnston	Lesewski	Runbeck
Beckman	Day	Kelly	Lessard	Sams
Belanger	Dille	Knutson	Merriam	Samuelson
Benson, D.D.	Frederickson	Kroening	Metzen	Stevens
Benson, J.E.	Hanson	Laidig	Neuville	Stumpf
Berg	Johnson, D.E.	Langseth	Olson	Vickerman
Bertram	Johnson, D.J.	Larson	Pariseau	

Those who voted in the negative were:

Anderson	Hottinger	Moe, R.D.	Pogemiller	Spear
Berglin	Janezich	Mondale	Price	Terwilliger
Betzold	Johnson, J.B.	Morse	Ranum	Wiener
Chandler	Kiscaden	Murphy	Reichgott Junge	
Cohen	Krentz	Oliver	Riveness	
Finn	Luther	Pappas	Robertson	
Flynn	Marty	Piper	Solon	

The motion prevailed.

The roll was called on the Betzold motion, and there were yeas 31 and nays 34, as follows:

Those who voted in the affirmative were:

Anderson	Hottinger	Moe, R.D.	Pogemiller	Spear
Berglin	Janezich	Mondale	Price	Terwilliger
Betzold	Johnson, J.B.	Morse	Ranum	Wiener
Chandler	Kiscaden	Murphy	Reichgott Junge	
Cohen	Krentz	Oliver	Riveness	
Finn	Luther	Pappas	Robertson	
Flynn	Marty	Piper	Solon	

Those who voted in the negative were:

Adkins	Chmielewski	Johnston	Lesewski	Runbeck
Beckman	Day	Kelly	Lessard	Sams
Belanger	Dille	Knutson	Merriam	Samuelson
Benson, D.D.	Frederickson	Kroening	Metzen	Stevens
Benson, J.E.	Hanson	Laidig	Neuville	Stumpf
Berg	Johnson, D.E.	Langseth	Olson	Vickerman
Bertram	Johnson, D.J.	Larson	Pariseau	

The motion did not prevail.

Mr. Moe, R.D. moved that S.F. No. 1758 be laid on the table. The motion prevailed.

RECESS

Mr. Moe, R.D. moved that the Senate do now recess subject to the call of the President. The motion prevailed.

After a brief recess, the President called the Senate to order.

APPOINTMENTS

Mr. Moe, R.D. from the Subcommittee on Committees recommends that the following Senators be and they hereby are appointed as a Conference Committee on:

H.F. No. 2675: Messrs. Lessard, Chmielewski and Merriam.

S.F. No. 2900: Messrs. Stumpf, Price, Solon, Ms. Wiener and Mrs. Benson, J.E.

H.F. No. 2362: Ms. Reichgott Junge, Mr. Metzen and Ms. Lesewski.

Mr. Moe, R.D. moved that the foregoing appointments be approved. The motion prevailed.

MEMBERS EXCUSED

Messrs. McGowan and Novak were excused from the Session of today. Ms. Anderson was excused from the Session of today from 10:00 to 10:25 a.m.

Mr. Bertram was excused from the Session of today from 8:30 to 9:26 a.m. Mr. Lessard was excused from the Session of today from 10:00 to 10:30 a.m., 1:00 to 1:20 p.m. and 3:00 to 3:25 p.m. Mr. Oliver was excused from the Session of today from 2:00 to 4:00 p.m. Mr. Pogemiller was excused from the Session of today from 3:45 to 4:00 p.m. and 5:00 to 5:15 p.m. Mr. Riveness was excused from the Session of today from 4:45 to 6:00 p.m.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 8:00 a.m., Thursday, April 14, 1994. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

NINETIETH DAY

St. Paul, Minnesota, Thursday, April 14, 1994

The Senate met at 8:00 a.m. and was called to order by the President.

CALL OF THE SENATE

Mr. Moe, R.D. imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

Prayer was offered by Senator Pat Piper.

The roll was called, and the following Senators answered to their names:

Adkins	Dille	Krentz	Morse	Robertson
Anderson	Finn	Kroening	Murphy	Runbeck
Beckman	Flynn	Laidig	Neuville	Sams
Belanger	Frederickson	Langseth	Novak	Samuelson
Benson, D.D.	Hanson	Larson	Oliver	Solon
Benson, J.E.	Hottinger	Lesewski	Olson	Spear
Berg	Janezich	Lessard	Pappas	Stevens
Berglin	Johnson, D.E.	Luther	Pariseau	Stumpf
Bertram	Johnson, D.J.	Marty	Piper	Terwilliger
Betzold	Johnson, J.B.	McGowan	Pogemiller	Vickerman
Chandler	Johnston	Merriam	Price	Wiener
Chmielewski	Kelly	Metzen	Ranum	
Cohen	Kiscaden	Moe, R.D.	Reichgott Junge	
Day	Knutson	Mondale	Rivness	

The President declared a quorum present.

The reading of the Journal was dispensed with and the Journal, as printed and corrected, was approved.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate Files, herewith returned: S.F. Nos. 1741, 2491 and 2422.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 13, 1994

Mr. President:

I have the honor to announce the passage by the House of the following

Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S.F. No. 1806: A bill for an act relating to nursing; allowing certified clinical specialists in psychiatric or mental health nursing to prescribe and administer drugs; amending Minnesota Statutes 1992, section 148.235, by adding subdivisions; Minnesota Statutes 1993 Supplement, section 148.235, subdivision 2.

Senate File No. 1806 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 13, 1994

CONCURRENCE AND REPASSAGE

Mr. Finn moved that the Senate concur in the amendments by the House to S.F. No. 1806 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 1806: A bill for an act relating to nursing; allowing certified clinical specialists in psychiatric or mental health nursing to prescribe and administer drugs; appropriating money; amending Minnesota Statutes 1992, section 148.235, by adding subdivisions; Minnesota Statutes 1993 Supplement, section 148.235, subdivision 2.

Was read the third time, as amended by the House, and placed on its repassage.

The question was taken on the repassage of the bill, as amended.

The roll was called, and there were yeas 53 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Cohen	Kelly	Merriam	Ranum
Anderson	Dille	Kiscaden	Metzen	Reichgott Junge
Beckman	Finn	Knutson	Moe, R.D.	Robertson
Belanger	Flynn	Krentz	Morse	Runbeck
Benson, D.D.	Frederickson	Kroening	Murphy	Solon
Benson, J.E.	Hottinger	Laidig	Neuville	Spear
Berg	Janezich	Langseth	Oliver	Stumpf
Berglin	Johnson, D.E.	Lesewski	Olson	Terwilliger
Bertram	Johnson, D.J.	Lessard	Pappas	Vickerman
Betzold	Johnson, J.B.	Luther	Pariseau	
Chandler	Johnston	Marty	Piper	

So the bill, as amended, was repassed and its title was agreed to.

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S.F. No. 2551: A bill for an act relating to the city of Duluth; establishing the powers and duties of the board of directors of trusts of Miller-Dwan

Hospital in the establishment, administration, management, maintenance, improvement, and financing of the hospital; amending Laws 1969, chapter 224, sections 1, 2, and 3.

Senate File No. 2551 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 13, 1994

CONCURRENCE AND REPASSAGE

Mr. Solon moved that the Senate concur in the amendments by the House to S.F. No. 2551 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 2551: A bill for an act relating to the city of Duluth; establishing the powers and duties of the board of directors of trusts of the city of Duluth in the establishment, administration, management, maintenance, improvement, and financing of Miller Dwan hospital; amending Laws 1969, chapter 224, sections 1, 2, and 3.

Was read the third time, as amended by the House, and placed on its repassage.

The question was taken on the repassage of the bill, as amended.

The roll was called, and there were yeas 57 and nays 0; as follows:

Those who voted in the affirmative were:

Adkins	Cohen	Kelly	Metzen	Robertson
Anderson	Day	Kiscaden	Moe, R.D.	Runbeck
Beckman	Finn	Knutson	Morse	Sams
Belanger	Flynn	Krentz	Murphy	Samuelson
Benson, D.D.	Frederickson	Kroening	Neuville	Solon
Benson, J.E.	Hanson	Laidig	Oliver	Spear
Berg	Hottinger	Langseth	Olson	Stumpf
Berglin	Janezich	Larson	Pappas	Terwilliger
Bertram	Johnson, D.E.	Lesewski	Panseau	Vickerman
Betzold	Johnson, D.J.	Lessard	Piper	
Chandler	Johnson, J.B.	Luther	Ranum	
Chmielewski	Johnston	McGowan	Reichgott Junge	

So the bill, as amended, was repassed and its title was agreed to.

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 2234, 553, 2925 and 2893.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 13, 1994

FIRST READING OF HOUSE BILLS

The following bills were read the first time and referred to the committees indicated.

H.F. No. 2234: A bill for an act relating to natural resources; personnel working on certain projects; terms and conditions of certain 1993 appropriations; appropriating money; amending Minnesota Statutes 1992, sections 116P.05, subdivision 2; 116P.08, subdivisions 6 and 7; and 116P.09, subdivision 4; Minnesota Statutes 1993 Supplement, section 116P.11; Laws 1993, chapter 172, section 14, subdivisions 4 and 11.

Referred to the Committee on Finance.

H.F. No. 553: 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 1992, section 626.556, subdivision 10e; Minnesota Statutes 1993 Supplement, sections 609.378, subdivision 1; and 626.556, subdivision 2.

Referred to the Committee on Crime Prevention.

H.F. No. 2925: A bill for an act relating to state lands; requiring that certain leased lakeshore lots in Cook county be reoffered for public sale.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2608, now on General Orders.

H.F. No. 2893: A bill for an act relating to unemployment compensation; extending benefits for certain employees; providing for a shared work plan; requiring a study; amending Minnesota Statutes 1992, section 268.073, subdivisions 1, 5, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 268; repealing Minnesota Statutes 1992, section 268.073, subdivision 6.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2699, now on General Orders.

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 2478 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
2478	2251				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 2478 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2478 and insert the language after the enacting clause of S.F. No. 2251, the first engrossment; further, delete the title of H.F. No. 2478 and insert the title of S.F. No. 2251, the first engrossment.

And when so amended H.F. No. 2478 will be identical to S.F. No. 2251, and further recommends that H.F. No. 2478 be given its second reading and substituted for S.F. No. 2251, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 2124 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
2124	1860				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 2124 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2124 and insert the language after the enacting clause of S.F. No. 1860, the first engrossment; further, delete the title of H.F. No. 2124 and insert the title of S.F. No. 1860, the first engrossment.

And when so amended H.F. No. 2124 will be identical to S.F. No. 1860, and further recommends that H.F. No. 2124 be given its second reading and substituted for S.F. No. 1860, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 2023 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
2023	1895				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 2023 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2023 and insert the language after the enacting clause of S.F. No. 1895, the first engrossment; further, delete the title of H.F. No. 2023 and insert the title of S.F. No. 1895, the first engrossment.

And when so amended H.F. No. 2023 will be identical to S.F. No. 1895, and further recommends that H.F. No. 2023 be given its second reading and substituted for S.F. No. 1895, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

SECOND READING OF HOUSE BILLS

H.F. Nos. 2478, 2124 and 2023 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Belanger introduced—

Senate Resolution No. 78: A Senate resolution congratulating the Bloomington Jefferson High School boys swim team for winning the 1994 State High School Class AA 1994 Boys Swimming Tournament.

Referred to the Committee on Rules and Administration.

Mr. Hottinger introduced—

Senate Resolution No. 79: A Senate resolution congratulating the Mankato West High School Academic Decathlon team for winning the Class AA state competition.

Referred to the Committee on Rules and Administration.

Messrs. Beckman and Hottinger introduced—

Senate Resolution No. 80: A Senate resolution congratulating the Lake Crystal Wellcome Memorial High School Academic Decathlon team for winning the Class A state competition.

Referred to the Committee on Rules and Administration.

Mr. Betzold moved that his name be stricken as a co-author to S.F. No. 1758. The motion prevailed.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated the General Orders Calendar a Special Orders Calendar to be heard immediately.

SPECIAL ORDER

S.F. No. 2031: A bill for an act relating to civil actions; authorizing enforcement of commitments for debts related to lawful gambling activities; amending Minnesota Statutes 1992, section 541.21.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 47 and nays 17, as follows:

Those who voted in the affirmative were:

Adkins	Dille	Kroening	Murphy	Samuelson
Beckman	Finn	Laidig	Neuville	Solon
Belanger	Frederickson	Langseth	Oliver	Stevens
Benson, D.D.	Hanson	Larson	Olson	Stumpf
Benson, J.E.	Janezich	Lesewski	Pappas	Terwilliger
Berg	Johnson, D.E.	Lessard	Pariseau	Vickerman
Bertram	Johnson, D.J.	McGowan	Pogemiller	Wiener
Chmielewski	Johnson, J.B.	Metzen	Riveness	
Cohen	Johnston	Moe, R.D.	Runbeck	
Day	Knutson	Morse	Sams	

Those who voted in the negative were:

Anderson	Flynn	Krentz	Piper	Spear
Berglin	Hottinger	Luther	Ranum	
Betzold	Kelly	Marty	Reichgott Junge	
Chandler	Kiscaden	Merriam	Robertson	

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 2232: A bill for an act relating to counties; providing for the filling by appointment of certain offices in counties previously elective; providing for conforming changes; amending Minnesota Statutes 1992, sections 375A.10, subdivision 2; and 375A.12, subdivision 2.

Ms. Pappas moved to amend S.F. No. 2232 as follows:

Page 2, lines 18 and 19, delete "*the term of office would expire*" and insert "*regular election of the office would be held*"

The motion prevailed. So the amendment was adopted.

CALL OF THE SENATE

Ms. Pappas imposed a call of the Senate for the balance of the proceedings on S.F. No. 2232. The Sergeant at Arms was instructed to bring in the absent members.

S.F. No. 2232 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

Ms. Pappas moved that those not voting be excused from voting. The motion prevailed.

The roll was called, and there were yeas 35 and nays 31, as follows:

Those who voted in the affirmative were:

Adkins	Cohen	Kiscaden	Mondale	Ranum
Anderson	Flynn	Krentz	Neuville	Reichgott Junge
Belanger	Hanson	Larson	Oliver	Riveness
Benson, J.E.	Hottinger	Luther	Pappas	Robertson
Berglin	Janezich	Marty	Pariseau	Runbeck
Betzold	Johnson, D.J.	Merriam	Piper	Spear
Chandler	Kelly	Metzen	Pogemiller	Wiener

Those who voted in the negative were:

Beckman	Finn	Laidig	Murphy	Stumpf
Benson, D.D.	Frederickson	Langseth	Novak	Terwilliger
Berg	Johnson, D.E.	Lesewski	Olson	Vickerman
Bertram	Johnson, J.B.	Lessard	Sams	
Chmielewski	Johnston	McGowan	Samuelson	
Day	Knutson	Moe, R.D.	Solon	
Dille	Kroening	Morse	Stevens	

So the bill, as amended, was passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 2626: A bill for an act relating to retirement; authorizing purchase of prior service credit from the teachers retirement association by a certain member.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 39 and nays 14, as follows:

Those who voted in the affirmative were:

Adkins	Frederickson	Krentz	Morse	Sams
Beckman	Hanson	Kroening	Murphy	Samuelson
Benson, D.D.	Hottinger	Laidig	Novak	Solon
Berg	Janezich	Langseth	Olson	Stumpf
Bertram	Johnson, D.J.	Lessard	Piper	Terwilliger
Chmielewski	Johnson, J.B.	Metzen	Pogemiller	Vickerman
Cohen	Kelly	Moe, R.D.	Reichgott Junge	Wiener
Day	Kiscaden	Mondale	Riveness	

Those who voted in the negative were:

Anderson	Finn	Luther	Oliver	Robertson
Betzold	Flynn	Marty	Pappas	Runbeck
Chandler	Johnston	Merriam	Ranum	

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 2411: A bill for an act relating to retirement; providing for coverage of employees of lessee of Itasca Medical Center facilities by the public employees retirement association.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 44 and nays 8, as follows:

Those who voted in the affirmative were:

Adkins	Hanson	Laidig	Murphy	Robertson
Beckman	Hottinger	Langseth	Novak	Runbeck
Benson, D.D.	Janezich	Lessard	Oliver	Sams
Berg	Johnson, D.J.	Luther	Olson	Samuelson
Bertram	Johnson, J.B.	Marty	Piper	Solon
Chmielewski	Kelly	Metzen	Pogemiller	Spear
Cohen	Kiscaden	Moe, R.D.	Ranum	Stumpf
Day	Krentz	Mondale	Reichgott Junge	Vickerman
Finn	Kroening	Morse	Riveness	

Those who voted in the negative were:

Anderson Betzold	Chandler Flynn	Johnston Merriam	Pappas	Wiener
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So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 2617: A bill for an act relating to transportation; establishing and providing for appointments to an advisory council on major transportation projects.

Mr. Belanger moved to amend S.F. No. 2617 as follows:

Page 1, line 23, delete "17" and insert "15"

Page 1, line 25, delete "eight" and insert "six" and delete "four" and insert "three"

Page 2, line 2, delete "two of which shall be members of the minority"

Page 2, line 3, delete "party," and delete "four" and insert "three"

Page 2, lines 4 and 5, delete "two of which shall be members of the minority party"

Page 2, line 12, delete "council member" and insert "legislative appointee"

Page 2, line 19, before "fund" insert "account of the trunk highway"

Page 2, after line 25, insert:

"Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment and is repealed June 30, 1995."

The motion prevailed. So the amendment was adopted.

S.F. No. 2617 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

The roll was called, and there were yeas 46 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Finn	Krentz	Mondale	Robertson
Anderson	Flynn	Kroening	Morse	Solon
Beckman	Frederickson	Laidig	Murphy	Spear
Berg	Hanson	Langseth	Novak	Stumpf
Berglin	Hottinger	Lessard	Piper	Vickerman
Bertram	Janezich	Luther	Pogemiller	Wiener
Betzold	Johnson, D.J.	Marty	Price	
Chandler	Johnson, J.B.	Merriam	Ranum	
Cohen	Johnston	Metzen	Reichgott Junge	
Day	Kelly	Moe, R.D.	Riveness	

So the bill, as amended, was passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 2426: A bill for an act relating to traffic regulations; allowing any

city to establish citizen enforcement programs to enforce vehicle parking laws relating to the physically disabled; specifying that citizen volunteers are agents of the city for liability purposes; amending Minnesota Statutes 1993 Supplement, section 169.346, subdivision 4.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 47 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Finn	Krentz	Morse	Sams
Anderson	Flynn	Kroening	Murphy	Samuelson
Beckman	Frederickson	Laidig	Novak	Solon
Berg	Hanson	Langseth	Pappas	Spear
Berglin	Hottinger	Lessard	Piper	Stumpf
Bertram	Janezich	Luther	Pogemiller	Vickerman
Betzold	Johnson, D.J.	Marty	Price	Wiener
Chandler	Johnson, J.B.	Merriam	Ranum	
Cohen	Johnston	Metzen	Reichgott Junge	
Day	Kelly	Moe, R.D.	Riveness	

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 2210: A bill for an act relating to health; Ramsey Health Care, Inc.; authorizing the public corporation to incorporate as a nonprofit corporation; terminating its status as a public corporation; providing for the care of the indigent of Ramsey county and other counties; providing for certain of its powers and duties; repealing Minnesota Statutes 1992, sections 246A.01; 246A.02; 246A.03; 246A.04; 246A.05; 246A.06; 246A.07; 246A.08; 246A.09; 246A.10; 246A.11; 246A.12; 246A.13; 246A.14; 246A.15; 246A.16; 246A.17; 246A.18; 246A.19; 246A.20; 246A.21; 246A.22; 246A.23; 246A.24; 246A.25; 246A.26; and 246A.27.

Pursuant to Rule 22, Mr. Novak moved to be excused from voting on S.F. No. 2210. The motion prevailed.

S.F. No. 2210 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 45 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Cohen	Johnston	Metzen	Reichgott Junge
Anderson	Finn	Kelly	Mondale	Riveness
Beckman	Flynn	Krentz	Morse	Sams
Berg	Frederickson	Kroening	Murphy	Samuelson
Berglin	Hanson	Laidig	Pappas	Solon
Bertram	Hottinger	Langseth	Piper	Spear
Betzold	Janezich	Luther	Pogemiller	Stevens
Chandler	Johnson, D.J.	Marty	Price	Vickerman
Chmielewski	Johnson, J.B.	Merriam	Ranum	Wiener

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 2617: A bill for an act relating to alcoholic beverages; defining

terms; regulating agreements between brewers and wholesalers; providing for amounts of malt liquor that may be brewed in a brewery-restaurant; providing exemption from law regulating nondiscrimination in liquor wholesaling; prohibiting certain solicitations by wholesalers; allowing only owner of a brand of distilled spirits to register that brand; denying registration to certain brand labels; requiring reports by certain brewers; requiring permits for transporters of distilled spirits and wine; removing requirements that retail licensees be citizens or resident aliens; allowing counties to issue on-sale licenses to hotels; allowing political committees to obtain temporary on-sale licenses; restricting issuance of off-sale licenses to drugstores; allowing counties to issue exclusive liquor store licenses in certain towns; allowing counties to issue wine auction licenses; restricting issuance of temporary on-sale licenses to one organization or for one location; imposing new restrictions on issuance of more than one off-sale license to any person in a municipality; regulating wine tastings; allowing on-sales of intoxicating liquor after 8 p.m. on Christmas eve; allowing certain sales by off-sale retailers to on-sale retailers' restricting use of coupons by retailers, wholesalers, and manufacturers; providing for inspection of premises of temporary on-sale licensees; authorizing issuance of licenses by certain cities and counties; amending Minnesota Statutes 1992, sections 325B.02; 325B.04; 325B.05; 325B.12; 340A.101, subdivision 13; 340A.301, subdivisions 6, 7, and by adding a subdivision; 340A.307, subdivision 4; 340A.308; 340A.311; 340A.404, subdivisions 6 and 10; 340A.405, subdivisions 1, 2, and 4; 340A.410, by adding a subdivision; 340A.412, subdivision 3; 340A.416, subdivision 3; 340A.505; and 340A.907; Minnesota Statutes 1993 Supplement, sections 340A.402; and 340A.415; proposing coding for new law in Minnesota Statutes, chapters 325B; and 340A.

Ms. Berglin moved to amend H.F. No. 2617, as amended pursuant to Rule 49, adopted by the Senate April 11, 1994, as follows:

(The text of the amended House File is identical to S.F. No. 2161.)

Page 11, after line 16, insert:

“Sec. 14. Minnesota Statutes 1992, section 340A.311, is amended to read:
340A.311 [BRAND REGISTRATION.]

(a) A brand of intoxicating liquor or 3.2 percent malt liquor may not be manufactured, 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 \$30. The fee for brand registration renewal is \$20. The brand label of a brand of intoxicating liquor or 3.2 percent malt liquor 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) The label of any brand of wine or intoxicating or nonintoxicating malt beverage may be registered only by the brand owner or authorized agent. No such 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.

(d) The commissioner shall refuse to register a malt liquor brand label, and shall revoke the registration of a malt liquor brand label already registered,

if the brand label states or implies in a false or misleading manner a connection with an actual living or dead American Indian leader. This paragraph does not apply to a brand label registered for the first time in Minnesota before January 1, 1992."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

H.F. No. 2617 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

The roll was called, and there were yeas 45 and nays 3, as follows:

Those who voted in the affirmative were:

Adkins	Finn	Krentz	Morse	Riveness
Anderson	Flynn	Kroening	Murphy	Sams
Beckman	Frederickson	Langseth	Novak	Samuelson
Berg	Hanson	Lessard	Pappas	Solon
Berglin	Hottinger	Luther	Piper	Spear
Bertram	Janezich	Marty	Pogemiller	Stevens
Chandler	Johnson, D.J.	Metzen	Price	Terwilliger
Chmielewski	Johnson, J.B.	Moe, R.D.	Ranum	Vickerman
Cohen	Kelly	Mondale	Reichgott Junge	Wiener

Mr. Dille, Ms. Johnston and Mr. Merriam voted in the negative.

So the bill, as amended, was passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 2670: A bill for an act relating to retirement; adding Hennepin county paramedics and emergency medical technicians to membership in the public employees police and fire fund; amending Minnesota Statutes 1992, section 353.64, by adding a subdivision.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 45 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Finn	Kelly	Mondale	Riveness
Anderson	Flynn	Krentz	Morse	Sams
Beckman	Frederickson	Kroening	Murphy	Samuelson
Berg	Hanson	Langseth	Pappas	Solon
Berglin	Hottinger	Lessard	Piper	Spear
Bertram	Janezich	Luther	Pogemiller	Stevens
Chandler	Johnson, D.J.	Marty	Price	Stumpf
Chmielewski	Johnson, J.B.	Merriam	Ranum	Vickerman
Cohen	Johnston	Metzen	Reichgott Junge	Wiener

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 2512: A bill for an act relating to retirement; providing for level benefits for the Minneapolis police relief association; changing the definition

of surviving spouses eligible for benefits; amending Minnesota Statutes 1992, sections 353B.11, subdivision 1; and 423B.09, subdivision 1; Minnesota Statutes 1993 Supplement, sections 353B.07, subdivision 3; and 423B.10, subdivision 1.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 47 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Flynn	Kroening	Novak	Samuelson
Anderson	Frederickson	Langseth	Pappas	Solon
Beckman	Hanson	Lessard	Pariseau	Spear
Benson, D.D.	Hottinger	Luther	Piper	Stevens
Berg	Janezich	Marty	Pogemiller	Stumpf
Berglin	Johnson, D.J.	Metzen	Price	Vickerman
Bertram	Johnson, J.B.	Mondale	Ranum	Wiener
Betzold	Johnston	Morse	Reichgott Junge	
Chandler	Kelly	Murphy	Riveness	
Finn	Krentz	Neuville	Sams	

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 1659: A bill for an act relating to probate; updating article 2 on intestacy, wills, and donative transfers; correcting a reference; recodifying the Minnesota multiparty accounts act; amending Minnesota Statutes 1992, sections 524.1-201; 524.2-101; 524.2-102; 524.2-103; 524.2-104; 524.2-105; 524.2-106; 524.2-108; 524.2-109; 524.2-110; 524.2-111; 524.2-113; 524.2-114; 524.2-301; 524.2-302; 524.2-502; 524.2-504; 524.2-505; 524.2-507; 524.2-508; 524.2-509; 524.2-512; 524.2-602; 524.2-603; 524.2-604; 524.2-605; 524.2-606; 524.2-607; 524.2-608; 524.2-609; and 524.2-701; proposing coding for new law in Minnesota Statutes, chapter 524; repealing Minnesota Statutes 1992, sections 524.2-112; 524.2-201; 524.2-202; 524.2-203; 524.2-204; 524.2-205; 524.2-206; 524.2-207; 524.2-503; 524.2-610; 524.2-612; 524.3-905; 525.15; 525.151; 525.22; 525.221; and 525.223.

Mr. Chandler moved to amend H.F. No. 1659 as follows:

Page 1, after line 18, insert:

“ARTICLE 1

UNIFORM PROBATE CODE”

Page 57, lines 16, 17, 18, 21, 25, 28, and 29, delete “act” and insert “article”

Page 57, after line 30, insert:

“ARTICLE 2

GUARDIANSHIPS AND CONSERVATORSHIPS

Section 1. Minnesota Statutes 1992, section 525.539, subdivision 7, is amended to read:

Subd. 7. [BEST INTERESTS OF THE WARD OR CONSERVATEE.]

“Best interests of the ward or conservatee” means all relevant factors to be considered or evaluated by the court in nominating a guardian or conservator, including but not limited to:

(1) the reasonable preference of the ward or conservatee, if the court determines the ward or conservatee has sufficient capacity to express a preference;

(2) the interaction between the proposed guardian or conservator and the ward or conservatee; and

(3) the interest and commitment of the proposed guardian or conservator in promoting the welfare of the ward or conservatee and the proposed guardian’s or conservator’s ability to maintain a current understanding of the ward’s or conservatee’s physical and mental status and needs. In the case of a ward or a conservatorship of the person, welfare includes:

(i) food, clothing, shelter, and appropriate medical care;

(ii) social, emotional, religious, and recreational requirements; and

(iii) training, education, and rehabilitation; and

(4) the ability of the proposed guardian or conservator to manage the financial affairs of the proposed ward or conservatee, in the case of a guardianship or conservatorship of the estate.

Kinship is not a conclusive factor in determining the best interests of the ward or conservatee but should be considered to the extent that it is relevant to the other factors contained in this subdivision.

Sec. 2. Minnesota Statutes 1992, section 525.55, subdivision 2, is amended to read:

Subd. 2. [FORM; SERVICE.] (a) The notice shall be written in language which can be easily understood. Included with the notice shall be a copy of the petition. The notice shall contain information regarding the nature, purpose and legal effects of the guardianship or conservatorship proceedings on the proposed ward or conservatee. The notice shall state that the person may be adjudged incapable of self care for person or property, and by reason thereof, a guardian or conservator may be appointed, and that the adjudication may transfer to the appointed guardian or conservator certain rights, including the right to manage and control property, to enter into contracts and to determine residence.

(b) The notice shall further contain information regarding the rights of the proposed ward or conservatee in the proceeding, including the right to attend the hearing, to be represented by an attorney, to oppose the proceeding, and to present evidence. The notice shall state that if the proposed ward or conservatee wishes to exercise the right to be represented by an attorney, that person must either obtain counsel of choice, or ask the court to appoint an attorney to represent that person, and that the county shall pay a reasonable attorney’s fee if that person is indigent. The procedure for requesting a court appointed attorney shall be described in the notice.

(c) The process server shall inquire whether the proposed ward or conservatee desires the notice and petition to be read to that person, and shall read the notice and petition if requested to do so. In place of a process server,

the court may appoint a visitor to deliver the notice and petition and explain them to the proposed ward or conservatee.

(d) The notice must inform family members that they may be represented by an attorney if they choose to retain one in order to represent their rights and interests.

Sec. 3. Minnesota Statutes 1992, section 525.551, subdivision 5, is amended to read:

Subd. 5. [FINDINGS.] In all cases the court shall make specific written findings of fact, state separately its conclusions of law, and direct the entry of an appropriate judgment or order.

If upon completion of the hearing and consideration of the record the court finds: (a) that the requirements for the voluntary appointment of a conservator or guardian have been met, or (b)(1) that the proposed ward or conservatee is incapacitated as defined in section 525.54; and (2) in need of the supervision and protection of a guardian or conservator; and (3) that no appropriate alternatives to the guardianship or conservatorship exist which are less restrictive of the person's civil rights and liberties, such as those set forth in section 525.54, subdivision 7; it shall enter its order or judgment granting all of the powers set out in section 525.56, subdivision 3, in the case of a guardian of the person, and section 525.56, subdivision 4, in the case of a guardian of the estate, or specifying the powers of the conservator pursuant to section 525.56. The court shall make a finding that appointment of the person chosen as guardian or conservator is in the best interests of the ward or conservatee *and shall address its reasons for not appointing a family member as a guardian or conservator, if one is available.* Except as provided in section 525.544, subdivision 1, if more than one person has petitioned the court to serve as guardian or conservator, or if the petition is contested, the court shall make a finding that the person to be appointed as guardian or conservator is the most suitable and best qualified person among those who are available before making the appointment. The court's finding as to the best available guardian must specifically address the reasons for the court's determination that the appointment of that person is in the best interests of the ward or conservatee.

The court may enumerate in its findings which legal rights the proposed ward or conservatee is incapable of exercising.

Sec. 4. Minnesota Statutes 1992, section 525.56, subdivision 3, is amended to read:

Subd. 3. The court may appoint a guardian of the person if it determines that all the powers and duties listed in this subdivision are needed to provide for the needs of the incapacitated person. The court may appoint a conservator of the person if it determines that a conservator is needed to provide for the needs of the incapacitated person through the exercise of some, but not all, of the powers and duties listed in this subdivision. The duties and powers of a guardian or those which the court may grant to a conservator of the person include, but are not limited to:

(1) The power to have custody of the ward or conservatee and the power to establish a place of abode within or without the state, except as otherwise provided in this clause. The ward or conservatee or any person interested in the ward's or conservatee's welfare may petition the court to prevent or to

initiate a change in abode. *The guardian or conservator must give notice in the manner required and to those persons specified in section 525.55 at least 14 days before making a change in the place of abode of the ward or conservatee. The notice must inform the person of the right to petition the court to prevent or to initiate a change in abode.* A ward or conservatee may not be admitted to a regional treatment center by the guardian or conservator except (1) after a hearing pursuant to chapter 253B; (2) for outpatient services; or (3) for the purpose of receiving temporary care for a specific period of time not to exceed 90 days in any calendar year.

(2) The duty to provide for the ward's or conservatee's care, comfort and maintenance needs, including food, clothing, shelter, health care, social and recreational requirements, and, whenever appropriate, training, education, and habilitation or rehabilitation. The guardian or conservator has no duty to pay for these requirements out of personal funds. Whenever possible and appropriate, the guardian or conservator should meet these requirements through governmental benefits or services to which the ward or conservatee is entitled, rather than from the ward's or conservatee's estate. Failure to satisfy the needs and requirements of this clause shall be grounds for removal of a private guardian or conservator, but the guardian or conservator shall have no personal or monetary liability.

(3) The duty to take reasonable care of the ward's or conservatee's clothing, furniture, vehicles, and other personal effects, and, if other property requires protection, the power to seek appointment of a guardian or conservator of the estate. The guardian or conservator must give notice in the manner required and to those persons specified in section 525.55 prior to the disposition of the ward's or conservatee's clothing, furniture, vehicles, or other personal effects. The notice must inform the person of the right to object to the disposition of the property within ten days and to petition the court for a review of the guardian's or conservator's proposed actions. Notice of the objection must be served by mail or personal service on the guardian or conservator and the ward or conservatee unless the ward or conservatee be the objector. The guardian or conservator served with notice of an objection to the disposition of the property may not dispose of the property unless the court approves the disposition after a hearing.

(4)(a) The power to give any necessary consent to enable the ward or conservatee to receive necessary medical or other professional care, counsel, treatment or service, except that no guardian or conservator may give consent for psychosurgery, electroshock, sterilization, or experimental treatment of any kind unless the procedure is first approved by order of the court as provided in this clause. The guardian or conservator shall not consent to any medical care for the ward or conservatee which violates the known conscientious, religious, or moral belief of the ward or conservatee.

(b) A guardian or conservator who believes a procedure described in clause (4)(a) requiring prior court approval to be necessary for the proper care of the ward or conservatee shall petition the court for an order and, in the case of a public guardianship or conservatorship under chapter 252A, obtain the written recommendation of the commissioner of human services. The court shall fix the time and place for the hearing and shall give notice to the ward or conservatee and to the other persons specified in section 525.55, subdivision 1. The notice shall comply with the requirements of, and be served in the manner provided in section 525.55, subdivision 2. The court shall appoint an attorney to represent the ward or conservatee who is not represented by

counsel. In every case the court shall determine if the procedure is in the best interests of the ward or conservatee. In making its determination, the court shall consider a written medical report which specifically considers the medical risks of the procedure, whether alternative, less restrictive methods of treatment could be used to protect the best interests of the ward or conservatee, and any recommendation of the commissioner of human services for a public ward or conservatee. The standard of proof is that of clear and convincing evidence.

(c) In the case of a petition for sterilization of a mentally retarded ward or conservatee, the court shall appoint a licensed physician, a psychologist who is qualified in the diagnosis and treatment of mental retardation, and a social worker who is familiar with the ward's or conservatee's social history and adjustment or the case manager for the ward or conservatee to examine or evaluate the ward or conservatee and to provide written reports to the court. The reports shall indicate why sterilization is being proposed, whether sterilization is necessary and is the least intrusive method for alleviating the problem presented, and whether it is in the best interests of the ward or conservatee. The medical report shall specifically consider the medical risks of sterilization, the consequences of not performing the sterilization, and whether alternative methods of contraception could be used to protect the best interests of the ward or conservatee.

(d) Any conservatee whose right to consent to a sterilization has not been restricted under this section or section 252A.101, may be sterilized only if the conservatee consents in writing or there is a sworn acknowledgment by an interested person of a nonwritten consent by the conservatee. The consent must certify that the conservatee has received a full explanation from a physician or registered nurse of the nature and irreversible consequences of the sterilization operation.

(e) A guardian or conservator or the public guardian's designee who acts within the scope of authority conferred by letters of guardianship under section 252A.101, subdivision 7, and according to the standards established in this chapter or in chapter 252A shall not be civilly or criminally liable for the provision of any necessary medical care, including but not limited to, the administration of psychotropic medication or the implementation of aversive and deprivation procedures to which the guardian or conservator or the public guardian's designee has consented.

(5) The power to approve or withhold approval of any contract, except for necessities, which the ward or conservatee may make or wish to make.

(6) The duty and power to exercise supervisory authority over the ward or conservatee in a manner which limits civil rights and restricts personal freedom only to the extent necessary to provide needed care and services.

Sec. 5. Minnesota Statutes 1992, section 525.56, subdivision 4, is amended to read:

Subd. 4. [DUTIES OF GUARDIAN OR CONSERVATOR OF THE ESTATE.] The court may appoint a guardian of the estate if it determines that all the powers and duties listed in this subdivision are needed to provide for the needs of the incapacitated person. The court may appoint a conservator of the estate if it determines that a conservator is necessary to provide for the needs of the incapacitated person through the exercise of some, but not all, of the powers and duties listed in this subdivision. The duties and powers of a

guardian or those which the court may grant to a conservator include, but are not limited to:

(1) The duty to pay the reasonable charges for the support, maintenance, and education of the ward or conservatee in a manner suitable to the ward's or conservatee's station in life and the value of estate. Nothing herein contained shall release parents from obligations imposed by law for the support, maintenance, and education of their children. The guardian or conservator has no duty to pay for these requirements out of personal funds. Wherever possible and appropriate, the guardian or conservator should meet these requirements through governmental benefits or services to which the ward or conservatee is entitled, rather than from the ward's or conservatee's estate. Failure to satisfy the needs and requirements of this clause shall be grounds for removal, but the guardian or conservator shall have no personal or monetary liability;

(2) The duty to pay out of the ward's or conservatee's estate all just and lawful debts of the ward or conservatee and the reasonable charges incurred for the support, maintenance, and education of the ward's or conservatee's spouse and dependent children and, upon order of the court, pay such sum as the court may fix as reasonable for the support of any person unable to earn a livelihood who is legally entitled to support from the ward or conservatee;

(3) The duty to possess and manage the estate, collect all debts and claims in favor of the ward or conservatee, or, with the approval of the court, compromise them, institute suit on behalf of the ward or conservatee and represent the ward or conservatee in any court proceedings, and invest all funds not currently needed for the debts and charges named in clauses (1) and (2) and the management of the estate, in accordance with the provisions of sections 48.84 and 501B.10, subdivision 1, or as otherwise ordered by the court. The standard of a fiduciary shall be applicable to all investments by a guardian or conservator. A guardian or conservator shall also have the power to purchase certain contracts of insurance as provided in section 50.14, subdivision 14, clause (b). *The court may require a guardian or conservator to consult with a financial advisor or family members before taking certain investment actions or disposing of funds;*

(4) *The duty to maintain any real estate owned by the ward or conservatee.* Where a ward or conservatee has inherited an undivided interest in real estate, the court, on a showing that it is for the best interest of the ward or conservatee, may authorize an exchange or sale of the ward's or conservatee's interest or a purchase by the ward or conservatee of any interest other heirs may have in the real estate.

Sec. 6. Minnesota Statutes 1992, section 525.58, subdivision 1, is amended to read:

Subdivision 1. [ANNUAL ACCOUNT.] (a) Except where expressly waived or modified by the court, every guardian or conservator of the estate annually shall file with the court within 30 days of the anniversary date of the guardian's or conservator's appointment a verified account covering the period from the date of appointment or the last account. *The court may not waive the accounting requirements or require less than an annual account over the objection of a family member entitled to notice under section 525.55.* The guardian or conservator of the estate shall give a copy of the annual account to:

(1) the ward or conservatee, except where expressly waived by the court after a finding that the ward or conservatee is so incapacitated as to be unable to understand the account or there is a serious likelihood of harm to the ward or conservatee; and

(2) to a family member entitled to notice under section 525.55 who has requested a copy of the account.

(b) The court or its designee shall annually review the court file to insure that the account has been filed and that the account contains the information required by this section. If an account has not been filed or if the account does not contain the information required by this section the court shall order the guardian or conservator to file an appropriate account. The examination and acceptance shall not constitute an adjudication or determination of the merits of the account filed nor shall it constitute the court's approval of the account.

(c) At the termination of the guardianship or conservatorship, or upon the guardian's or conservator's removal or resignation, the guardian or conservator or the surety, or in the event of death or disability, the guardian's or conservator's representative or surety shall file a verified final account with a petition for the settlement and allowance thereof.

(d) Every account shall show in detail all property received and disbursed, the property on hand, the present address of the ward or conservatee and of the guardian or conservator, and unless the guardian or conservator be a corporation, the amount of the bond, the names and addresses of all sureties thereon, that each unincorporated surety is a resident of this state, is not under disability, and is worth the amount in which the surety justified.

Sec. 7. Minnesota Statutes 1992, section 525.64, is amended to read:

525.64 [PETITION, NOTICE, HEARING.]

A guardian or conservator may file a petition to sell, mortgage, or lease alleging briefly the facts constituting the reasons for the application and describing the real estate involved therein. The petition may include all the real estate of the ward or conservatee or any part or parts thereof. It may apply for different authority as to separate parcels. It may apply in the alternative for authority to sell, mortgage, or lease. Upon the filing of such petition, the court shall fix the time and place for the hearing thereof. Notice of the hearing shall state briefly the nature of the application made by the petition and shall be given pursuant to section 525.83 except that no publication is required unless otherwise ordered. *Notice must also be given to the family members specified in section 525.55.* Upon the hearing, the court shall have full power to direct the sale, mortgage, or lease of all the real estate described in the petition, or to direct the sale, mortgage, or lease of any one or more parcels thereof, provided that any such direction shall be within the terms of the application made by the petition.

Sec. 8. Minnesota Statutes 1993 Supplement, section 525.703, subdivision 3, is amended to read:

Subd. 3. [GUARDIAN OR CONSERVATOR.] (a) When the court determines that a guardian or conservator of the person or the estate has rendered necessary services or has incurred necessary expenses for the benefit of the ward or conservatee, the court may order reimbursement or reasonable compensation to be paid from the estate of the ward or conservatee or from the county having jurisdiction over the guardianship or conservatorship if the

ward or conservatee is indigent. *The guardian or conservator shall provide an itemization of the services or expenses for which reimbursement is sought and the basis for the charges.* The court may not deny an award of fees solely because the ward or conservatee is a recipient of medical assistance. In determining reasonable compensation for a guardian or conservator of an indigent person, the court shall consider a fee schedule recommended by the board of county commissioners. The fee schedule may also include a maximum compensation based on the living arrangements of the ward or conservatee. If these services are provided by a public or private agency, the county may contract on a fee for service basis with that agency. *In other cases, the court shall consider the expertise and training of the guardian or conservator and the nature of the services provided in determining reasonable compensation.*

(b) The court shall order reimbursement or reasonable compensation if the guardian or conservator requests payment and the guardian or conservator was nominated by the court or by the county adult protection unit because no suitable relative or other person was available to provide guardianship or conservatorship services necessary to prevent abuse or neglect of a vulnerable adult, as defined in section 626.557. In determining reasonable compensation for a guardian or conservator of an indigent person, the court shall consider a fee schedule recommended by the board of county commissioners. The fee schedule may also include a maximum compensation based on the living arrangements of the ward or conservatee. If these services are provided by a public or private agency, the county may contract on a fee for service basis with that agency.

(c) When a county employee serves as a guardian or conservator as part of employment duties, the court shall order reasonable compensation if the guardian or conservator performs necessary services that are not compensated by the county. The court may order reimbursement to the county from the ward's or conservatee's estate for reasonable compensation paid by the county for services rendered by a guardian or conservator who is a county employee but only if the county shows that after a diligent effort it was unable to arrange for an independent guardian or conservator."

Amend the title as follows:

Page 1, line 4, after the semicolon, insert "modifying provisions governing guardianships and conservatorships;"

Page 1, line 11, delete "and"

Page 1, line 12, after the semicolon, insert "525.539, subdivision 7; 525.55, subdivision 2; 525.551, subdivision 5; 525.56, subdivisions 3 and 4; 525.58, subdivision 1; and 525.64; Minnesota Statutes 1993 Supplement, section 525.703, subdivision 3;"

Mr. Knutson questioned whether the amendment was germane.

The President ruled that the amendment was not germane.

H.F. No. 1659 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 57 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Finn	Knutson	Mondale	Riveness
Anderson	Flynn	Krentz	Morse	Robertson
Belanger	Frederickson	Kroening	Murphy	Sams
Benson, D.D.	Hanson	Langseth	Novak	Samuelson
Berg	Hottinger	Larson	Olson	Spear
Berglin	Janezich	Lessard	Pappas	Stevens
Bertram	Johnson, D.E.	Luther	Pariseau	Stumpf
Betzold	Johnson, D.J.	Marty	Piper	Vickerman
Chandler	Johnson, J.B.	McGowan	Pogemiller	Wiener
Chmielewski	Johnston	Merriam	Price	
Day	Kelly	Metzen	Ranum	
Dille	Kiscaden	Moe, R.D.	Reichgott Junge	

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 1735: A bill for an act relating to children; modifying certain provisions concerning foster care and adoption; amending Minnesota Statutes 1992, section 260.141, subdivision 1; Minnesota Statutes 1993 Supplement, sections 245A.03, subdivisions 2 and 2a; 257.071, subdivision 3; 257.072, subdivision 9; 259.255; and 260.191, subdivision 3b.

Mr. Betzold moved to amend S.F. No. 1735 as follows:

Page 4, line 5, after "license" insert "*or approve*"

Page 4, line 7, after the stricken comma, insert "*in order*"

Page 4, line 8, strike "such a" and insert "*the*" and after "license" insert "*or approval*"

Page 4, line 12, after "license" insert "*or approval*"

Page 4, line 13, after "license" insert "*or approval*"

Page 4, line 19, before the period, insert "*in licensing or approving an individual related to a child*"

Page 5, line 7, after "9" insert "*, in licensing or approving an individual related to a child*"

Page 8, line 12, after "and" insert "*reasonable efforts by the responsible social service agency have failed to locate an adoptive family for the child and the child*"

Page 8, line 13, delete "*who has reached age*"

Page 8, line 14, delete "*12 determined not adoptable*" and insert "*described in clause (i)*"

Page 8, line 29, delete "*continuing*"

The motion prevailed. So the amendment was adopted.

S.F. No. 1735 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

The roll was called, and there were yeas 51 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Flynn	Kroening	Morse	Robertson
Beckman	Frederickson	Laidig	Murphy	Runbeck
Belanger	Hottinger	Larson	Novak	Sams
Berg	Janezich	Lessard	Olson	Spear
Berglin	Johnson, D.E.	Luther	Pappas	Stevens
Bertram	Johnson, D.J.	Marty	Pariseau	Vickerman
Betzold	Johnson, J.B.	McGowan	Piper	Wiener
Chandler	Kelly	Merriam	Pogemiller	
Day	Kiscaden	Metzen	Price	
Dille	Knutson	Moe, R.D.	Ranum	
Finn	Krentz	Mondale	Reichgott Junge	

So the bill, as amended, was passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 2311: A bill for an act relating to taxation; abolishing certain local government levy limitations; amending Minnesota Statutes 1992, sections 12.26, subdivision 2; 18.022, subdivision 2; 18.111, subdivision 1; 103G.625, subdivision 3; 138.053; 164.04, subdivision 3; 164.05, subdivision 1; 174.27; 193.145, subdivision 2; 237.35; 268A.06, subdivision 2; 375.167, subdivision 1; 375A.13, subdivision 2; 383A.03, subdivision 4; 383A.411, subdivision 5; 383B.245; 383C.42, subdivision 1; 398.16; 410.06; 412.251; 412.531, subdivision 1; 449.06; 449.08; 449.09; 450.19; 459.06, subdivision 1; 459.14, subdivision 2; 465.54; 469.053, subdivision 7; 469.188; 471.191, subdivision 2; 471.24; 471.57, subdivision 1; 471.61, subdivisions 1 and 2a; 473.711, subdivision 2; Minnesota Statutes 1993 Supplement, section 88.04, subdivision 3; Laws 1933, chapter 423, section 2; Laws 1943, chapters 196, section 6, as amended; 367, section 1, as amended; 510, section 1; Laws 1947, chapters 224, section 1; 340, section 4; Laws 1949, chapters 215, section 2; 252, section 1; 668, section 1; Laws 1953, chapters 154, section 3; 545, section 2; Laws 1957, chapter 213, section 1; Laws 1959, chapters 298, section 2; 520, section 1; 556, section 1, as amended; Laws 1961, chapters 80, section 1; 81, section 1; 82, section 1; 151, section 1; 209, section 4; 317, section 1; 352, section 1, as amended; 616, section 1, subdivision 1; 643, section 1; Laws 1961, extra session chapter 33, section 3; Laws 1963, chapters 29, section 1; 56, section 1; 103, section 1; Laws 1965, chapters 6, section 2, as amended; 442, section 1; 451, section 2; 512, section 1, subdivision 1; 527, section 1; 617, section 1; Laws 1967, chapters 501, section 1; 526, section 1, subdivision 3; 611, section 1; 660, section 2, subdivision 2; 758, section 1; Laws 1969, chapters 192, section 1, as amended; 534, section 2; 538, section 6, as amended; 602, section 1, subdivision 2; 652, section 1; 659, section 3; 730, section 1; Laws 1971, chapters 404, section 1; 424, section 1; 573, section 1; 876, section 3; Laws 1973, chapter 81, section 1; Laws 1977, chapter 61, section 8; Laws 1979, chapters 1, section 3; 253, section 3; 303, article 10, section 15, subdivision 2, as amended; Laws 1981, chapter 281, section 1; Laws 1983, chapter 326, section 17, subdivision 1; Laws 1984, chapters 380, section 1; 502, article 13, section 8; Laws 1985, chapters 181, section 1; 289, sections 1, 3, 5, subdivision 1, and 6, subdivision 1; Laws 1986, chapters 392, section 1; 399, article 1, section 1, as amended; Laws 1988, chapters 517, section 1; 640, section 3; repealing Minnesota Statutes 1992, sections 373.40, subdivision 6; 471.1921; and 471.63, subdivision 2; Laws 1915, chapter 316, section 1, as amended; Laws 1939, chapter 219, section 1; Laws 1941, chapter 451, section 1; Laws 1961, chapters 30, section 1; 119, section 1; 276, section 1; 439, section 1; Laws 1963, chapter 228,

section 1; Laws 1967, chapter 542, section 1, subdivision 3; Laws 1971, chapters 168; 356, section 2; 515, section 1; 770; Laws 1973, chapter 445, section 1; Laws 1974, chapter 209; Laws 1977, chapter 246; Laws 1982, chapter 523, article XII, section 8; Laws 1984, chapter 502, article 13, section 10, as amended; Laws 1986, chapter 399, article 1, section 4; Laws 1989, First Special Session chapter 1, article 5, section 50, as amended; Laws 1990, chapter 604, article 3, sections 50 and 55; and Laws 1991, chapters 3, section 2, subdivision 3; and 291, article 4, section 21.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Finn	Kroening	Mondale	Ranum
Beckman	Flynn	Laidig	Morse	Reichgott Junge
Belanger	Frederickson	Langseth	Murphy	Riveness
Benson, D.D.	Hottinger	Larson	Neuville	Robertson
Benson, J.E.	Janezich	Lesewski	Novak	Runbeck
Berg	Johnson, D.E.	Lessard	Oliver	Sams
Berglin	Johnson, D.J.	Luther	Olson	Solon
Bertram	Johnson, J.B.	Marty	Pappas	Spear
Betzold	Kelly	McGowan	Pariseau	Stevens
Chandler	Kiscaden	Merriam	Piper	Stumpf
Day	Knutson	Metzen	Pogemiller	Vickerman
Dille	Krentz	Moe, R.D.	Price	Wiener

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 2500: A bill for an act relating to retirement; St. Paul teachers retirement fund association; requiring proportional representation for various membership groups on the association board of trustees; proposing coding for new law in Minnesota Statutes, chapter 354A.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dille	Kroening	Neuville	Runbeck
Anderson	Finn	Laidig	Novak	Sams
Beckman	Frederickson	Larson	Oliver	Samuelson
Belanger	Hanson	Lesewski	Olson	Solon
Benson, D.D.	Hottinger	Luther	Pappas	Spear
Benson, J.E.	Janezich	Marty	Pariseau	Stevens
Berg	Johnson, D.E.	McGowan	Piper	Stumpf
Berglin	Johnson, D.J.	Merriam	Pogemiller	Terwilliger
Bertram	Johnson, J.B.	Metzen	Price	Vickerman
Betzold	Kelly	Moe, R.D.	Ranum	Wiener
Chandler	Kiscaden	Mondale	Reichgott Junge	
Chmielewski	Knutson	Morse	Riveness	
Day	Krentz	Murphy	Robertson	

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 2666: A bill for an act relating to local government; prohibiting the

adoption of certain zoning ordinances by municipalities, counties, and towns; amending Minnesota Statutes 1992, sections 394.25, by adding a subdivision; and 462.357, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 366.

Mr. Hottinger moved that the amendment made to H.F. No. 2666 by the Committee on Rules and Administration in the report adopted April 13, 1994, pursuant to Rule 49, be stricken. The motion prevailed. So the amendment was stricken.

H.F. No. 2666 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dille	Krentz	Morse	Riveness
Anderson	Finn	Kroening	Murphy	Runbeck
Beckman	Flynn	Laidig	Neuville	Sams
Belanger	Frederickson	Langseth	Novak	Samuelson
Benson, D.D.	Hanson	Larson	Oliver	Solon
Benson, J.E.	Hottinger	Lesewski	Olson	Spear
Berg	Janezich	Luther	Pappas	Stevens
Berglin	Johnson, D.E.	Marty	Pariseau	Stumpf
Bertram	Johnson, D.J.	McGowan	Piper	Terwilliger
Betzold	Johnson, J.B.	Merriam	Pogemiller	Vickerman
Chandler	Kelly	Metzen	Price	Wiener
Chmielewski	Kiscaden	Moe, R.D.	Ranum	
Day	Knutson	Mondale	Reichgott Junge	

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 2577: A bill for an act relating to the human rights act; expanding and clarifying scope of business discrimination protections; amending Minnesota Statutes 1993 Supplement, section 363.03, subdivision 8a.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Day	Krentz	Moe, R.D.	Reichgott Junge
Anderson	Dille	Kroening	Morse	Riveness
Beckman	Finn	Laidig	Murphy	Robertson
Belanger	Flynn	Langseth	Neuville	Runbeck
Benson, D.D.	Frederickson	Larson	Novak	Sams
Benson, J.E.	Hanson	Lesewski	Oliver	Solon
Berg	Hottinger	Lessard	Olson	Spear
Berglin	Johnson, D.E.	Luther	Pappas	Stevens
Bertram	Johnson, D.J.	Marty	Piper	Stumpf
Betzold	Johnson, J.B.	McGowan	Pogemiller	Terwilliger
Chandler	Kiscaden	Merriam	Price	Vickerman
Chmielewski	Knutson	Metzen	Ranum	Wiener

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 1496: A bill for an act relating to health; clarifying the scope of

confidentiality of records of review organizations; including preferred provider organizations in definition of review organizations; amending Minnesota Statutes 1992, sections 145.61, subdivision 5, and by adding a subdivision; and 145.64, subdivision 1.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Finn	Krentz	Morse	Robertson
Anderson	Flynn	Kroening	Murphy	Sams
Beckman	Frederickson	Laidig	Neuville	Samuelson
Belanger	Hanson	Langseth	Novak	Solon
Benson, D.D.	Hottinger	Larson	Olson	Spear
Benson, J.E.	Janezich	Lesewski	Pappas	Stevens
Berg	Johnson, D.E.	Lessard	Pariseau	Stumpf
Bertram	Johnson, D.J.	Luther	Piper	Terwilliger
Betzold	Johnson, J.B.	Marty	Pogemiller	Vickerman
Chandler	Johnston	McGowan	Price	Wiener
Chmielewski	Kelly	Merriam	Ranum	
Day	Kiscaden	Metzen	Reichgott Junge	
Dille	Knutson	Moe, R.D.	Riveness	

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 2420: A bill for an act relating to retirement; providing for terms on which surviving spouse benefits are granted to members of the Minneapolis fire department relief association; amending Minnesota Statutes 1992, section 353B.11, subdivision 1; and Laws 1965, chapter 519, section 1, as amended.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dille	Laidig	Murphy	Robertson
Anderson	Finn	Langseth	Neuville	Runbeck
Beckman	Flynn	Larson	Novak	Sams
Belanger	Hottinger	Lesewski	Oliver	Samuelson
Benson, D.D.	Janezich	Lessard	Olson	Solon
Benson, J.E.	Johnson, D.J.	Luther	Pappas	Spear
Berg	Johnson, J.B.	Marty	Pariseau	Stevens
Berglin	Johnston	McGowan	Piper	Stumpf
Bertram	Kelly	Merriam	Pogemiller	Terwilliger
Betzold	Kiscaden	Metzen	Price	Vickerman
Chandler	Knutson	Moe, R.D.	Ranum	Wiener
Chmielewski	Krentz	Mondale	Reichgott Junge	
Day	Kroening	Morse	Riveness	

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 2299: A bill for an act relating to retirement; the Duluth joint police and firefighters consolidation account; clarifying certain language

relating to calculation of pension benefits contained in the bylaws of the Duluth firefighters relief association; amending Minnesota Statutes 1993 Supplement, section 353B.02, subdivision 10.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 65 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dille	Knutson	Mondale	Reichgott Junge
Anderson	Finn	Krentz	Morse	Riveness
Beckman	Flynn	Kroening	Murphy	Robertson
Belanger	Frederickson	Langseth	Neuville	Runbeck
Benson, D.D.	Hanson	Larson	Novak	Sams
Benson, J.E.	Hottinger	Lesewski	Oliver	Samuelson
Berg	Janezich	Lessard	Olson	Solon
Berglin	Johnson, D.E.	Luther	Pappas	Spear
Bertram	Johnson, D.J.	Marty	Pariseau	Stevens
Betzold	Johnson, J.B.	McGowan	Piper	Stumpf
Chandler	Johnston	Merriam	Pogemiller	Terwilliger
Chmielewski	Kelly	Metzen	Price	Vickerman
Day	Kiscaden	Moe, R.D.	Ranum	Wiener

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 2882: A bill for an act relating to motor carriers; exempt carriers; providing an exemption for transportation of potatoes; amending Minnesota Statutes 1993 Supplement, section 221.025.

Mr. Moe, R.D. moved to amend H.F. No. 2882, as amended pursuant to Rule 49, adopted by the Senate April 7, 1994, as follows:

(The text of the amended House File is identical to S.F. No. 2706.)

Page 3, after line 15, insert:

“Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment.”

The motion prevailed. So the amendment was adopted.

Ms. Krentz moved to amend H.F. No. 2882, as amended pursuant to Rule 49, adopted by the Senate April 7, 1994, as follows:

(The text of the amended House File is identical to S.F. No. 2706.)

Page 1, after line 5, insert:

“Section 1. Minnesota Statutes 1993 Supplement, section 168.011, subdivision 36, is amended to read:

Subd. 36. [PERSONAL TRANSPORTATION SERVICE VEHICLE.] “Personal transportation service vehicle” is a means an unmarked passenger vehicle, other than a taxicab, licensed by a municipality or other vehicle equipped with a meter, that has a seating capacity of up to six persons excluding the driver, or a van or station wagon with a seating capacity of up to 12-14 persons excluding the driver, that provides personal transportation service as defined in section 221.011, subdivision 34. For purposes of this

subdivision, "unmarked" means without visible numbers, letters, symbols, graphic representations, or advertising, but does not include any means of identification required by federal law or rules adopted by the commissioner of transportation under section 221.85.

Sec. 2. Minnesota Statutes 1992, section 168.1281, subdivision 1, is amended to read:

Subdivision 1. [LICENSE PLATES.] A person who operates a personal transportation service vehicle shall apply to register the vehicle as provided in this section. The registrar shall issue personal transportation service plates *after determining that the vehicle meets the definition in section 168.011, subdivision 36, and on the applicant's compliance with laws relating to registration and licensing of motor vehicles and drivers, and certification by the owner that an insurance policy meeting the requirements of subdivision 2 is in effect for the entire period of registration. After the effective date of rules adopted by the commissioner of transportation under section 221.85, subdivision 1, personal transportation service plates shall be issued only after the applicant obtains a valid permit to provide personal transportation service issued under section 221.85 and presentation of a valid safety certificate, described under section 221.85, subdivision 1.* The applicant must provide the registrar with proof that the passenger automobile license tax and a \$10 fee have been paid for each vehicle receiving personal transportation service license plates. The registrar shall design personal transportation service license plates so that the plates identify the vehicle as a personal transportation service vehicle, and clearly display the letters "LS." Personal transportation service license plates issued to a vehicle may not be transferred to another vehicle, except that they may be transferred to another personal transportation service vehicle owned by the same owner on notification to the registrar, *presentation of a valid safety certificate, described under section 221.85, subdivision 1, and payment of a \$5 transfer fee.*

Sec. 3. Minnesota Statutes 1992, section 168.1281, subdivision 2, is amended to read:

Subd. 2. [INSURANCE.] An application under subdivision 1 must include a certificate of insurance that (1) verifies that a valid commercial *for-hire* insurance policy is in effect, and (2) gives the name of the insurance company and the number of the policy. The policy must provide stated limits of liability, exclusive of interest and costs, with respect to each vehicle for which coverage is granted, of (1) not less than ~~\$100,000~~ \$250,000 because of bodily injury to one person in any one accident, (2) subject to the limit for one person, not less than ~~\$300,000~~ \$500,000 because of injury to two or more persons in any one accident, and (3) not less than \$100,000 because of injury to or destruction of property. *The certificate of insurance, or attached policy endorsement must require the named insurance company must to notify the commissioner if the policy is canceled or if the policy no longer provides the coverage required by this subdivision.*

Sec. 4. Minnesota Statutes 1992, section 168.1281, is amended by adding a subdivision to read:

Subd. 5. [RECALL OF LICENSE PLATES.] *Upon determining that personal transportation service license plates have been issued to a vehicle that does not meet the definition in section 168.011, subdivision 36, that a personal transportation service vehicle is no longer covered by a valid insurance policy as required by subdivision 2, or that the operator of the*

personal transportation vehicle does not possess a valid permit issued under section 221.85, subdivision 3, the commissioner shall immediately notify the registered owner of the vehicle that the license plates must be surrendered. The owner shall then immediately surrender the license plates to the commissioner. Upon surrender of the license plates, the registrar shall issue appropriate alternate license plates to the vehicle's registered owner without cost.

Sec. 5. Minnesota Statutes 1992, section 221.011, subdivision 34, is amended to read:

Subd. 34. [PERSONAL TRANSPORTATION SERVICE.] "Personal transportation service" means service that:

- (1) is not provided on a regular route;
- (2) is provided in a personal transportation service vehicle as defined in section 168.011, subdivision 36; *and*
- (3) ~~is not metered for the purpose of determining fares;~~
- (4) ~~provides is prearranged pickup of passengers;~~
- (5) ~~charges more than a taxicab fare for a comparable trip at the initiation and request of a passenger or passenger's representative before pickup."~~

Page 3, after line 15, insert:

"Sec. 7. Minnesota Statutes 1992, section 221.85, subdivision 1, is amended to read:

Subdivision 1. [PERMIT REQUIRED; RULES.] No person may provide personal transportation service for hire without having obtained a personal transportation service permit from the commissioner. The commissioner shall adopt rules governing the issuance of permits and furnishing of personal transportation service. The rules must provide for:

- (1) annual inspections of vehicles, *including the designation of authorized inspection facilities throughout the state for the purposes of conducting periodic vehicle safety inspections; on behalf of the state and at the expense of the applicant, and the issuance of safety certificates which shall be required before issuance or renewal of a license plate under section 168.1281, subdivision 1;*
- (2) driver qualifications including requiring a criminal history check of drivers;
- (3) insurance requirements;
- (4) advertising regulations, including requiring a copy of the permit to be carried in the personal transportation service vehicle and the use of the words "licensed and insured";
- (5) agreements with political subdivisions for sharing enforcement costs with the state;
- (6) issuance of temporary permits and fees therefor; and
- (7) other requirements the commissioner deems necessary to carry out the purposes of this section.

Sec. 8. Minnesota Statutes 1992, section 221.85, is amended by adding a subdivision to read:

Subd. 1a. [GENERAL REQUIREMENTS.] A personal transportation service provider:

(1) may not solicit an individual, or individuals to form a group, for the purpose of transporting them;

(2) must keep a written log of reservations for personal transportation service and actual services provided, including the times and locations of the reservations and services; and

(3) must keep the logs on file, and available for inspection by the commissioner, for a period of two years.

Sec. 9. Minnesota Statutes 1992, section 221.85, subdivision 3, is amended to read:

Subd. 3. [PERMITS; DECALS.] (a) The commissioner shall design a distinctive decal to be issued to permit holders under this section. A decal is valid for one year from the date of issuance. No person may provide personal transportation service in a personal transportation service vehicle that does not conspicuously display a decal issued under this subdivision.

(b) ~~From August 1, 1992, to June 30, 1993, the fee for each decal issued under this section is \$150. On and after July 1, 1993, the fee for each decal issued under this section is \$80. The fee for each permit issued under this section is \$150.~~ \$500. The commissioner shall deposit all fees under this subdivision in the trunk highway fund.

Sec. 10. Laws 1993, chapter 323, section 5, is amended to read:

Sec. 5. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment. ~~Sections 3 and 4 are effective August 1, 1994.~~

Sec. 11. [TRANSITION.]

A person providing personal transportation service as defined in section 5, in a personal transportation service vehicle as defined in section 1, on the day following final enactment may continue to provide personal transportation service in the vehicle without a permit under Minnesota Statutes, section 221.85, subdivision 1, until the effective date of the final rules adopted by the commissioner under that section, except that 30 days following final enactment personal transportation vehicles must be covered by a valid commercial for-hire insurance policy in the amounts specified in section 3.

Sec. 12. [REPEALER.]

(a) Minnesota Statutes 1993 Supplement, section 168.1281, subdivision 4, is repealed.

(b) Laws 1992, chapter 578, section 56, is repealed.

(c) Laws 1993, chapter 323, sections 3 and 4, are repealed.

Sec. 13. [EFFECTIVE DATE.]

Sections 1, 2, 4, 5, 7, 8, 9, 10, 11, and 12 are effective the day following final enactment. Section 3 is effective 30 days following the date of final enactment."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Ms. Flynn questioned whether the amendment was germane.

The President ruled that the amendment was germane.

The question recurred on the Krentz amendment. The motion prevailed. So the amendment was adopted.

RECONSIDERATION

Having voted on the prevailing side, Mr. Pogemiller moved that the vote whereby the Krentz amendment to H.F. No. 2882 was adopted on April 14, 1994, be now reconsidered. The motion prevailed. So the vote was reconsidered.

The question recurred on the Krentz amendment. The motion prevailed. So the amendment was adopted.

H.F. No. 2882 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

The roll was called, and there were yeas 56 and nays 10, as follows:

Those who voted in the affirmative were:

Adkins	Dille	Krentz	Murphy	Sams
Beckman	Finn	Laidig	Neuville	Samuelson
Belanger	Frederickson	Langseth	Novak	Solon
Benson, D.D.	Hanson	Larson	Oliver	Stevens
Benson, J.E.	Hottinger	Lesewski	Olson	Stumpf
Berg	Janezich	Lessard	Pappas	Terwilliger
Bertram	Johnson, D.E.	Luther	Pariseau	Vickerman
Betzold	Johnson, J.B.	Marty	Price	Wiener
Chandler	Johnston	McGowan	Reichgott Junge	
Chmielewski	Kelly	Merriam	Riveness	
Cohen	Kiscaden	Moe, R.D.	Robertson	
Day	Knutson	Morse	Runbeck	

Those who voted in the negative were:

Anderson	Flynn	Metzen	Piper	Ranum
Berglin	Kroening	Mondale	Pogemiller	Spear

So the bill, as amended, was passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

CALL OF THE SENATE

Mr. Moe, R.D. imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

Mr. Samuelson moved that S.F. No. 1758 be taken from the table. The motion prevailed.

S.F. No. 1758: A bill for an act relating to welfare reform; requiring pregnant and parenting minors to live with their parents in order to receive aid

to families with dependent children (AFDC); providing an exception to the AFDC overpayment statute; allowing start work offset to AFDC recipients in the first month of work; broadening the scope of the employment and training statute by requiring more AFDC recipients to participate in job search; allowing vendor emergency assistance payments for damage deposit; providing required workers' compensation insurance for community work experience program workers; expanding cost-neutral fraud prevention programs; allowing emergency assistance damage deposit be returned to the county; allowing the county to pay monthly general assistance differently; making general assistance and work readiness lump-sum criteria the same as the AFDC lump-sum criteria, with some exceptions; requiring a study to expand the parent's fair share pilot project statewide; requiring the departments of human services and revenue to design and implement a plan which supports working families; directing the commissioner of human services to seek several waivers from the federal government which support and promote moving off welfare and becoming self-sufficient; expanding the parent's fair share pilot project into Ramsey county; expanding state support for basic sliding fee day care program; appropriating money; amending Minnesota Statutes 1992, sections 256.73, by adding subdivisions; 256.737, by adding a subdivision; 256.81; 256.979, by adding a subdivision; 256.983, subdivision 1; 256D.05, subdivision 6; 256D.09, by adding a subdivision; 256H.05, subdivision 1b; and 268.672, subdivision 6; Minnesota Statutes 1993 Supplement, sections 256.031, subdivision 3; 256.73, subdivision 8; and 256.736, subdivisions 10 and 14; proposing coding for new law in Minnesota Statutes, chapters 256; and 256D; repealing Minnesota Statutes 1993 Supplement, section 256.734.

CONCURRENCE AND REPASSAGE

Mr. Samuelson moved that the Senate concur in the amendments by the House to S.F. No. 1758 and that the bill be placed on its repassage as amended.

Mr. Betzold moved that the Senate do not concur in the amendments by the House to S.F. No. 1758, and that a Conference Committee of 5 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House.

The question was taken on the adoption of the motion of Mr. Betzold.

The roll was called, and there were yeas 33 and nays 34, as follows:

Those who voted in the affirmative were:

Anderson	Hottinger	Metzen	Pappas	Robertson
Berglin	Janezich	Moe, R.D.	Piper	Solon
Betzold	Johnson, J.B.	Mondale	Pogemiller	Spear
Chandler	Kiscaden	Morse	Price	Terwilliger
Cohen	Krentz	Murphy	Ranum	Wiener
Finn	Luther	Novak	Reichgott Junge	
Flynn	Marty	Oliver	Riveness	

Those who voted in the negative were:

Adkins	Chmielewski	Johnston	Lesewski	Runbeck
Beckman	Day	Kelly	Lessard	Sams
Belanger	Dille	Knutson	McGowan	Samuelson
Benson, D.D.	Frederickson	Kroening	Merriam	Stevens
Benson, J.E.	Hanson	Laidig	Neuville	Stumpf
Berg	Johnson, D.E.	Langseth	Olson	Vickerman
Bertram	Johnson, D.J.	Larson	Pariseau	

The motion did not prevail.

The question recurred on the adoption of the Samuelson motion.

The roll was called, and there were yeas 34 and nays 33, as follows:

Those who voted in the affirmative were:

Adkins	Chmielewski	Johnston	Lesewski	Runbeck
Beckman	Day	Kelly	Lessard	Sams
Belanger	Dille	Knutson	McGowan	Samuelson
Benson, D.D.	Frederickson	Kroening	Merriam	Stevens
Benson, J.E.	Hanson	Laidig	Neuville	Stumpf
Berg	Johnson, D.E.	Langseth	Olson	Vickerman
Bertram	Johnson, D.J.	Larson	Pariseau	

Those who voted in the negative were:

Anderson	Hottinger	Metzen	Pappas	Robertson
Berglin	Janezich	Moe, R.D.	Piper	Solon
Betzold	Johnson, J.B.	Mondale	Pogemiller	Spear
Chandler	Kiscaden	Morse	Price	Terwilliger
Cohen	Krentz	Murphy	Ranum	Wiener
Finn	Luther	Novak	Reichgott Junge	
Flynn	Marty	Oliver	Riveness	

The motion prevailed.

S.F. No. 1758 was read the third time, as amended by the House, and placed on its repassage.

The question was taken on the repassage of the bill, as amended.

The roll was called, and there were yeas 34 and nays 33, as follows:

Those who voted in the affirmative were:

Adkins	Chmielewski	Johnston	Lesewski	Runbeck
Beckman	Day	Kelly	Lessard	Sams
Belanger	Dille	Knutson	McGowan	Samuelson
Benson, D.D.	Frederickson	Kroening	Merriam	Stevens
Benson, J.E.	Hanson	Laidig	Neuville	Stumpf
Berg	Johnson, D.E.	Langseth	Olson	Vickerman
Bertram	Johnson, D.J.	Larson	Pariseau	

Those who voted in the negative were:

Anderson	Hottinger	Metzen	Pappas	Robertson
Berglin	Janezich	Moe, R.D.	Piper	Solon
Betzold	Johnson, J.B.	Mondale	Pogemiller	Spear
Chandler	Kiscaden	Morse	Price	Terwilliger
Cohen	Krentz	Murphy	Ranum	Wiener
Finn	Luther	Novak	Reichgott Junge	
Flynn	Marty	Oliver	Riveness	

So the bill, as amended, was repassed and its title was agreed to.

Without objection, the Senate proceeded to the Order of Business of Introduction and First Reading of Senate Bills.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bill was read the first time and referred to the committee indicated.

Messrs. Moe, R.D.; Merriam; Lessard and Johnson, D.E. introduced—

S.F. No. 2918: A bill for an act relating to the legislature; limiting regular sessions to the first year of a biennium; authorizing the president of the senate and the speaker of the house to jointly call special sessions on extraordinary occasions; proposing an amendment to the Minnesota Constitution, article IV, section 12.

Referred to the Committee on Rules and Administration.

NOTICE OF RECONSIDERATION

Ms. Runbeck gave notice of intention to move for reconsideration of S.F. No. 1758.

MEMBERS EXCUSED

Mr. Larson was excused from the Session of today from 8:00 to 8:35 a.m. Mr. Novak and Ms. Wiener were excused from the Session of today from 8:00 to 8:50 a.m. Mr. Pogemiller was excused from the Session of today from 8:00 to 8:45 a.m. Mr. Mondale was excused from the Session of today from 8:00 to 9:00 a.m. Mr. Price was excused from the Session of today from 8:00 to 9:50 a.m. Ms. Kiscaden was excused from the Session of today from 10:00 to 10:20 a.m. Ms. Runbeck was excused from the Session of today from 10:00 to 11:00 a.m. Ms. Johnston was excused from the Session of today from 10:40 to 11:10 a.m. Mr. Oliver was excused from the Session of today from 11:00 to 11:10 a.m. Mr. Lessard was excused from the Session of today from 11:00 to 11:15 a.m.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 8:00 a.m., Friday, April 15, 1994. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

NINETY-FIRST DAY

St. Paul, Minnesota, Friday, April 15, 1994

The Senate met at 8:00 a.m. and was called to order by the President.

CALL OF THE SENATE

Mr. Betzold imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

Prayer was offered by the Chaplain, Rev. Judith J. Westendorf.

The roll was called, and the following Senators answered to their names:

Adkins	Dille	Krentz	Morse	Robertson
Anderson	Finn	Kroening	Murphy	Runbeck
Beckman	Flynn	Laidig	Neuville	Sams
Belanger	Frederickson	Langseth	Novak	Samuelson
Benson, D.D.	Hanson	Larson	Oliver	Solon
Benson, J.E.	Hottinger	Lesewski	Olson	Spear
Berg	Janezich	Lessard	Pappas	Stevens
Berglin	Johnson, D.E.	Luther	Pariseau	Stumpf
Bertram	Johnson, D.J.	Marty	Piper	Terwilliger
Betzold	Johnson, J.B.	McGowan	Pogemiller	Vickerman
Chandler	Johnston	Merriam	Price	Wiener
Chmielewski	Kelly	Metzen	Ranum	
Cohen	Kiscaden	Moe, R.D.	Reichgott Junge	
Day	Knutson	Mondale	Riveness	

The President declared a quorum present.

The reading of the Journal was dispensed with and the Journal, as printed and corrected, was approved.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communications were received and referred to the committees indicated.

March 11, 1994

The Honorable Allan H. Spear
President of the Senate

Dear Sir:

The following appointment is hereby respectfully submitted to the Senate for confirmation as required by law:

MINNESOTA HOUSING FINANCE AGENCY

Bruce Bakken, 4825 Babcock Trl., Inver Grove Heights, Dakota County, has been appointed by me, effective March 16, 1994, for a term expiring on the first Monday in January, 1995.

(Referred to the Committee on Jobs, Energy and Community Development.)

March 11, 1994

The Honorable Allan H. Spear
President of the Senate

Dear Sir:

The following appointment is hereby respectfully submitted to the Senate for confirmation as required by law:

MINNESOTA RURAL FINANCE AUTHORITY

Patrick A. Thiry, 37767 Rendova St. N.E., Stanchfield, Isanti County, has been appointed by me, effective March 16, 1994, for a term expiring on the first Monday in January, 1997.

(Referred to the Committee on Agriculture and Rural Development.)

Warmest regards,
Arne H. Carlson, Governor

April 12, 1994

The Honorable Irv Anderson
Speaker of the House of Representatives

The Honorable Allan H. Spear
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1994 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

S.F. No.	H.F. No.	Session Laws Chapter No.	Time and Date Approved 1994	Date Filed 1994
	2210	400	2:30 p.m. April 11	April 11
	2435	401	2:32 p.m. April 11	April 11
	2679	402	2:28 p.m. April 11	April 11
	2178	403	2:29 p.m. April 11	April 11
	2035	404	2:34 p.m. April 11	April 11
2425		405	2:50 p.m. April 11	April 11
2199		406	2:52 p.m. April 11	April 11
	2622	407	2:26 p.m. April 11	April 11
	2309	408	2:36 p.m. April 11	April 11

1913	409	2:37 p.m. April 11	April 11
1881	410	2:40 p.m. April 11	April 11
2314	411	2:42 p.m. April 11	April 11
1186	412	2:22 p.m. April 11	April 11
2330	413	2:44 p.m. April 11	April 11
2086	414	2:47 p.m. April 11	April 11
2692	415	2:49 p.m. April 11	April 11

Sincerely,
Joan Anderson Growe
Secretary of State

April 13, 1994

The Honorable Allan H. Spear
President of the Senate

Dear President Spear:

It is my honor to inform you that I have received, approved, signed and deposited in the Office of the Secretary of State, S.F. Nos. 2073, 1692, 1826, 2671, 2462, 2464, 2598, 2135, 2572, 2582, 2503, 1959 and 2345.

Warmest regards,
Arne H. Carlson, Governor

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate Files, herewith returned: S.F. Nos. 1794, 2255, 2579 and 1774.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 14, 1994

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S.F. No. 1662: A bill for an act relating to family; adopting the uniform interstate family support act; repealing the revised uniform reciprocal enforcement of support act; proposing coding for new law in Minnesota Statutes, chapter 518C; repealing Minnesota Statutes 1992, sections 518C.01 to 518C.36.

Senate File No. 1662 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 14, 1994

Ms. Piper moved that the Senate do not concur in the amendments by the House to S.F. No. 1662, and that a Conference Committee of 5 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S.F. No. 2081: A bill for an act relating to state agencies; providing that the open appointments act applies to certain appointments made by the governor and by legislators; authorizing the secretary of state to collect data regarding appointments to multimember agencies by electronic means; requiring multimember agencies to register with the secretary of state; requiring the secretary of state to publish information collected through registration; requiring the secretary of state to furnish copies of registration data to the legislative reference library; extending the expiration date of certain advisory councils; eliminating the family and group family day care task force; amending Minnesota Statutes 1992, sections 15.0597, subdivisions 1 and 5; 115A.072, subdivision 1; and 115A.12; Minnesota Statutes 1993 Supplement, sections 15.0597, subdivisions 2 and 4; and 16B.61, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 15; repealing Minnesota Statutes 1992, section 256.9751, subdivision 2.

Senate File No. 2081 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 14, 1994

CONCURRENCE AND REPASSAGE

Ms. Wiener moved that the Senate concur in the amendments by the House to S.F. No. 2081 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 2081 was read the third time, as amended by the House, and placed on its repassage.

The question was taken on the repassage of the bill, as amended.

The roll was called, and there were yeas 60 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Day	Kiscaden	Metzen	Price
Anderson	Dille	Knutson	Moe, R.D.	Ranum
Beckman	Finn	Krentz	Mondale	Reichgott Junge
Belanger	Flynn	Kroening	Morse	Riveness
Benson, D.D.	Frederickson	Laidig	Murphy	Robertson
Benson, J.E.	Hanson	Larson	Neuville	Runbeck
Berg	Hottinger	Lesewski	Oliver	Sams
Berglin	Janezich	Lessard	Olson	Spear
Bertram	Johnson, D.E.	Luther	Pappas	Stevens
Betzold	Johnson, D.J.	Marty	Pariseau	Stumpf
Chandler	Johnson, J.B.	McGowan	Piper	Terwilliger
Cohen	Johnston	Merriam	Pogemiller	Wiener

So the bill, as amended, was repassed and its title was agreed to.

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S.F. No. 1766: A bill for an act relating to attorneys; expanding remedies for the unauthorized practice of law; amending Minnesota Statutes 1992, section 481.02, subdivision 8.

Senate File No. 1766 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 14, 1994

Ms. Reichgott Junge moved that the Senate do not concur in the amendments by the House to S.F. No. 1766, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S.F. No. 1694: A bill for an act relating to civil commitment; modifying procedures relating to administering intrusive mental health treatment to persons committed as mentally ill and dangerous under the civil commitment act; modifying petition and prepetition procedures; amending Minnesota Statutes 1992, sections 13.42, subdivision 3; 253B.03, subdivisions 6b and 6c; 253B.07, subdivisions 1, 2, and 4, and by adding a subdivision; 253B.09, subdivision 2; 253B.12, subdivision 1; 253B.17, subdivision 1; and 525.56, subdivision 3.

Senate File No. 1694 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 14, 1994

CONCURRENCE AND REPASSAGE

Mr. Betzold moved that the Senate concur in the amendments by the House to S.F. No. 1694 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 1694 was read the third time, as amended by the House, and placed on its repassage.

The question was taken on the repassage of the bill, as amended.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dille	Krentz	Mondale	Riveness
Anderson	Finn	Kroening	Morse	Robertson
Beckman	Flynn	Laidig	Murphy	Runbeck
Belanger	Frederickson	Langseth	Neuville	Sams
Benson, D.D.	Hanson	Larson	Oliver	Samuelson
Benson, J.E.	Hottinger	Lesewski	Olson	Solon
Berg	Janezich	Lessard	Pappas	Spear
Berglin	Johnson, D.E.	Luther	Pariseau	Stevens
Bertram	Johnson, D.J.	Marty	Piper	Stumpf
Betzold	Johnson, J.B.	McGowan	Pogemiller	Terwilliger
Chandler	Johnston	Merriam	Price	Vickerman
Cohen	Kiscaden	Metzen	Ranum	Wiener
Day	Knutson	Moe, R.D.	Reichgott Junge	

So the bill, as amended, was repassed and its title was agreed to.

MESSAGES FROM THE HOUSE – CONTINUED

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 2519, 2624, 2410 and 2120.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 14, 1994

FIRST READING OF HOUSE BILLS

The following bills were read the first time and referred to the committees indicated.

H.F. No. 2519: A bill for an act relating to prostitution; creating a civil cause of action for persons who are coerced into prostitution; proposing coding for new law in Minnesota Statutes, chapter 611A.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2112, now on General Orders.

H.F. No. 2624: A bill for an act relating to employee relations; ratifying labor agreements; making certain positions unclassified; changing duties of the legislative commission on employee relations; revising a salary range for a certain position in the judicial branch; modifying duties of the commissioner of employee relations; amending Minnesota Statutes 1992, sections 3.855, subdivisions 2, 3, and by adding a subdivision; 15A.081, subdivisions 7 and 7b; 43A.05, subdivision 5; 43A.08, subdivisions 1 and 1a; 43A.18, subdivisions 2, 3, and 5; 179A.10, subdivision 3; 179A.18, subdivision 1; and 179A.22, subdivision 4; Minnesota Statutes 1993 Supplement, sections 15A.081, subdivision 1; 15A.083, subdivision 4; and 43A.18, subdivision 4.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2358.

H.F. No. 2410: A bill for an act relating to natural resources; sale of native tree seed and tree planting stock; terms and conditions governing the leasing of state timber lands; amending Minnesota Statutes 1992, sections 89.36,

subdivision 3; 89.37, by adding a subdivision; 90.101, subdivision 2; 90.151, subdivision 1; 90.161, subdivisions 1 and 2; 90.191, subdivision 2; and 90.193; Minnesota Statutes 1993 Supplement, sections 90.101, subdivision 1; and 90.121; repealing Minnesota Statutes 1992, section 90.151, subdivisions 13 and 14.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2236, now on General Orders.

H.F. No. 2120: A bill for an act relating to occupations and professions; providing that health-related licensing boards may establish a program to protect the public from impaired regulated persons; providing for appointments; providing for rulemaking; appropriating money; amending Minnesota Statutes 1993 Supplement, section 214.06, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 214.

Referred to the Committee on Finance.

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was referred

S.F. No. 2162: A bill for an act relating to cities; Saint Paul; appropriating money for unpaid special assessments to property owned by the state, the Minnesota state agricultural society, and other public and quasi-public entities.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1992, section 3.754, is amended to read:

3.754 [BUDGET REQUESTS; PROPERTY IMPROVEMENT CLAIMS.]

All state departments and agencies including the state university board and the state board for community colleges shall include in their budget requests the amounts necessary to reimburse counties and municipalities for claims involving assessments for improvements benefiting state owned property in their communities. *Each department and agency must pay the assessments when due.*

Sec. 2. [APPROPRIATION.]

(a) \$..... is appropriated from the general fund to the commissioner of administration to be distributed to the city of Saint Paul to reimburse its general property tax receipts account for transfers made to its special assessment account, on account of unpaid current and delinquent assessments against real property owned by the state of Minnesota or the Minnesota state agricultural society, for services performed by the city.

(b) In this section, “current assessments” mean assessments spread in 1993 that are payable in 1994 and assessments spread in 1994, that are payable in 1995. “Delinquent assessments” mean those spread in 1990 and 1991 payable in 1991 and 1992, respectively.”

Delete the title and insert:

"A bill for an act relating to state agencies; requiring payments to local governments of special assessments imposed for improvements to state property; appropriating money for unpaid special assessments against property in the city of Saint Paul owned by the state and the Minnesota state agricultural society; amending Minnesota Statutes 1992, section 3.754."

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was referred

H.F. No. 2175: A bill for an act relating to the city of Saint Paul; authorizing a program for the replacement of lead pipes and the charging or assessment of costs for the program and the issuance of general or special obligations to pay the costs of the program.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 2925 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
2925	2608				

and that the above Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 2893 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
2893	2699				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 2893 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2893 and insert

the language after the enacting clause of S.F. No. 2699; further, delete the title of H.F. No. 2893 and insert the title of S.F. No. 2699.

And when so amended H.F. No. 2893 will be identical to S.F. No. 2699, and further recommends that H.F. No. 2893 be given its second reading and substituted for S.F. No. 2699, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Merriam from the Committee on Finance, to which was re-referred

S.F. No. 2192: A bill for an act relating to health; MinnesotaCare; establishing and regulating community integrated service networks; defining terms; creating a reinsurance and risk adjustment association; classifying data; requiring reports; mandating studies; modifying provisions relating to the regulated all-payer option; requiring administrative rulemaking; setting timelines and requiring plans for implementation; designating essential community providers; establishing an expedited fact finding and dispute resolution process; requiring proposed legislation; establishing task forces; providing for demonstration models; mandating universal coverage; requiring insurance reforms; providing grant programs; establishing the Minnesota health care administrative simplification act; implementing electronic data interchange standards; creating the Minnesota center for health care electronic data interchange; providing standards for the Minnesota health care identification card; appropriating money; providing penalties; amending Minnesota Statutes 1992, sections 60A.15, subdivision 1; 62A.303; 62D.04, by adding a subdivision; 62E.02, subdivisions 10, 18, 20, and 23; 62E.10, subdivisions 1, 2, and 3; 62E.141; 62E.16; 62J.03, by adding a subdivision; 62L.02, subdivisions 9, 13, 17, 24, and by adding subdivisions; 62L.03, subdivision 1; 62L.05, subdivisions 1, 5, and 8; 62L.08, subdivisions 2, 5, 6, and 7; 62L.12; 62L.21, subdivision 2; 62M.02, subdivisions 5 and 21; 62M.03, subdivisions 1, 2, and 3; 62M.05, subdivision 3; 62M.06, subdivision 3; 62M.09, subdivision 5; 144.335, by adding a subdivision; 144.581, subdivision 2; 256.9355, by adding a subdivision; 256.9358, subdivision 4; 295.50, by adding subdivisions; and 318.02, by adding a subdivision; Minnesota Statutes 1993 Supplement, sections 43A.317, by adding a subdivision; 60K.14, subdivision 7; 61B.20, subdivision 13; 62A.011, subdivision 3; 62A.65, subdivisions 2, 3, 4, 5, and by adding subdivisions; 62D.12, subdivision 17; 62J.03, subdivision 6; 62J.04, subdivisions 1 and 1a; 62J.09, subdivision 2; 62J.33, by adding subdivisions; 62J.35, subdivisions 2 and 3; 62J.38; 62J.41, subdivision 2; 62J.45, by adding subdivisions; 62L.02, subdivisions 8, 11, 15, 16, 19, and 26; 62L.03, subdivisions 3, 4, and 5; 62L.04, subdivision 1; 62L.08, subdivisions 4 and 8; 62N.01; 62N.02, subdivisions 1, 8, and by adding a subdivision; 62N.06, subdivision 1; 62N.065, subdivision 1; 62N.10, subdivisions 1 and 2; 62N.22; 62N.23; 62P.01; 62P.03; 62P.04; 62P.05; 144.1486; 151.21, subdivisions 7 and 8; 256.9352, subdivision 3; 256.9353, subdivisions 3 and 7; 256.9354, subdivisions 1, 4, 5, and 6; 256.9356, subdivision 3; 256.9362, subdivision 6; 256.9363, subdivisions 6, 7, and 9; 256.9657, subdivision 3; 256B.0625, subdivision 13; 295.50, subdivisions 3, 4, and 12b; 295.52, subdivision 5; 295.53, subdivisions 1, 2, and 5; 295.54; 295.58; and 295.582; Laws 1992, chapter 549, article 9, section 22; proposing coding for new law in Minnesota Statutes, chapters 62A; 62J; 62N; 62P; 144;

and 317A; proposing coding for new law as Minnesota Statutes, chapter 62Q; repealing Minnesota Statutes 1992, sections 62A.02, subdivision 5; 62E.51; 62E.52; 62E.53; 62E.531; 62E.54; 62E.55; and 256.362, subdivision 5; Minnesota Statutes 1993 Supplement, sections 62J.04, subdivision 8; 62N.07; 62N.075; 62N.08; 62N.085; and 62N.16.

Reports the same back with the recommendation that the bill be amended as follows:

Page 5, delete lines 13 to 21

Page 6, line 27, delete "the"

Page 7, line 21, delete "network" and insert "health plan company"

Page 15, line 20, delete "16" and insert "15"

Page 31, after line 5, insert:

"Sec. 20. [62Q.10] [NONDISCRIMINATION.]

If a health plan company, with the exception of a community integrated service network or an indemnity insurer licensed under chapter 60A who does not offer a product through a preferred provider network, offers coverage of a health care service as part of its plan, it may not deny provider network status to a qualified health care provider type who meets the credentialing requirements of the health plan company solely because the provider is an allied independent health care provider as defined in section 62N.255."

Page 32, line 27, delete "7, 9 to 18, 20, 21, and 24" and insert "11, 18, and 20 to 23"

Page 32, line 29, delete "8, 19, 22, and 24" and insert "12 to 17, 19, 24, and 25"

ReNUMBER the sections of article 2 in sequence

Page 51, delete lines 22 to 25 and insert:

"Sections 1 to 21 are effective the day following final enactment."

Page 53, lines 13 and 17, delete "health department" and insert "commissioner"

Page 53, line 15, after "the" insert "health"

Page 56, line 2, delete "allowed under" and insert "established in accordance with"

Page 56, line 27, before "must" insert "care"

Page 60, line 26, delete "make a report and recommendation" and insert "include recommendations"

Page 60, line 28, delete "by" and insert "in the implementation report due"

Page 61, delete lines 15 to 18 and insert:

"Sections 1 to 9 are effective July 1, 1994."

Page 61, line 24, delete "plan" and insert "report"

Page 62, line 33, delete "plan" and insert "report"

Page 63, line 14, delete "*managed care plans*" and insert "*health plan companies*"

Page 64, line 33, delete "*plan*" and insert "*report*"

Page 71, line 6, delete "*65A.65*" and insert "*62A.65*"

Page 90, after line 10, insert:

"Sec. 16. Minnesota Statutes 1993 Supplement, section 62J.09, subdivision 1a, is amended to read:

Subd. 1a. [DUTIES RELATED TO COST CONTAINMENT.] (a) [ALLOCATION OF REGIONAL SPENDING LIMITS.] Regional coordinating boards may advise the commissioner regarding allocation of annual regional limits on the rate of growth for providers in the regulated all-payer system in order to:

(1) achieve communitywide and regional public health goals consistent with those established by the commissioner; and

(2) promote access to and equitable reimbursement of preventive and primary care providers.

(b) [TECHNICAL ASSISTANCE.] Regional coordinating boards, in cooperation with the commissioner, shall provide technical assistance to parties interested in establishing or operating ~~an~~ a *community integrated service network or integrated service network* within the region. This assistance must complement assistance provided by the commissioner under section 62N.23."

Page 110, delete section 39

Renumber the sections of article 8 in sequence

Page 118, delete line 36

Page 119, delete lines 1 and 2 and insert:

"Sections 1 to 15, 17 to 31, and 33 to 50 are effective the day following final enactment. Sections 16 and 32 are effective July 1, 1994."

Page 169, line 19, after "*assistance*" insert "*without a spenddown*"

Page 169, line 22, after "*assistance*" insert "*without a spenddown*"

Pages 170 to 174, delete section 6

Page 181, delete lines 22 to 30

Page 182, lines 16 and 32, delete "*18*" and insert "*17*"

Page 182, line 36, delete "*4, 6, 8, 11, 16, and 17*" and insert "*5, 9, 12, and 16 to 18*"

Page 183, line 2, delete "*Section 3 is*" and insert "*Sections 3 and 4 are*"

Page 183, line 3, delete "*5, 7, 9, 10, and 12*" and insert "*6 to 8, 10, 11, and 13*"

Page 183, line 4, delete everything after the period

Page 183, delete lines 5 and 6

Renumber the sections of article 11 in sequence

Pages 183 and 184, delete sections 1 to 3 and insert:

“Section 1. [APPROPRIATIONS; SUMMARY.]

Except as otherwise provided in this act, the sums set forth in the columns designated “fiscal year 1994” and “fiscal year 1995” are appropriated from the general fund, or other named fund, to the agencies for the purposes specified in this act and are added to or subtracted from the appropriations for the fiscal years ending June 30, 1994, and June 30, 1995, in Laws 1993, chapter 345, or another named law.

SUMMARY BY FUND

APPROPRIATIONS	1994	1995
Health Care Access Fund	\$ (10,828,000)	\$ (17,894,000)

Subdivision 1. DEPARTMENT OF HUMAN SERVICES

Health Care Access Fund	(8,974,000)	(14,622,000)
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Of this appropriation, \$249,000 the second year is for administration of the MinnesotaCare program. The appropriation for the MinnesotaCare subsidized health care plan is reduced by \$8,974,000 in the first year and \$14,871,000 in the second year.

Subd. 2. DEPARTMENT OF EMPLOYEE RELATIONS

Health Care Access Fund	(1,854,000)	(6,125,000)
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This reduction is to the appropriation in Laws 1993, chapter 345, article 14, section 9, due to a negotiation of a third-party carrier contract for Minnesota employers insurance program.

Subd. 3. DEPARTMENT OF HEALTH

Health Care Access Fund	-0-	2,790,000
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Of this appropriation, \$100,000 is for the purpose of making a grant to the school of medicine at the Duluth campus of the University of Minnesota for planning to meet the increasing need for rural family physicians.

Money appropriated before fiscal year 1995 to the commissioner of health for the administrative functions in connection with the data institute may be used by the data institute for the administration of the patient satisfaction survey to the extent

that there are matching financial contributions from the private sector.

Subd. 4. DEPARTMENT OF REVENUE

Health Care Access Fund	-0-	63,000
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Subd. 5. ATTORNEY GENERAL

Health Care Access Fund	-0-	200,000
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This appropriation is in addition to the appropriation in Laws 1993, chapter 192, section 11, subdivision 4. The attorney general shall work cooperatively with the commissioner of health in an effort to increase Minnesota's Medicare reimbursement rate.

Sec. 2. TRANSFERS

Notwithstanding Laws 1993, chapter 345, article 14, section 10, the commissioner of finance shall transfer \$3,963,000 in fiscal year 1994 and \$11,101,000 in fiscal year 1995 from the health care access fund to the general fund."

Amend the title as follows:

Page 1, line 42, delete "subdivision" and insert "subdivisions 1a and"

Page 2, line 7, delete "5,"

Page 2, line 9, delete everything after the first semicolon

And when so amended the bill do pass. Amendments adopted. Report adopted.

SECOND READING OF SENATE BILLS

S.F. No. 2192 was read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 2175, 2925 and 2893 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Benson, D.D. moved that the names of Mses. Berglin and Kiscaden be added as co-authors to S.F. No. 2640. The motion prevailed.

Messrs. Luther and Moe, R.D. introduced—

Senate Resolution No. 81: A Senate resolution welcoming Mayor Christopher Iga of Kampala, Uganda, and Mr. Dyeyonge, Personal Assistant to the Minister of State for Foreign Affairs of Uganda.

Referred to the Committee on Rules and Administration.

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate revert to the Order of Business of Messages From the House. The motion prevailed.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House File No. 2248, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 2248 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 14, 1994

CONFERENCE COMMITTEE REPORT ON H.F. NO. 2248

A bill for an act relating to agriculture; changing certain pesticide posting requirements; amending Minnesota Statutes 1992, section 18B.07, subdivision 3.

April 12, 1994

The Honorable Irv Anderson
Speaker of the House of Representatives

The Honorable Allan H. Spear
President of the Senate

We, the undersigned conferees for H.F. No. 2248, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment.

We request adoption of this report and repassage of the bill.

House Conferees: (Signed) Gil Gutknecht, Marvin Dauner, Gregory M. Davids

Senate Conferees: (Signed) Duane D. Benson, Jim Vickerman, Steve Dille

Mr. Benson, D.D. moved that the foregoing recommendations and Conference Committee Report on H.F. No. 2248 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H.F. No. 2248 was read the third time, as amended by the Conference Committee, and placed on its repassage.

The question was taken on the repassage of the bill, as amended by the Conference Committee.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dille	Krentz	Morse	Robertson
Anderson	Finn	Kroening	Murphy	Runbeck
Beckman	Flynn	Laidig	Neuville	Sams
Belanger	Frederickson	Langseth	Oliver	Samuelson
Benson, D.D.	Hanson	Larson	Olson	Solon
Benson, J.E.	Hottinger	Lesewski	Pappas	Spear
Berg	Janezich	Lessard	Pariseau	Stevens
Berglin	Johnson, D.E.	Luthier	Piper	Stumpf
Bertram	Johnson, D.J.	Marty	Pogemiller	Terwilliger
Betzold	Johnson, J.B.	McGowan	Price	Vickerman
Chandler	Johnston	Merriam	Ranum	Wiener
Cohen	Kiscaden	Metzen	Reichgott Junge	
Day	Knutson	Mondale	Rivness	

So the bill, as amended by the Conference Committee, was repassed and its title was agreed to.

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House File No. 936, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 936 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 11, 1994

CONFERENCE COMMITTEE REPORT ON H.F. NO. 936

A bill for an act relating to the department of jobs and training; changing its name to the department of economic security.

March 25, 1994

The Honorable Irv Anderson
Speaker of the House of Representatives

The Honorable Allan H. Spear
President of the Senate

We, the undersigned conferees for H.F. No. 936, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments.

We request adoption of this report and repassage of the bill.

House Conferees: (Signed) Barb Vickerman, Pat Beard, Brian Bergson

Senate Conferees: (Signed) Dennis R. Frederickson, Janet B. Johnson, James P. Metzen

Mr. Frederickson moved that the foregoing recommendations and Conference Committee Report on H.F. No. 936 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H.F. No. 936 was read the third time, as amended by the Conference Committee, and placed on its repassage.

The question was taken on the repassage of the bill, as amended by the Conference Committee.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dille	Krentz	Mondale	Riveness
Anderson	Finn	Kroening	Morse	Robertson
Beckman	Flynn	Laidig	Murphy	Runbeck
Belanger	Frederickson	Langseth	Neuville	Sams
Benson, D.D.	Hanson	Larson	Novak	Samuelson
Benson, J.E.	Hottinger	Lesewski	Oliver	Solon
Berg	Janezich	Lessard	Olson	Spear
Berglin	Johnson, D.E.	Luther	Pariseau	Stevens
Bertram	Johnson, D.J.	Marty	Piper	Stumpf
Betzold	Johnson, J.B.	McGowan	Pogemiller	Terwilliger
Chandler	Johnston	Merriam	Price	Vickerman
Cohen	Kiscaden	Metzen	Ranum	Wiener
Day	Knutson	Moe, R.D.	Reichgott Junge	

So the bill, as amended by the Conference Committee, was repassed and its title was agreed to.

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House File No. 1914, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 1914 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 14, 1994

CONFERENCE COMMITTEE REPORT ON H.F. NO. 1914

A bill for an act relating to financial institutions; reciprocal interstate banking; reciprocal interstate savings and loan acquisitions and branching; removing the geographical limitation contained in the definition of reciprocating state; amending Minnesota Statutes 1992, sections 48.92, subdivision 7; 51A.58.

April 7, 1994

The Honorable Irv Anderson
Speaker of the House of Representatives

The Honorable Allan H. Spear
President of the Senate

We, the undersigned conferees for H.F. No. 1914, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment.

We request adoption of this report and repassage of the bill.

House Conferees: (Signed) Loren Jennings, Leo J. Reding, Ron Abrams

Senate Conferees: (Signed) James P. Metzen, Sam G. Solon, William V. Belanger, Jr.

Mr. Metzen moved that the foregoing recommendations and Conference Committee Report on H.F. No. 1914 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H.F. No. 1914 was read the third time, as amended by the Conference Committee, and placed on its repassage.

The question was taken on the repassage of the bill, as amended by the Conference Committee.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dille	Krentz	Mondale	Runbeck
Anderson	Finn	Kroening	Morse	Sams
Beckman	Flynn	Laidig	Murphy	Samuelson
Belanger	Frederickson	Langseth	Neuville	Solon
Benson, D.D.	Hanson	Larson	Novak	Spear
Benson, J.E.	Hottinger	Lesewski	Oliver	Stevens
Berg	Janezich	Lessard	Piper	Stumpf
Berglin	Johnson, D.E.	Luther	Pogemiller	Terwilliger
Bertram	Johnson, D.J.	Marty	Price	Vickerman
Betzold	Johnson, J.B.	McGowan	Ranum	Wiener
Chandler	Johnston	Merriam	Reichgott Junge	
Cohen	Kiscaden	Metzen	Riveness	
Day	Knutson	Moe, R.D.	Robertson	

So the bill, as amended by the Conference Committee, was repassed and its title was agreed to.

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House File No. 1094, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 1094 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 28, 1994

CONFERENCE COMMITTEE REPORT ON H.F. NO. 1094

A bill for an act relating to insurance; regulating fees, data collection, coverages, notice provisions, enforcement provisions, the Minnesota joint underwriting association, and the liquor liability assigned risk plan; enacting the NAIC model regulation relating to reporting requirements for licensees seeking to do business with certain unauthorized multiple employer welfare arrangements; making various technical changes; appropriating money;

amending Minnesota Statutes 1992, sections 13.71, by adding subdivisions; 45.024, subdivision 2; 59A.12, by adding a subdivision; 60A.02, by adding a subdivision; 60A.03, subdivisions 5 and 6; 60A.052, subdivision 2; 60A.082; 60A.085; 60A.14, subdivision 1; 60A.19, subdivision 4; 60A.206, subdivision 3; 60A.21, subdivision 2; 60A.36, by adding a subdivision; 60C.22; 60K.06; 60K.14, subdivision 4; 60K.19, subdivision 5; 61A.02, subdivision 2; 61A.031; 61A.04; 61A.07; 61A.071; 61A.073; 61A.074, subdivision 1; 61A.08; 61A.09, subdivision 1; 61A.092, by adding a subdivision; 61A.12, subdivision 1; 61A.282, subdivision 2; 62A.047; 62A.148; 62A.153; 62A.43, subdivision 4; 62E.19, subdivision 1; 62H.01; 62I.02; 62I.03; 62I.07; 62I.13, subdivisions 1 and 2; 62I.20; 65A.01, subdivision 1; 65A.29, subdivision 7; 65B.49, subdivision 3; 72A.20, subdivision 29, and by adding a subdivision; 72A.201, subdivision 9; 72A.41, subdivision 1; 72B.03, subdivision 1; 72B.04, subdivision 2; 176.181, subdivision 2; and 340A.409, subdivisions 2 and 3; proposing coding for new law in Minnesota Statutes, chapters 45; 61A; 62A; and 62H; repealing Minnesota Statutes 1992, sections 70A.06, subdivision 5; 72A.45; and 72B.07; Minnesota Rules, parts 2780.4800; 2783.0010; 2783.0020; 2783.0030; 2783.0040; 2783.0050; 2783.0060; 2783.0070; 2783.0080; 2783.0090; and 2783.0100.

March 18, 1994

The Honorable Irv Anderson
Speaker of the House of Representatives

The Honorable Allan H. Spear
President of the Senate

We, the undersigned conferees for H.F. No. 1094, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment and that H.F. No. 1094 be further amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. [45.015] [PROOF OF MAILING.]

In any provision of law related to the duties and responsibilities entrusted to the commissioner, and unless a different method is specified, when a person is required to provide notice or perform a similar act, this action may be accomplished by mail, and proof of mailing is sufficient to prove compliance with the requirement.

Sec. 2. Minnesota Statutes 1992, section 45.024, subdivision 2, is amended to read:

Subd. 2. [DELEGATION.] The commissioner of commerce may delegate to a deputy commissioner, assistant commissioner, or director the exercise of the commissioner's statutory powers and duties, including the authority to decide and issue final orders in contested cases, rulemaking proceedings, and other hearings held under chapter 14.

This delegation is in addition to, and does not in any way limit, the commissioner's authority to delegate pursuant to section 15.06, subdivision 6, or any other law.

Sec. 3. Minnesota Statutes 1992, section 59A.12, is amended by adding a subdivision to read:

Subd. 5. Whenever an insurer, after having been advised that an insurance policy has been financed by a premium finance agreement, returns an unearned premium on such a policy, the insurer shall deliver or mail to the policyholder a notice that includes the following information: the amount of premium paid, the term of the policy, the date coverage began and ceased, the amount of the unearned premium, the name of the party receiving the funds, and a statement of the obligation of the premium finance company to return within 30 days of receipt of the unearned premium any amount of the unearned premium in excess of the amount owed by the policyholder to the premium finance company.

Sec. 4. Minnesota Statutes 1992, section 60A.02, is amended by adding a subdivision to read:

Subd. 28. [GROUP INSURANCE.] "Group insurance" means that form of insurance coverage sponsored by:

(1) an employer covering not less than two employees and which may include the employees' dependents, consisting of husband, wife, children, and actual dependents residing in the household, written under a master policy issued to any employer, or group of employers who have joined into an arrangement for the purposes of providing the employees insurance for their individual benefit. Employees' dependents, consisting of husband, wife, children, and actual dependents residing in the same household, are not employees for purposes of this definition except for a spouse employed on a regular full-time basis by the same employer. This clause does not apply to chapter 62L;

(2) an association to provide insurance to its members; or

(3) a creditor to provide life insurance to insure its debtors in connection with real estate mortgage loans, in an amount not to exceed the actual or scheduled amount of their indebtedness.

Sec. 5. Minnesota Statutes 1992, section 60A.03, subdivision 5, is amended to read:

Subd. 5. [EXAMINATION FEES AND EXPENSES.] When any visitation, examination, or appraisal is made by order of the commissioner, the company being examined, visited, or appraised, including, but not limited to, fraternal, township mutuals, reciprocal exchanges, nonprofit service plan corporations, health maintenance organizations, vendors of risk management services licensed under section 60A.23, or self-insurance plans or pools established under section 176.181 or 471.982, shall pay to the department of commerce the necessary expenses of the persons engaged in the examination, visit, appraisal, or desk audits of annual statements and records performed by the department other than on the company premises plus the per diem salary fees of the employees of the department of commerce who are conducting or participating in the examination, visitation, appraisal, or desk audit. The per diem salary fees may be based upon the approved examination fee schedules of the National Association of Insurance Commissioners or otherwise determined by the commissioner. All of these fees and expenses must be paid into the department of commerce revolving fund.

Sec. 6. Minnesota Statutes 1992, section 60A.052, subdivision 2, is amended to read:

Subd. 2. [SUMMARY SUSPENSION OR REVOCATION OF AUTHORITY OR CENSURE.] If the commissioner determines that one of the conditions listed in subdivision 1 exists, the commissioner may issue an order requiring the insurance company to show cause why any or all of the following should not occur: (1) revocation or suspension of any or all certificates of authority granted to the foreign or domestic insurance company or its agent; (2) censuring of the insurance company; or (3) the imposition of a civil penalty. The order shall be calculated to give reasonable notice of the time and place for hearing thereon, and shall state the reasons for the entry of the order. The commissioner may by order summarily suspend or revoke a certificate pending final determination of any order to show cause. If a certificate is suspended or revoked pending final determination of an order to show cause, a hearing on the merits shall be held within 30 days of the issuance of the summary order. All hearings shall be conducted in accordance with chapter 14. *The insurer may waive its right to the hearing. If the insurer is under the supervision or control of the insurance department of the insurer's state of domicile, that insurance department, acting on behalf of the insurer, may waive the insurer's right to the hearing.* After the hearing, the commissioner shall enter an order disposing of the matter as the facts require. If the insurance company fails to appear at a hearing after having been duly notified of it, the company shall be considered in default, and the proceeding may be determined against the company upon consideration of the order to show cause, the allegations of which may be considered to be true.

Sec. 7. Minnesota Statutes 1992, section 60A.082, is amended to read:

60A.082 [GROUP INSURANCE; BENEFITS CONTINUED IF INSURER CHANGED.]

A person covered under group life, group accidental death and dismemberment, group disability income or group medical expense insurance, shall not be denied benefits to which the person is otherwise entitled solely because of a change in the insurance company writing the coverage or in the group contract applicable to the person. In the case of one or more carriers replacing or remaining in place after one or more plans have been discontinued, each carrier shall accept any person who was covered under the discontinued plan or plans without denial of benefits to which other persons in the group covered by that carrier are entitled. "Insurance company" shall include a service plan corporation under chapter 62C or 62D.

For purposes of satisfying any preexisting condition limitation, the insurance company shall credit the period of time the person was covered by the prior plan, if the person has maintained continuous coverage.

The commissioner shall promulgate rules to carry out this section. Nothing in this section shall preclude an employer, union or association from reducing the level of benefits under any group insurance policy or plan.

Sec. 8. Minnesota Statutes 1992, section 60A.085, is amended to read:

60A.085 [CANCELLATION OF GROUP COVERAGE; NOTIFICATION TO COVERED PERSONS.]

(a) No cancellation of any group life, group accidental death and dismemberment, group disability income, or group medical expense policy, plan, or

contract is effective unless the insurer has made a good faith effort to notify all covered persons of the cancellation at least 30 days before the effective cancellation date. For purposes of this section, an insurer has made a good faith effort to notify all covered persons if the insurer has notified all the persons included on the list required by paragraph (b) at the home address given and only if the list has been updated within the last 12 months.

(b) At the time of the application for coverage subject to paragraph (a), the insurer shall obtain an accurate list of the names and home addresses of all persons to be covered. ~~The insurer shall obtain an update of the list at least once during each subsequent 12-month period while the policy, plan, or contract is in force.~~

(c) Paragraph (a) does not apply if the group policy, plan, or contract is replaced by a substantially similar policy, plan, or contract.

Sec. 9. Minnesota Statutes 1992, section 60A.14, subdivision 1, is amended to read:

Subdivision 1. [FEES OTHER THAN EXAMINATION FEES.] In addition to the fees and charges provided for examinations, the following fees must be paid to the commissioner for deposit in the general fund:

(a) by township mutual fire insurance companies:

- (1) for filing certificate of incorporation \$25 and amendments thereto, \$10;
- (2) for filing annual statements, \$15;
- (3) for each annual certificate of authority, \$15;
- (4) for filing bylaws \$25 and amendments thereto, \$10.

(b) by other domestic and foreign companies including fraternal and reciprocal exchanges:

- (1) for filing certified copy of certificate of articles of incorporation, \$100;
- (2) for filing annual statement, \$225;
- (3) for filing certified copy of amendment to certificate or articles of incorporation, \$100;
- (4) for filing bylaws, \$75 or amendments thereto, \$75;
- (5) for each company's certificate of authority, \$575, annually.

(c) the following general fees apply:

- (1) for each certificate, including certified copy of certificate of authority, renewal, valuation of life policies, corporate condition or qualification, \$25;
- (2) for each copy of paper on file in the commissioner's office 50 cents per page, and \$2.50 for certifying the same;
- (3) for license to procure insurance in unadmitted foreign companies, \$575;
- (4) for receiving and forwarding each notice, proof of loss, summons, complaint or other process served upon the commissioner of commerce, as attorney for service of process upon any nonresident agent or insurance company, including reciprocal exchanges, \$15 plus the cost of effectuating

service by certified mail, which amount must be paid by the party serving the notice and may be taxed as other costs in the action;

(5) for valuing the policies of life insurance companies, one cent per \$1,000 of insurance so valued, provided that the fee shall not exceed \$13,000 per year for any company. The commissioner may, in lieu of a valuation of the policies of any foreign life insurance company admitted, or applying for admission, to do business in this state, accept a certificate of valuation from the company's own actuary or from the commissioner of insurance of the state or territory in which the company is domiciled;

(6) (5) for receiving and filing certificates of policies by the company's actuary, or by the commissioner of insurance of any other state or territory, \$50;

(7) for issuing an initial license to an individual agent, \$30 per license; for issuing an initial agent's license to a partnership or corporation, \$100; and for issuing an amendment (variable annuity) to a license, \$50; and for renewal of amendment, \$25;

(8) (6) for each appointment of an agent filed with the commissioner, a domestic insurer shall remit \$5 and all other insurers shall remit \$3;

(9) for renewing an individual agent's license, \$30 per year per license, and for renewing a license issued to a corporation or partnership, \$60 per year;

(10) for issuing and renewing a surplus lines agent's license, \$250;

(11) for issuing duplicate licenses, \$10;

(12) for issuing licensing histories, \$20;

(13) (7) for filing forms and rates, \$50 per filing;

(14) (8) for annual renewal of surplus lines insurer license, \$300.

The commissioner shall adopt rules to define filings that are subject to a fee.

Sec. 10. Minnesota Statutes 1992, section 60A.19, subdivision 4, is amended to read:

Subd. 4. **[FEES SERVICE OF PROCESS.]** The commissioner shall be entitled to charge and receive a fee prescribed by section 60A.14, subdivision 1, paragraph (c), clause (4), for each notice, proof of loss, summons, or other process served under the provisions of this subdivision and subdivision 3, to be paid by the persons serving the same. The service of process authorized by this section shall be made in compliance with section 45.028, subdivision 2.

Sec. 11. Minnesota Statutes 1992, section 60A.206, subdivision 3, is amended to read:

Subd. 3. **[STANDARDS TO BE MET BY INSURERS.]** (a) The commissioner shall recognize the insurer as an eligible surplus lines insurer when satisfied that the insurer is in a stable, unimpaired financial condition and that the insurer is qualified to provide coverage in compliance with sections 60A.195 to 60A.209. If filed with full supporting documentation before July 1 of any year, applications submitted under subdivision 2 shall be acted upon by the commissioner before December 31 of the year of submission.

(b) The commissioner shall not authorize an insurer as an eligible surplus lines insurer unless the insurer continuously maintains capital and surplus of

at least \$3,000,000 and transaction of business by the insurer is not hazardous, financially or otherwise, to its policyholders, its creditors, or the public. Each alien surplus lines insurer shall have current financial data filed with the National Association of Insurance Commissioners Nonadmitted Insurers Information Office.

(c) Eligible surplus lines insurers domiciled within the United States shall file an annual statement and an annual financial audit, under the terms and conditions of section 60A.13, subdivisions 1, 3a, and 6, and are subject to the penalties of section 72A.061, *and are subject to section 60A.03, subdivision 5*, in regard to those requirements. The commissioner also has the powers provided in section 60A.13, subdivision 2, in regard to eligible surplus lines insurers.

(d) Eligible surplus lines insurers domiciled outside the United States shall file an annual statement on the standard nonadmitted insurers information office financial reporting format as prescribed by the National Association of Insurance Commissioners and an annual financial audit performed by an independent accounting firm.

Sec. 12. Minnesota Statutes 1992, section 60A.21, subdivision 2, is amended to read:

Subd. 2. [SERVICE OF PROCESS UPON UNAUTHORIZED INSURER.]

(1) Any of the following acts in this state effected by mail or otherwise by an unauthorized foreign or alien insurer: (a) the issuance or delivery of contracts of insurance to residents of this state or to corporations authorized to do business therein; (b) the solicitation of applications for such contracts; (c) the collection of premiums, membership fees, assessments, or other considerations for such contracts; or (d) any other transaction of insurance business, is equivalent to and shall constitute an appointment by such insurer of the commissioner of commerce and the commissioner's successor or successors in office to be its true and lawful attorney upon whom may be served all lawful process in any action, suit, or proceeding instituted by or on behalf of an insured or beneficiary arising out of any such contract of insurance and any such act shall be signification of its agreement that such service of process is of the same legal force and validity as personal service of process in this state upon such insurer.

(2) Such service of process shall be made in compliance with section 45.028, subdivision 2 ~~and the payment of a filing fee as prescribed by section 60A.14, subdivision 1, paragraph (e), clause (4).~~

(3) Service of process in any such action, suit, or proceeding shall in addition to the manner provided in clause (2) of this subdivision be valid if served upon any person within this state who, in this state on behalf of such insurer, is: (a) soliciting insurance, or (b) making, issuing, or delivering any contract of insurance, or (c) collecting or receiving any premium, membership fee, assessment, or other consideration for insurance; and if a copy of such process is sent within ten days thereafter by certified mail by the plaintiff or plaintiff's attorney to the defendant at the last known principal place of business of the defendant and the defendant's receipt, or the receipt issued by the post office with which the letter is certified showing the name of the sender of the letter and the name and address of the person to whom the letter is addressed, and the affidavit of the plaintiff or plaintiff's attorney showing a compliance herewith are filed with the administrator of the court in which

such action is pending on or before the date the defendant is required to appear or within such further time as the court may allow.

(4) No plaintiff or complainant shall be entitled to a judgment by default under this subdivision until the expiration of 30 days from the date of the filing of the affidavit of compliance.

(5) Nothing in this subdivision contained shall limit or abridge the right to serve any process, notice, or demand upon any insurer in any other manner now or hereafter permitted by law.

(6) The provisions of this section shall not apply to surplus line insurance lawfully effectuated under Minnesota law, or to reinsurance, nor to any action or proceeding against an unauthorized insurer arising out of:

(a) Wet marine and transportation insurance;

(b) Insurance on or with respect to subjects located, resident, or to be performed wholly outside this state, or on or with respect to vehicles or aircraft owned and principally garaged outside this state;

(c) Insurance on property or operations of railroads engaged in interstate commerce; or

(d) Insurance on aircraft or cargo of such aircraft, or against liability, other than employer's liability, arising out of the ownership, maintenance, or use of such aircraft, where the policy or contract contains a provision designating the commissioner as its attorney for the acceptance of service of lawful process in any action or proceeding instituted by or on behalf of an insured or beneficiary arising out of any such policy, or where the insurer enters a general appearance in any such action.

Sec. 13. Minnesota Statutes 1992, section 60A.36, is amended by adding a subdivision to read:

Subd. 5. [RESCISSION.] (a) No insurer may rescind or void a contract of liability or property insurance unless there was material misrepresentation, material omission, or fraud made by or with the knowledge of the insured in obtaining the contract or in pursuing a claim under the policy.

(b) No misrepresentation or omission shall be material unless knowledge by the insurer of the facts misrepresented or omitted would have led to a refusal by the insurer to make such a contract. In determining the question of materiality, evidence of the practice of the insurer with respect to the acceptance or rejection of similar risks shall be admissible.

(c) For purposes of this section, a representation is a statement as to past or present fact, made to an insurer or the insurer's agent by the applicant as an inducement for issuing a contract of commercial liability or property insurance. A misrepresentation is a false representation, and the facts misrepresented are those facts which make the representation false.

(d) This subdivision does not limit the right to cancel the policy prospectively for the reasons stated in subdivision 1, clause (2).

Sec. 14. Minnesota Statutes 1992, section 60K.06, is amended to read:

60K.06 [RENEWAL FEE FEES.]

Subdivision 1. [RENEWAL FEES.] (a) Each agent licensed pursuant to section 60K.03 shall annually pay in accordance with the procedure adopted by the commissioner a renewal fee as prescribed by section 60A.14, subdivision 1, paragraph (c), clause (10).

(b) Every agent, corporation, and partnership license expires on October 31 of the year for which period a license is issued.

(c) Persons whose applications have been properly and timely filed who have not received notice of denial of renewal are approved for renewal and may continue to transact business whether or not the renewed license has been received on or before November 1. Applications for renewal of a license are timely filed if received by the commissioner on or before October 15 of the year due, on forms duly executed and accompanied by appropriate fees. An application mailed is considered timely filed if addressed to the commissioner, with proper postage, and postmarked by October 15.

~~(d) The commissioner may issue licenses for agents, corporations, or partnerships for a three year period. If three year licenses are issued, the fee is three times the annual license fee.~~

Subd. 2. [LICENSING FEES.] (a) In addition to the fees and charges provided for examinations, each agent licensed pursuant to section 60K.03 shall pay to the commissioner:

(1) for issuing an initial license to an individual agent, \$30 per year;

(2) for issuing an initial agent's license to a partnership or corporation, \$100 per year;

(3) for issuing an amendment (variable annuity) to a license, \$50 per year;

(4) for renewing an amendment, \$25 per year;

(5) for renewing an individual agent's license, \$30 per year;

(6) for renewing a license issued to a corporation or partnership, \$60 per year;

(7) for issuing and renewing a surplus lines agent's license, \$250 per year;

(8) for issuing duplicate licenses, \$10.

(b) Every agent, corporation, and partnership license expires on October 31.

(c) Persons whose applications have been properly and timely filed who have not received notice of denial of renewal are approved for renewal and may continue to transact business whether or not the renewed license has been received on or before November 1. Applications for renewal of a license are timely filed if received by the commissioner on or before October 15 of the year due, on forms duly executed and accompanied by appropriate fees. An application mailed is considered timely filed if addressed to the commissioner, with proper postage, and postmarked by October 15.

(d) All fees shall be retained by the commissioner and shall be nonreturnable, except that an overpayment of any fee shall be the subject of a refund upon proper application.

Sec. 15. Minnesota Statutes 1992, section 60K.14, subdivision 4, is amended to read:

Subd. 4. [SUITABILITY OF INSURANCE.] In recommending the purchase of any life, endowment, *individual accident and sickness*, long-term care, annuity, life-endowment, or Medicare supplement insurance to a customer, an agent must have reasonable grounds for believing that the recommendation is suitable for the customer and must make reasonable inquiries to determine suitability. The suitability of a recommended purchase of insurance will be determined by reference to the totality of the particular customer's circumstances, including, but not limited to, the customer's income, the customer's need for insurance, and the values, benefits, and costs of the customer's existing insurance program, if any, when compared to the values, benefits, and costs of the recommended policy or policies.

Sec. 16. Minnesota Statutes 1993 Supplement, section 61A.02, subdivision 2, is amended to read:

Subd. 2. [APPROVAL REQUIRED.] No policy or certificate of life insurance or annuity contract, *issued to an individual, group, or multiple employer trust*, nor any rider of any kind or description which is made a part thereof shall be issued or delivered in this state, or be issued by a life insurance company organized under the laws of this state, until the form of the same has been approved by the commissioner. In making a determination under this section, the commissioner may require the insurer to provide rates and advertising materials related to policies or contracts, *certificates, or similar evidence of coverage* issued or delivered in this state.

This section applies to a policy, certificate of insurance, or similar evidence of coverage issued to a Minnesota resident or issued to provide coverage to a Minnesota resident. This section does not apply to a certificate of insurance or similar evidence of coverage that meets the conditions of section 61A.093, subdivision 2.

Sec. 17. Minnesota Statutes 1992, section 61A.07, is amended to read:

61A.07 [PROHIBITED PROVISIONS.]

No policy of life insurance shall be issued or delivered in this state, or be issued by a life insurance company organized under the laws of this state, if it contains a provision:

(1) for forfeiture of the policy for failure to repay any loan on the policy or to pay interest on such loan while the total indebtedness on the policy is less than the loan value thereof; or for forfeiture for failure to repay any such loan or to pay interest thereon, unless such provision contain a stipulation that no such forfeiture shall occur until at least one month after notice shall have been mailed by the company to the last known address of the insured and of the assignee, if any, notice of whose address and contract of the assignment has been filed with the company, at its home office; or

(2) *in a life policy or annuity contract*, limiting the time within which any action at law or in equity may be commenced to less than five years after the cause of action shall accrue; or

(3) by which the policy shall purport to be issued or to take effect more than six months before the original application for the insurance was made; or

(4) for any mode of settlement at maturity of less value than the amount insured on the face of the policy plus any dividend additions, less any

indebtedness to the company on the policy, and less any premium that may be deducted by the terms of the policy.

Sec. 18. Minnesota Statutes 1992, section 61A.071, is amended to read:

61A.071 [APPLICATIONS.]

No individual life insurance policy, ~~except mass marketed life insurance as defined in section 72A.13, subdivision 2~~ *except life insurance marketed on a direct response basis*, shall be issued or delivered in this state to a person age 65 or older unless a signed and completed copy of the application for insurance is left with the applicant at the time application is made. *However, where an individual life policy is marketed on a direct response basis, a copy of any application signed by the applicant shall be delivered to the insured along with, or as part of, the policy.*

Sec. 19. Minnesota Statutes 1992, section 61A.074, subdivision 1, is amended to read:

Subdivision 1. [CORPORATION OR TRUSTEE.] A corporation or the trustee of a trust providing life, *annuity*, health, disability, retirement, or similar benefits to employees of one or more corporations, and acting in a fiduciary capacity with respect to the employees, retired employees, or their dependents or beneficiaries, has an insurable interest in the lives of employees for whom the benefits are to be provided. The written consent of the insured is required if the insurance purchased under this subdivision is payable to the corporation or to the trustee.

Sec. 20. Minnesota Statutes 1992, section 61A.08, is amended to read:

61A.08 [EXCEPTIONS.]

Sections 61A.02, 61A.03, 61A.07, 61A.23, and 61A.25 shall not, except as expressly provided in this chapter, apply to ~~annuities~~, industrial or group term policies, or to corporations or associations operating on the assessment or fraternal plan, ~~and in every case where a contract provides for both insurance and annuities, sections 61A.02, 61A.03 and 61A.07 shall apply only to that part of the contract which provides for insurance~~, but every contract issued prior to the operative date specified in section 61A.245 containing a provision for a deferred annuity on the life of the insured only, unless paid for by a single premium, shall provide that, in event of the nonpayment of any premium after three full years' premium shall have been paid, the annuity shall automatically become converted into a paid-up annuity for that proportion of the original annuity as the number of completed years' premiums paid bears to the total number of premiums required under the contract.

Sec. 21. Minnesota Statutes 1992, section 61A.09, subdivision 1, is amended to read:

Subdivision 1. No group life insurance policy *or group annuity* shall be issued for delivery in this state until the form thereof and the form of any certificates issued thereunder have been filed in accordance with and subject to the provisions of section 61A.02. Each person insured under such a group life insurance policy (excepting policies which insure the lives of debtors of a creditor or vendor to secure payment of indebtedness) shall be furnished a certificate of insurance issued by the insurer and containing the following:

- (a) Name and location of the insurance company;

(b) A statement as to the insurance protection to which the certificate holder is entitled, including any changes in such protection depending on the age of the person whose life is insured;

(c) Any and all provisions regarding the termination or reduction of the certificate holder's insurance protection;

(d) A statement that the master group policy may be examined at a reasonably accessible place;

(e) The maximum rate of contribution to be paid by the certificate holder;

(f) Beneficiary and method required to change such beneficiary;

(g) In the case of a group term insurance policy if the policy provides that insurance of the certificate holder will terminate, in case of a policy issued to an employer, by reason of termination of the certificate holder's employment, or in case of a policy issued to an organization of which the certificate holder is a member, by reason of termination of membership, a provision to the effect that in case of termination of employment or membership, or in case of termination of the group policy, the certificate holder shall be entitled to have issued by the insurer, without evidence of insurability, upon application made to the insurer within 31 days after the termination of employment or membership, and upon payment of the premium applicable to the class of risk to which that person belongs and to the form and amount of the policy at that person's then attained age, a policy of life insurance only, in any one of the forms customarily issued by the insurer except term insurance, in an amount equal to the amount of the life insurance protection under such group insurance policy at the time of such termination; and shall contain a further provision to the effect that upon the death of the certificate holder during such 31-day period and before any such individual policy has become effective, the amount of insurance for which the certificate holder was entitled to make application shall be payable as a death benefit by the insurer.

This section applies to a policy, certificate of insurance, or similar evidence of coverage issued to a Minnesota resident or issued to provide coverage to a Minnesota resident. This section does not apply to a certificate of insurance or similar evidence of coverage that meets the conditions of section 61A.093, subdivision 2.

Sec. 22. Minnesota Statutes 1992, section 61A.092, is amended by adding a subdivision to read:

Subd. 6. [APPLICATION.] This section applies to a policy, certificate of insurance, or similar evidence of coverage issued to a Minnesota resident or issued to provide coverage to a Minnesota resident. This section does not apply to a certificate of insurance or similar evidence of coverage that meets the conditions of section 61A.093, subdivision 2.

Sec. 23. [61A.093] [CERTIFICATE OF INSURANCE.]

Subdivision 1. [COVERAGE.] A certificate of insurance or similar evidence of coverage issued to a Minnesota resident shall provide coverage for all benefits required to be covered in group policies in Minnesota by this chapter.

This subdivision supersedes any inconsistent provision of this chapter.

A policy of life insurance that is issued or delivered in this state and that covers a person residing in another state may provide coverage or contain provisions that are less favorable to that person than required by this chapter. Less favorable coverages or provisions must meet the requirements that the state in which the person resides would have required had the policy been issued or delivered in that state.

Subd. 2. [NONAPPLICATION.] Subdivision 1 does not apply to certificates issued in regard to a master policy issued outside the state of Minnesota if all of the following are true:

(1) the policyholder or certificate holder exists primarily for purposes other than to obtain insurance;

(2) the policyholder or certificate holder is not a Minnesota corporation and does not have its principal office in Minnesota;

(3) the policy or certificate covers fewer than 25 persons who are residents of Minnesota and the Minnesota residents represent less than 25 percent of all covered persons; and

(4) on request of the commissioner, the issuer files with the commissioner a copy of the policy and a copy of each form of certificate.

Subd. 3. [RELATION TO OTHER LAW.] Section 60A.08, subdivision 4, shall not be construed as requiring a certificate of insurance or similar evidence of insurance that meets the conditions of subdivision 2 to comply with this chapter.

Sec. 24. Minnesota Statutes 1992, section 61A.12, subdivision 1, is amended to read:

Subdivision 1. [PROCEEDS OF LIFE POLICY OR ANNUITY, WHO ENTITLED TO.] When any insurance is effected in favor of another, the beneficiary shall be entitled to its proceeds against the creditors and representatives of the person effecting the same. All premiums paid for insurance in fraud of creditors, with interest thereon, shall inure to their benefit from the proceeds of the policy, if the company be specifically notified thereof, in writing, before payment.

Sec. 25. Minnesota Statutes 1992, section 61A.282, subdivision 2, is amended to read:

Subd. 2. [LENDING OF SECURITIES.] A company may loan securities held by it under this chapter to a broker-dealer registered under the Securities and Exchange Act of 1934 or to a bank which is a member of the Federal Reserve System, under the following conditions:

(a) The market value of loaned securities outstanding at any one time, excluding securities held in a separate account established pursuant to section 61A.14, subdivision 1, or 61A.275; shall not exceed ~~50~~ 40 percent of the company's ~~capital and surplus~~ admitted assets as of the December 31 immediately preceding.

(b) The company is limited to no more than two percent of its admitted assets as of the December 31 immediately preceding being subject to lending of securities with any one borrower.

(c) Each loan must be evidenced by a written agreement which provides:

(a) (1) that the loan will be fully collateralized by cash or obligations issued or guaranteed by the United States or an agency or an instrumentality thereof, and that the collateral will be adjusted each business day during the term of the loan to maintain the required collateral in the event of market value changes in the loaned securities or collateral;

(b) (2) that the loan may be terminated by the company at any time, and that the borrower must return the loaned securities or their equivalent within five business days after termination;

(c) (3) that the company has the right to retain the collateral or to use the collateral to purchase securities equivalent to the loaned securities if the borrower defaults under the terms of the agreement; and

(d) (4) that the borrower remains liable for any losses and expenses, not covered by the collateral, which are incurred by the company due to default.

Sec. 26. Minnesota Statutes 1992, section 62A.047, is amended to read:

62A.047 [CHILDREN'S HEALTH SUPERVISION SERVICES AND PRENATAL CARE SERVICES.]

A policy of individual or group health and accident insurance regulated under this chapter, or individual or group subscriber contract regulated under chapter 62C, health maintenance contract regulated under chapter 62D, or health benefit certificate regulated under chapter 64B, issued, renewed, or continued to provide coverage to a Minnesota resident, must provide coverage for child health supervision services and prenatal care services. The policy, contract, or certificate must specifically exempt reasonable and customary charges for child health supervision services and prenatal care services from a deductible, copayment, or other coinsurance or dollar limitation requirement. ~~For individual policies,~~ This section does not prohibit the use of *policy* waiting periods or preexisting condition limitations for these services. Minimum benefits may be limited to one visit payable to one provider for all of the services provided at each visit cited in this section subject to the schedule set forth in this section. Nothing in this section applies to a commercial health insurance policy issued as a companion to a health maintenance organization contract, a policy designed primarily to provide coverage payable on a per diem, fixed indemnity, or nonexpense incurred basis, or a policy that provides only accident coverage.

"Child health supervision services" means pediatric preventive services, appropriate immunizations, developmental assessments, and laboratory services appropriate to the age of a child from birth to age six as defined by Standards of Child Health Care issued by the American Academy of Pediatrics. Reimbursement must be made for at least five child health supervision visits from birth to 12 months, three child health supervision visits from 12 months to 24 months, once a year from 24 months to 72 months.

"Prenatal care services" means the comprehensive package of medical and psychosocial support provided throughout the pregnancy, including risk assessment, serial surveillance, prenatal education, and use of specialized skills and technology, when needed, as defined by Standards for Obstetric-Gynecologic Services issued by the American College of Obstetricians and Gynecologists.

Sec. 27. [62A.105] [COVERAGES; TRANSFERS TO SUBSTANTIALLY SIMILAR PRODUCTS.]

Subdivision 1. [SCOPE.] No individual policy of accident and sickness regulated under this chapter or subscriber contract regulated under chapter 62C shall be issued, renewed, or continued to provide coverage to a Minnesota resident unless it satisfies the requirements of subdivision 2.

Subd. 2. [REQUIREMENT.] If an issuer of policies or plans referred to in subdivision 1 ceases to offer a particular policy or subscriber contract to the general public or otherwise stops adding new insureds to the group of covered persons, the issuer shall allow any covered person to transfer to another substantially similar policy or contract currently being sold by the issuer. The issuer shall permit the transfer without any preexisting condition limitation, waiting period, or other restriction of any type other than those which applied to the insured under the prior policy or contract. This section does not apply to persons who were covered under an individual policy or contract prior to July 1, 1994.

Sec. 28. [62A.136] [DENTAL AND VISION PLANS.]

The following provisions do not apply to health plans providing dental or vision coverage only: sections 62A.041, 62A.047, 62A.149, 62A.151, 62A.152, 62A.154, 62A.155, 62A.26, 62A.28, and 62A.30.

Sec. 29. Minnesota Statutes 1992, section 62A.148, is amended to read:

62A.148 [GROUP INSURANCE; PROVISION OF BENEFITS FOR DISABLED EMPLOYEES.]

No employer or insurer of that employer shall terminate, suspend or otherwise restrict the participation in or the receipt of benefits otherwise payable under any program or policy of group insurance to any covered employee who becomes totally disabled while employed by the employer solely on account of absence caused by such total disability. *This includes coverage of dependents of the employee.* If the employee is required to pay all or any part of the premium for the extension of coverage, payment shall be made to the employer, by the employee.

Sec. 30. Minnesota Statutes 1992, section 62A.153, is amended to read:

62A.153 [~~FREE STANDING AMBULATORY SURGICAL CENTERS~~ OUTPATIENT MEDICAL AND SURGICAL SERVICES.]

No policy or plan of health, medical, hospitalization, or accident and sickness insurance regulated under this chapter, or subscriber contract provided by a nonprofit health service plan corporation regulated under chapter 62C *that provides coverage for services in a hospital* shall be issued, renewed, continued, delivered, issued for delivery or executed in this state, or approved for issuance or renewal in this state by the commissioner of commerce unless the policy, plan or contract specifically provides coverage for a health care treatment or ~~service rendered by a free standing ambulatory surgical center or facilities offering ambulatory medical service 24 hours a day seven days a week, which are not part of a hospital, but have been reviewed and approved by the state commissioner of health to provide the treatment or service, surgery on an outpatient basis at a facility equipped to perform these services, whether or not the facility is part of a hospital.~~ Coverage shall be on the same basis as coverage provided for the same health care treatment or service ~~rendered by~~ in a hospital.

Sec. 31. Minnesota Statutes 1992, section 62A.43, subdivision 4, is amended to read:

Subd. 4. [OTHER POLICIES NOT PROHIBITED.] The prohibition in this section or the requirements of section 62A.31, subdivision 1, against the sale of duplicate Medicare supplement coverage does do not preclude the sale of insurance coverage, such as travel, accident and sickness coverage, the effect or purpose of which is not to supplement Medicare coverage. Notwithstanding this provision, if the commissioner determines that the coverage being sold is in fact Medicare supplement insurance, the commissioner shall notify the insurer in writing of the determination. If the insurer does not thereafter comply with sections 62A.31 to 62A.44, the commissioner may, pursuant to chapter 14, revoke or suspend the insurer's authority to sell accident and health insurance in this state or impose a civil penalty not to exceed \$10,000, or both.

Sec. 32. [62A.49] [HOME CARE SERVICES COVERAGE.]

Subdivision 1. [GENERALLY.] Section 62A.48 does not prohibit the sale of policies, certificates, subscriber contracts, or other evidences of coverage that provide home care services only. This does not, however, remove the requirement that home care service benefits must be provided as part of a long-term care policy pursuant to that section. Home care services only policies may be sold, provided that they meet the requirements set forth in sections 62A.46 to 62A.56, except that they do not have to meet those conditions that relate to long-term care in nursing facilities. Disclosures and representations regarding these policies must be adjusted accordingly to remove references to coverage for nursing home care.

Subd. 2. [PROVIDER NETWORKS AND MANAGED CARE.] Home health care services issued pursuant to this section may be provided through a limited provider network and may employ managed care practices. If these methods are used, they must be adequately disclosed within the policy and any advertisements or representations regarding coverage. Policies may not be sold in areas where there are not sufficient providers to meet the needs of the policyholders located in that area.

Sec. 33. [62A.615] [PREEXISTING CONDITIONS; LIMITATIONS ON CANCELLATIONS, RESCISSIONS, OR RESTRICTIONS ON COVERAGE.]

No insurer may cancel or rescind a health insurance policy for a preexisting condition of which the application or other information provided by the insured reasonably gave the insurer notice. No insurer may restrict coverage for a preexisting condition of which the application or other information provided by the insured reasonably gave the insurer notice unless the coverage is restricted at the time the policy is issued and the restriction is disclosed in writing to the insured at the time the policy is issued.

Sec. 34. Minnesota Statutes 1992, section 62E.05, is amended to read:

62E.05 [CERTIFICATION OF QUALIFIED PLANS.]

Upon application by an insurer, fraternal, or employer for certification of a plan of health coverage as a qualified plan or a qualified medicare supplement plan for the purposes of sections 62E.01 to 62E.16, the commissioner shall make a determination within 90 days as to whether the plan is qualified. All plans of health coverage, *except Medicare supplement policies*, shall be

labeled as "qualified" or "nonqualified" on the front of the policy or evidence of insurance. All qualified plans shall indicate whether they are number one, two, or three coverage plans.

Sec. 35. Minnesota Statutes 1992, section 62E.19, subdivision 1, is amended to read:

Subdivision 1. [EMPLOYER LIABILITY.] An employer is liable to the association for the costs of any preexisting conditions of the employer's former employees or their dependents during the first six months of coverage under the state comprehensive health insurance plan under the following conditions:

(1)(i) the employer has terminated or laid off employees and is required to meet the notice requirements under section 268.976, subdivision 3;

(2)(ii) the employer has failed to provide, arrange for, or make available continuation health insurance coverage required to be provided under federal or state law to employees or their dependents; and

(3)(iii) the employer's former employees or their dependents enroll in the state comprehensive health insurance plan with a waiver of the preexisting condition limitation under section 62E.14, subdivision 4a or 5; or

(4)(2)(i) the employer has terminated or allowed the employer's plan of health insurance coverage to lapse within 90 days prior to the date of termination or layoff of an employee; and

(5)(ii) the employer's former employees or their dependents enroll in the state comprehensive health insurance plan with a waiver of the preexisting condition limitation under section 62E.14, subdivision 4a or 5.

The employer shall pay a special assessment to the association for the costs of the preexisting conditions. The special assessment may be assessed before the association makes the annual determination of each contributing member's liability as required under this chapter. The association may enforce the obligation to pay the special assessment by action, as a claim in an insolvency proceeding, or by any other method not prohibited by law.

If the association makes the special assessment permitted by this subdivision, the association may also make any assessment of contributing members otherwise permitted by law, without regard to the special assessment permitted by this subdivision. Contributing members must pay the assessment, subject to refund or adjustment in the event of receipt by the association of any portion of the special assessment.

Sec. 36. Minnesota Statutes 1992, section 62H.01, is amended to read:

62H.01 [JOINT SELF-INSURANCE EMPLOYEE HEALTH PLAN.]

Any two or more employers, excluding the state and its political subdivisions as described in section 471.617, subdivision 1, who are authorized to transact business in Minnesota may jointly self-insure employee health, dental, or short-term disability benefits, or other benefits permitted under the *Employee Retirement Income Security Act of 1974, United States Code, title 29, sections 1001 et seq.* Joint plans must have a minimum of 100 covered employees and meet all conditions and terms of sections 62H.01 to 62H.08. Joint plans covering employers not resident in Minnesota must meet the requirements of sections 62H.01 to 62H.08 as if the portion of the plan

covering Minnesota resident employees was treated as a separate plan. A plan may cover employees resident in other states only if the plan complies with the applicable laws of that state.

A multiple employer welfare arrangement as defined in United States Code, title 29, section 1002(40)(a), is subject to this chapter to the extent authorized by the Employee Retirement Income Security Act of 1974, United States Code, title 29, sections 1001 et seq.

Sec. 37. [62H.10] [DEFINITIONS.]

Subdivision 1. [SCOPE.] For purposes of sections 62H.10 to 62H.17, the terms in this section have the meanings given them.

Subd. 2. [AGENT.] "Agent" means an agent as defined under section 60A.02, subdivision 7.

Subd. 3. [ARRANGEMENT.] "Arrangement" means a fund, trust, plan, program, or other mechanism by which a person provides, or attempts to provide, health care benefits to individuals.

Subd. 4. [BROKER.] "Broker" means an agent engaged in brokerage business pursuant to section 60K.08.

Subd. 5. [COLLECTIVELY BARGAINED ARRANGEMENT.] "Collectively bargained arrangement" means an arrangement which provides or represents that it is providing health care benefits or coverage under or pursuant to one or more collective bargaining agreements.

Subd. 6. [COMMISSIONER.] "Commissioner" means the commissioner of commerce.

Subd. 7. [EMPLOYEE LEASING ARRANGEMENT.] "Employee leasing arrangement" means a labor leasing, staff leasing, employee leasing, contract labor, extended employee staffing or supply, or other arrangement, under contract or otherwise, whereby one business or entity leases or obtains all or a significant number of its workers from another business or entity.

Subd. 8. [EMPLOYEE WELFARE BENEFIT PLAN.] "Employee welfare benefit plan" means a plan, fund, or program established or maintained by an employer or by an employee organization, or by both, to the extent that the plan, fund, or program was established or is maintained for the purpose of providing for its participants or their beneficiaries, through the purchase of insurance or otherwise, medical, surgical, or hospital care or benefits, or benefits in the event of sickness, accident, disability, death, or unemployment.

Subd. 9. [FULLY INSURED BY A LICENSED INSURER.] "Fully insured by a licensed insurer" means that, for all of the health care benefits or coverage provided or offered by or through an arrangement:

(1) a licensed insurer is directly obligated by contract to provide all of the coverage to or under the arrangement;

(2) the licensed insurer assumes all of the risk for payment of all covered services or benefits; and

(3) the liability of the licensed insurer for payment of the covered services or benefits is directly to the individual employee, member, or dependent receiving the health care services.

Subd. 10. [LICENSED INSURER.] "Licensed insurer" means an insurer having a certificate of authority to transact insurance in this state.

Subd. 11. [REPORTABLE MEWA.] "Reportable MEWA" means a person that provides health care benefits or coverage to the employees of two or more employers. Reportable MEWA does not include:

- (1) a licensed insurer;*
- (2) an arrangement which is fully insured by a licensed insurer;*
- (3) a collectively bargained arrangement;*
- (4) an employee welfare benefit plan established or maintained by a rural electric cooperative or a rural telephone cooperative;*
- (5) an employee leasing arrangement; or*
- (6) a joint self-insurance employee health plan, which includes but is not limited to multiple employee welfare arrangements and multiple employer welfare arrangements (MEWAs), having a certificate of authority to transact insurance in this state pursuant to chapter 62H.*

Subd. 12. [RURAL ELECTRIC COOPERATIVE.] "Rural electric cooperative" means:

- (1) an organization that is exempt from tax under United States Code, title 26, section 501(a), and which is engaged primarily in providing electric service on a mutual or cooperative basis; or*
- (2) an organization described in United States Code, title 26, section 501(c), paragraph (4) or (6), which is exempt from tax under United States Code, title 26, section 501(a), and at least 80 percent of the members of which are organizations described in clause (1).*

Subd. 13. [RURAL TELEPHONE COOPERATIVE.] "Rural telephone cooperative" means an organization described in United States Code, title 26, section 501(c), paragraph (4) or (6), which is exempt from tax under United States Code, title 26, section 501(a), and at least 80 percent of the members of which are organizations engaged primarily in providing telephone service to rural areas of the United States on a mutual, cooperative, or other basis.

Subd. 14. [THIRD PARTY ADMINISTRATOR.] "Third party administrator" means a vendor of risk management services or an entity administering a self-insurance or insurance plan under section 60A.23.

Sec. 38. [62H.11] [AGENTS AND BROKERS PROHIBITED FROM ASSISTING REPORTABLE MEWAS PRIOR TO FILING.]

(a) No agent or broker may solicit, advertise, or market in this state health benefits or coverage from, or accept an application for, or place coverage for a person who resides in this state with, a reportable MEWA unless the agent or broker first files with the commissioner the information required under section 62H.16.

(b) No agent or broker may solicit another agent or broker to enter into an arrangement to solicit, advertise, or market services, health benefits, or coverage of a reportable MEWA unless the agent or broker first files with the commissioner the information required under section 62H.16.

Sec. 39. [62H.12] [AGENTS AND BROKERS PROHIBITED FROM ASSISTING EMPLOYEE LEASING ARRANGEMENTS PRIOR TO FILING.]

(a) *No agent or broker may solicit, advertise, or market in this state the services, health benefits, or coverage of an employee leasing arrangement or a person or arrangement which represents itself as an employee leasing arrangement unless the agent or broker first files with the commissioner the information required under section 62H.16.*

(b) *No agent or broker may solicit another agent or broker to enter into an arrangement to solicit, advertise, or market the services, health benefits, or coverage of an employee leasing arrangement unless the agent or broker first files with the commissioner the information required under section 62H.16.*

Sec. 40. [62H.13] [AGENTS AND BROKERS PROHIBITED FROM ASSISTING COLLECTIVELY BARGAINED ARRANGEMENTS PRIOR TO FILING.]

(a) *No agent or broker may solicit, advertise, or market in this state health benefits or coverage from, or accept an application for, or place coverage for a person who resides in this state with, a collectively bargained arrangement or an arrangement that represents itself as a collectively bargained arrangement unless the agent or broker first files with the commissioner the information required under section 62H.16.*

(b) *No agent or broker may solicit another agent or broker to enter into an arrangement to solicit, advertise, or market the health benefits or coverage of a collectively bargained arrangement unless the agent or broker first files with the commissioner the information required under section 62H.16.*

Sec. 41. [62H.14] [THIRD PARTY ADMINISTRATORS AND LICENSED INSURERS PROHIBITED FROM ASSISTING REPORTABLE MEWAS PRIOR TO FILING.]

(a) *No third party administrator may solicit or effect coverage of, underwrite for, collect charges or premium for, or adjust or settle claims of a resident of this state for, or enter into any agreement to perform any of those functions for, a reportable MEWA that provides coverage to residents of this state unless the third party administrator first files with the commissioner the information required under section 62H.16.*

(b) *No licensed insurer may solicit or effect coverage of, underwrite for, collect charges or premiums for, adjust or settle claims of a resident of this state for, or enter into any agreement to perform any of those functions for a reportable MEWA that provides coverage to residents of this state unless the insurer first files with the commissioner the information required under section 62H.16.*

(c) *A licensed insurer that issues or has issued any insurance coverage to a reportable MEWA that covers residents of this state, including, but not limited to, specific or aggregate stop-loss coverage, shall file with the commissioner the information required under section 62H.16 within 30 days after the coverage is issued or within 30 days after the date the reportable MEWA first provides coverage to a resident of this state, whichever is later.*

Sec. 42. [62H.15] [LACK OF KNOWLEDGE NOT A DEFENSE.]

(a) *Lack of knowledge or intent to deceive with respect to the organization or status of insurance coverage of a reportable MEWA, employee leasing firm, or collectively bargained arrangement is not a defense to a violation of sections 62H.10 to 62H.17.*

(b) *A filing under sections 62H.10 to 62H.17 is solely for the purpose of providing information to the commissioner. Sections 62H.10 to 62H.17 and a filing under those sections do not authorize or license a reportable MEWA, employee leasing firm, collectively bargained arrangement, or any other arrangement to engage in business in this state if otherwise prohibited by law.*

Sec. 43. [62H.16] [INFORMATION REQUIRED TO BE FILED AND KEPT CURRENT.]

(a) *An agent, broker, third party administrator, or insurer required to file under sections 62H.10 to 62H.17 shall file with the commissioner all of the following information on a form prescribed by the commissioner:*

(1) *a copy of the organizational documents of the reportable MEWA, employee leasing firm, or collectively bargained arrangement, including the articles of incorporation and bylaws, partnership agreement, or trust instrument;*

(2) *a copy of each insurance or reinsurance contract that purports to insure or guarantee all or any portion of benefits or coverage offered by the reportable MEWA, employee leasing firm, or collectively bargained arrangement to a person who resides in this state;*

(3) *copies of the benefit plan description and other materials intended to be distributed to potential purchasers; and*

(4) *the names and addresses of all persons performing or expected to perform the functions of a third party administrator for the reportable MEWA, employee leasing firm, or collectively bargained arrangement.*

(b) *A filing under sections 62H.10 to 62H.17 is ineffective and is not in compliance with those sections if it is incomplete or inaccurate in a material respect.*

(c) *A person who has made a filing under sections 62H.10 to 62H.17 shall amend the filing within 30 days of the date the person becomes aware, or exercising due diligence should have become aware, of any material change to the information required to be filed. The amended filing must accurately reflect the material change to the information originally filed.*

Sec. 44. [62H.17] [LIABILITY FOR VIOLATION.]

If an arrangement that is an unauthorized insurer fails to pay a claim or loss in this state within the provisions of its contract, a person who violates sections 62H.10 to 62H.17 with respect to the arrangement is liable to the insured for the full amount of the claim or loss in the manner provided by the provisions of the insurance contract.

Sec. 45. Minnesota Statutes 1992, section 62I.02, is amended to read:

62I.02 [MINNESOTA JOINT UNDERWRITING ASSOCIATION.]

Subdivision 1. [CREATION.] *The Minnesota joint underwriting association is created to provide insurance coverage to any person or entity unable to obtain insurance through ordinary methods if the insurance is required by*

statute, ordinance, or otherwise required by law, or is necessary to earn a livelihood or conduct a business and serves a public purpose, *including, but not limited to, liquor liability*. Prudent business practice or mere desire to have insurance coverage is not a sufficient standard for the association to offer insurance coverage to a person or entity. For purposes of this subdivision, directors' and officers' liability insurance is considered to be a business necessity and not merely a prudent business practice. The association shall be specifically authorized to provide insurance coverage to day care providers, foster parents, foster homes, developmental achievement centers, group homes, and rehabilitation facilities for mentally, emotionally, or physically handicapped persons, and citizen participation groups established pursuant to the housing and community redevelopment act of 1974, Public Law Number 93-383. Because the activities of certain persons or entities present a risk that is so great, the association shall not offer insurance coverage to any person or entity the board of directors of the association determines is outside the intended scope and purpose of the association because of the gravity of the risk of offering insurance coverage. The association shall not offer environmental impairment liability or product liability insurance. The association shall not offer coverage for activities that are conducted substantially outside the state of Minnesota unless the insurance is required by statute, ordinance, or otherwise required by law. Every insurer authorized to write property and casualty insurance *and personal injury liability insurance* in this state shall be a member of the association as a condition to obtaining and retaining a license to write insurance in this state.

Subd. 2. [DIRECTOR.] The association shall have a board of directors composed of 11 persons chosen as follows: five persons elected by members of the association at a meeting called by the commissioner; three public members, as defined in section 214.02, appointed by the commissioner; and three members, appointed by the commissioner representing groups to whom coverage has been extended by the association. The terms of the members shall be four years. Terms may be staggered so that no more than six members are appointed or elected every two years. Members may serve until their successors are appointed or elected. If at any time no coverage is currently extended by the association, then either additional public members may be appointed to fill these three positions or, at the option of the commissioner, representatives from groups who had previously been covered by the association may serve as directors.

Subd. 3. [REAUTHORIZATION.] The authorization to issue insurance to day care providers, foster parents, foster homes, developmental activity centers, group homes, and rehabilitation facilities for mentally, emotionally, or physically handicapped persons, and citizen participation groups established pursuant to the housing and community redevelopment act of 1974, Public Law Number 93-383, is valid for a period of two years from the date it was made. The commissioner may reauthorize the issuance of insurance for these groups and other classes of business for additional two-year periods pursuant to sections 621.21 and 621.22. This subdivision is not a limitation on the number of times the commissioner may reauthorize the issuance of insurance.

Subd. 4. [LIQUOR LIABILITY.] *Policies and contracts of coverage issued under this section for the purposes of providing liquor liability insurance must contain the usual and customary provisions of liability insurance policies, and must contain at least the minimum coverage required by section 340A.409, subdivision 1, or the local governing unit.*

Subd. 5. [ACCOUNTS.] For the purposes of administration and assessment, the association shall be divided into two separate accounts: (1) the property and casualty insurance account; and (2) the personal injury liability insurance account.

Sec. 46. Minnesota Statutes 1992, section 62I.03, is amended to read:

62I.03 [DEFINITION.]

Subdivision 1. [SCOPE.] As used in sections 62I.01 to 62I.22 the following terms have the meanings given them in this section.

Subd. 2. [ASSOCIATION.] "Association" means the Minnesota joint underwriting association.

Subd. 3. [COMMISSIONER.] "Commissioner" means the commissioner of commerce.

Subd. 4. [DIRECT WRITTEN PREMIUMS.] "Direct written premiums" means that amount at column (2), lines 5, 8, 9, 17, 21.2, 22, 23, 24, 25, 26, and 27, page 14, of the annual statement filed annually with the department of commerce pursuant to section 60A.13.

Subd. 5. [DEFICIT.] "Deficit" means, for a particular policy year, that amount by which total paid and outstanding losses and loss adjustment expenses exceed premium revenue, including retrospective premium revenue.

Subd. 6. [NET DIRECT PREMIUMS.] For purposes of liquor liability insurance, "net direct premiums" means gross direct premiums written on personal injury liability insurance, including the liability component of multiple peril package policies as computed by the commissioner, less return premiums for the unused or unabsorbed portions of premium deposits.

Subd. 7. [PERSONAL INJURY LIABILITY INSURANCE.] "Personal injury liability insurance" means insurance described in section 60A.06, subdivision 1, clause (13).

Sec. 47. Minnesota Statutes 1992, section 62I.07, is amended to read:

62I.07 [MEMBERSHIP ASSESSMENTS.]

Subdivision 1. [GENERAL ASSESSMENT.] Each member of the association that is authorized to write property and casualty insurance in the state shall participate in its losses and expenses in the proportion that the direct written premiums of the member on the kinds of insurance in that account bears to the total aggregate direct written premiums written in this state by all members on the kinds of insurance in that account. The members' participation in the association shall be determined annually on the direct written premiums written during the preceding calendar year as reported on the annual statements and other reports filed by the member with the commissioner.

Subd. 2. [PERSONAL INJURY LIABILITY INSURANCE ASSESSMENT.] A member of the association shall participate in its writings, expenses, servicing allowance, management fees, and losses in the proportion that the net direct premiums of the member, excluding that portion of premiums attributable to the operation of the association, written during the preceding calendar year on the kinds of insurance in that account bears to the aggregate net direct premiums written in this state by all members on the kinds of insurance in that account. The member's participation in the association

shall be determined annually on the basis of net direct premiums written during the preceding calendar year, as reported in the annual statements and other reports filed by the member with the commissioner.

Sec. 48. Minnesota Statutes 1992, section 62I.13, subdivision 1, is amended to read:

Subdivision 1. [GENERALLY.] *To be eligible to participate in the association, an applicant must apply for coverage through the market assistance program, as required by section 62I.08. Except as provided by subdivision 4, the market assistance program has 30 days from the receipt of the application to secure an offer of coverage for the applicant. If the market assistance program is able to secure an offer of coverage for the applicant and if the offer of coverage would not be considered a refusal for purposes of the association, then coverage may not be extended by the association. Eligibility for coverage by the association is also subject to the terms and conditions of subdivisions 2 and 3.*

Sec. 49. Minnesota Statutes 1992, section 62I.13; subdivision 2, is amended to read:

Subd. 2. [MINIMUM OF QUALIFICATIONS.] Anyone who is unable to obtain insurance in the private market and who so certifies to the association in the application is eligible to make written application to the association for coverage. Payment of the applicable premium or required portion of it must be paid prior to coverage by the association. An offer of coverage at a rate in excess of the rate that would be charged by the association for similar coverage and risk shall be deemed to be a refusal of coverage for purposes of eligibility for participation in the association. It shall not be deemed to be a written notice of refusal if the rate for coverage offered is less than five percent in excess of the joint underwriting association rates for similar coverage and risk or 20 percent in excess of the joint underwriting association rates for liquor liability coverages. However, the offered rate must also be the rate that the insurer has filed with the department of commerce if the insurer is required to file its rates with the department. If the insurer is not required to file its rates with the department, the offered rate must be the rate generally charged by the insurer for similar coverage and risk.

Sec. 50. Minnesota Statutes 1992, section 62I.20, is amended to read:

62I.20 [MERGER OF OTHER PLANS.]

Upon application by the governing body of ~~the liquor liability assigned risk plan authorized by section 340A.409~~ or the joint underwriting association authorized by chapter 62F to be merged with the association, the commissioner shall, if the commissioner deems it appropriate, hold a public hearing in regard to the merger. The commissioner upon motion or upon the motion of any insured under plans shall hold a hearing. Unless it can be shown that the rights of the insured would be adversely affected by the merger or that it would be less efficient or more costly to merge the plans, the commissioner shall consent to the merger. The commissioner shall also consent to the merger at any time there are less than ten insureds in any plan.

Sec. 51. Minnesota Statutes 1992, section 65A.01, subdivision 1, is amended to read:

Subdivision 1. [DESIGNATION AND SCOPE.] The printed form of a policy of fire insurance, as set forth in subdivisions 3 and 3a, shall be known

and designated as the "Minnesota standard fire insurance policy" to be used in the state of Minnesota. No policy or contract of fire insurance shall be made, issued or delivered by any insurer including reciprocals or interinsurance exchanges or any agent or representative thereof, on any property in this state, unless it shall provide the specified coverage and conform as to all provisions, stipulations, and conditions, with such form of policy, except as provided in ~~section~~ sections 60A.08, subdivision 9; 60A.30 to 60A.35; 65A.06; 65A.29; 72A.20, subdivision 17; and other statutes containing specific requirements that are inconsistent with the form of this policy. Any policy or contract otherwise subject to the provisions of this subdivision, subdivisions 3 and 3a which includes either on an unspecified basis as to coverage or for a single premium, coverage against the peril of fire and coverage against other perils may be issued without incorporating the exact language of the Minnesota standard fire insurance policy, provided: Such policy or contract shall, with respect to the peril of fire, afford the insured all the rights and benefits of the Minnesota standard fire insurance policy and such additional benefits as the policy provides; the provisions in relation to mortgagee interests and obligations in said Minnesota standard fire insurance policy shall be incorporated therein without change; such policy or contract is complete as to its terms of coverage; and, the commissioner is satisfied that such policy or contract complies with the provisions hereof.

Sec. 52. Minnesota Statutes 1992, section 65A.29, subdivision 7, is amended to read:

Subd. 7. [RENEWAL; NOTICE REQUIREMENT.] No insurer shall refuse to renew, or reduce limits of coverage, or eliminate any coverage in a homeowner's insurance policy unless it mails or delivers to the insured, at the address shown in the policy, at least 60 days advance notice of its intention. The notice must contain the specific underwriting or other reason or reasons for the indicated action.

Proof of mailing this notice to the insured at the address shown in the policy is sufficient proof that the notice required by this section has been given.

Sec. 53. Minnesota Statutes 1992, section 65B.49, subdivision 3, is amended to read:

Subd. 3. [RESIDUAL LIABILITY INSURANCE.] (1) Each plan of reparation security shall also contain stated limits of liability, exclusive of interest and costs, with respect to each vehicle for which coverage is thereby granted, of not less than \$30,000 because of bodily injury to one person in any one accident and, subject to said limit for one person, of not less than \$60,000 because of injury to two or more persons in any one accident, and, if the accident has resulted in injury to or destruction of property, of not less than \$10,000 because of such injury to or destruction of property of others in any one accident.

(2) Under residual liability insurance the reparation obligor shall be liable to pay, on behalf of the insured, sums which the insured is legally obligated to pay as damages because of bodily injury and property damage arising out of the ownership, maintenance or use of a motor vehicle if the injury or damage occurs within this state, the United States of America, its territories or possessions, or Canada. A reparation obligor shall also be liable to pay sums which another reparation obligor is entitled to recover under the indemnity provisions of section 65B.53, subdivision 1.

(3) Every plan of reparation security shall be subject to the following provisions which need not be contained therein:

(a) The liability of the reparation obligor with respect to the residual liability coverage required by this clause shall become absolute whenever injury or damage occurs; such liability may not be canceled or annulled by any agreement between the reparation obligor and the insured after the occurrence of the injury or damage; no statement made by the insured or on the insured's behalf and no violation of said policy shall defeat or void said policy.

(b) The satisfaction by the insured of a judgment for such injury or damage shall not be a condition precedent to the right or duty of the reparation obligor to make payment on account of such injury or damage.

(c) The reparation obligor shall have the right to settle any claim covered by the residual liability insurance policy, and if such settlement is made in good faith, the amount thereof shall be deductible from the limits of liability for the accident out of which such claim arose.

(d) Except as provided in subdivision 5a, a residual liability insurance policy shall be excess of a nonowned vehicle policy whether the nonowned vehicle is borrowed or rented, or used for business or pleasure. A nonowned vehicle is one not used or provided on a regular basis.

Sec. 54. Minnesota Statutes 1992, section 72A.20, subdivision 29; is amended to read:

Subd. 29. [HIV TESTS; CRIME VICTIMS.] No insurer regulated under chapter 61A or 62B, or providing health, medical, hospitalization, or accident and sickness insurance regulated under chapter 62A, or nonprofit health services corporation regulated under chapter 62C, health maintenance organization regulated under chapter 62D, or fraternal benefit society regulated under chapter 64B, may:

(1) obtain or use the performance of or the results of a test to determine the presence of the human immune deficiency virus (HIV) antibody performed on an offender under section 611A.19 or performed on a crime victim who was exposed to or had contact with an offender's bodily fluids during commission of a crime that was reported to law enforcement officials, in order to make an underwriting decision, cancel, fail to renew, or take any other action with respect to a policy, plan, certificate, or contract; or

(2) ask an applicant for coverage or a person already covered whether the person has: *(i) had a test performed for the reason set forth in clause (1); or (ii) been the victim of an assault or any other crime which involves bodily contact with the offender.*

A question that purports to require an answer that would provide information regarding a test performed for the reason set forth in clause (1) may be interpreted as excluding this test. An answer that does not mention the test is considered to be a truthful answer for all purposes. An authorization for the release of medical records for insurance purposes must specifically exclude any test performed for the purpose set forth in clause (1) and must be read as providing this exclusion regardless of whether the exclusion is expressly stated. This subdivision does not affect tests conducted for purposes other than those described in clause (1), *including any test to determine the presence of the human deficiency virus (HIV) antibody if such test was performed at the insurer's direction as part of the insurer's normal underwriting requirements.*

Sec. 55. Minnesota Statutes 1992, section 72A.20, is amended by adding a subdivision to read:

Subd. 30. [RECORDS RETENTION.] An insurer shall retain copies of all underwriting documents, policy forms, and applications for three years from the effective date of the policy. This subdivision does not relieve the insurer of its obligation to produce these documents to the department after the retention period has expired in connection with an enforcement action or administrative proceeding against the insurer from whom the documents are requested, if the insurer has retained the documents. Records required to be retained by this section may be retained in paper, photograph, microprocess, magnetic, mechanical, or electronic media, or by any process which accurately reproduces or forms a durable medium for the reproduction of a record.

Sec. 56. Minnesota Statutes 1992, section 72A.201, subdivision 9, is amended to read:

Subd. 9. [STANDARDS FOR COMMUNICATIONS WITH THE DEPARTMENT.] In addition to the acts specified elsewhere in this section and section 72A.20, the following acts by an insurer, adjuster, or a self-insured or self-insurance administrator constitute unfair settlement practices:

(1) failure to respond, within 15 working days after receipt of an inquiry from the commissioner, about a claim, to the commissioner;

(2) failure, upon request by the commissioner, to make specific claim files available to the commissioner;

(3) failure to include in the claim file all written communications and transactions emanating from, or received by, the insurer, as well as all notes and work papers relating to the claim. All written communications and notes referring to verbal communications must be dated by the insurer;

(4) failure to submit to the commissioner, when requested, any summary of complaint data reasonably required;

(5) failure to compile and maintain a file on all complaints. If the complaint deals with a loss, the file must contain adequate information so as to permit easy retrieval of the entire file. If the complaint alleges that the company, or agent of the company, or any agent producing business written by the company is engaged in any unfair, false, misleading, dishonest, fraudulent, untrustworthy, coercive, or financially irresponsible practice, or has violated any insurance law or rule, the file must indicate what investigation or action was taken by the company. The complaint file must be maintained for at least four years after the date of the complaint.

For purposes of clause (1) the term insurer includes an agent of the insurer. The insurer must have been sent a copy of any communication to an agent to be held in violation of this provision.

Sec. 57. Minnesota Statutes 1992, section 72A.41, subdivision 1, is amended to read:

Subdivision 1. It is unlawful for any company to enter into a contract of insurance as an insurer or to transact insurance business in this state, as set forth in subdivision 2, without a certificate of authority from the commissioner; provided that this subdivision does not apply to: (a) contracts of insurance procured by agents under the authority of sections 60A.195 to 60A.209; (b) contracts of reinsurance and contracts of ocean or wet marine

and transportation insurance; (c) transactions in this state involving a policy lawfully solicited, written and delivered outside of this state covering only subjects of insurance not resident, located, or expressly to be performed in this state at the time of issuance and which transactions are subsequent to the issuance of the policy; (d) ~~transactions in this state involving group or blanket insurance and group annuities where the master policy of such groups was lawfully issued and delivered in a state in which the company was authorized to do an insurance business where, except for group annuities, the insurer complies with section 72A.13. The commissioner may require the insurer which has issued such master policy to submit any information as the commissioner reasonably requires in order to determine if probable cause exists to convene a hearing to determine whether the total charges for the insurance to the persons insured are unreasonable in relation to the benefits provided under the policy;~~ (e) transactions in this state involving a policy of insurance or annuity issued prior to July 1, 1967; or ~~(f)~~ (e) contract of insurance procured under the authority of section 60A.19, subdivision 8; or ~~(g)~~ (f) transactions in this state involving contracts of insurance covering property or risks not located in this state.

Sec. 58. Minnesota Statutes 1992, section 72B.03, subdivision 1, is amended to read:

Subdivision 1. [REQUIREMENT; EXCEPTIONS.] Except as otherwise provided, no person shall act as an independent adjuster, public adjuster, or public adjuster solicitor for money, a commission, or any other thing of value, unless such person shall first obtain from the commissioner a license. No license shall be required for a person:

(a) Undergoing a training or education program under the guidance of a licensed adjuster and who is registered with the commissioner for a one year temporary permit;

(b) (1) a person acting in a catastrophe or emergency situation, and who has registered with the commissioner for that purpose;

(c) (2) a nonresident adjuster who occasionally is in this state to adjust a single loss; provided, however, that if a nonresident adjusts more than six losses in this state in one year the adjuster must qualify for and receive a nonresident's license as provided in sections 72B.01 to 72B.14, and provided the adjuster's domiciliary state affords a like privilege.

Sec. 59. Minnesota Statutes 1992, section 72B.04, subdivision 2, is amended to read:

Subd. 2. [QUALIFICATIONS.] An applicant for licensing as an adjuster under sections 72B.01 to 72B.14 shall be at least 18 years of age, and shall have one year's training and experience in adjusting insurance claims for damage or loss from risks in the field stated in the application. The applicant shall be competent and trustworthy and shall not have been engaged in any practice which would be grounds for suspension or revocation of a license under sections 72B.01 to 72B.14 within the three years next preceding the date of the application.

An applicant for licensing as a public adjuster solicitor under sections 72B.01 to 72B.14 shall be at least 18 years of age, shall be competent and trustworthy, and shall not have been engaged in any practice which would be

grounds for suspension or revocation of a license under sections 72B.01 to 72B.14 within the three years next preceding the date of the application.

In the case of any applicant who has been convicted of a felony within the ten years next preceding the date of the application, and who in the judgment of the commissioner, meets the other qualifications, the commissioner may impose the additional requirement of the filing of a bond in accordance with the requirements of section 72B.08, subdivision 8.

Sec. 60. Minnesota Statutes 1992, section 176.181, subdivision 2, is amended to read:

Subd. 2. [COMPULSORY INSURANCE; SELF-INSURERS.] (1) Every employer, except the state and its municipal subdivisions, liable under this chapter to pay compensation shall insure payment of compensation with some insurance carrier authorized to insure workers' compensation liability in this state, or obtain a written order from the commissioner of commerce exempting the employer from insuring liability for compensation and permitting self-insurance of the liability. The terms, conditions and requirements governing self-insurance shall be established by the commissioner pursuant to chapter 14. The commissioner of commerce shall also adopt, pursuant to clause (2)(c), rules permitting two or more employers, whether or not they are in the same industry, to enter into agreements to pool their liabilities under this chapter for the purpose of qualifying as group self-insurers. With the approval of the commissioner of commerce, any employer may exclude medical, chiropractic and hospital benefits as required by this chapter. An employer conducting distinct operations at different locations may either insure or self-insure the other portion of operations as a distinct and separate risk. An employer desiring to be exempted from insuring liability for compensation shall make application to the commissioner of commerce, showing financial ability to pay the compensation, whereupon by written order the commissioner of commerce, on deeming it proper, may make an exemption. An employer may establish financial ability to pay compensation by: (1) providing financial statements of the employer to the commissioner of commerce; or (2) filing a surety bond or bank letter of credit with the commissioner of commerce in an amount equal to the anticipated annual compensation costs of the employer, but in no event less than \$100,000. Upon ten days' written notice the commissioner of commerce may revoke the order granting an exemption, in which event the employer shall immediately insure the liability. As a condition for the granting of an exemption the commissioner of commerce may require the employer to furnish security the commissioner of commerce considers sufficient to insure payment of all claims under this chapter, consistent with subdivision 2b. If the required security is in the form of currency or negotiable bonds, the commissioner of commerce shall deposit it with the state treasurer. In the event of any default upon the part of a self-insurer to abide by any final order or decision of the commissioner of labor and industry directing and awarding payment of compensation and benefits to any employee or the dependents of any deceased employee, then upon at least ten days notice to the self-insurer, the commissioner of commerce may by written order to the state treasurer require the treasurer to sell the pledged and assigned securities or a part thereof necessary to pay the full amount of any such claim or award with interest thereon. This authority to sell may be exercised from time to time to satisfy any order or award of the commissioner of labor and industry or any judgment obtained thereon. When securities are sold the money obtained shall be deposited in the state treasury.

to the credit of the commissioner of commerce and awards made against any such self-insurer by the commissioner of commerce shall be paid to the persons entitled thereto by the state treasurer upon warrants prepared by the commissioner of commerce and approved by the commissioner of finance out of the proceeds of the sale of securities. Where the security is in the form of a surety bond or personal guaranty the commissioner of commerce, at any time, upon at least ten days notice and opportunity to be heard, may require the surety to pay the amount of the award, the payments to be enforced in like manner as the award may be enforced.

(2)(a) No association, corporation, partnership, sole proprietorship, trust or other business entity shall provide services in the design, establishment or administration of a group self-insurance plan under rules adopted pursuant to this subdivision unless it is licensed, *or exempt from licensure, pursuant to section 60A.23, subdivision 8*, to do so by the commissioner of commerce. An applicant for a license shall state in writing the type of activities it seeks authorization to engage in and the type of services it seeks authorization to provide. The license shall be granted only when the commissioner of commerce is satisfied that the entity possesses the necessary organization, background, expertise, and financial integrity to supply the services sought to be offered. The commissioner of commerce may issue a license subject to restrictions or limitations, including restrictions or limitations on the type of services which may be supplied or the activities which may be engaged in. The license is for a two-year period.

(b) To assure that group self-insurance plans are financially solvent, administered in a fair and capable fashion, and able to process claims and pay benefits in a prompt, fair and equitable manner, entities licensed to engage in such business are subject to supervision and examination by the commissioner of commerce.

(c) To carry out the purposes of this subdivision, the commissioner of commerce may promulgate administrative rules, including emergency rules, pursuant to sections 14.001 to 14.69. These rules may:

(i) establish reporting requirements for administrators of group self-insurance plans;

(ii) establish standards and guidelines consistent with subdivision 2b to assure the adequacy of the financing and administration of group self-insurance plans;

(iii) establish bonding requirements or other provisions assuring the financial integrity of entities administering group self-insurance plans;

(iv) establish standards, including but not limited to minimum terms of membership in self-insurance plans, as necessary to provide stability for those plans;

(v) establish standards or guidelines governing the formation, operation, administration, and dissolution of self-insurance plans; and

(vi) establish other reasonable requirements to further the purposes of this subdivision. *The rules may not require excessive cash payments to a common claims fund by group self-insurers. However, a level of funding in the common claims fund must always be maintained at not less than one year's claim losses paid in the most recent year.*

Sec. 61. Minnesota Statutes 1992, section 340A.409, subdivision 2, is amended to read:

Subd. 2. [MARKET ASSISTANCE.] The commissioner of commerce shall advise licensees and municipalities subject to the financial responsibility requirements of subdivision 1 of those persons offering insurance coverage. The commissioner of commerce shall establish a program to assist licensees in obtaining insurance coverage. The program shall include a committee appointed by the commissioner of commerce that is representative of insurance carriers and producers, liquor vendors, and the public. No less than one-half of the committee members shall represent casualty insurers and surplus lines agents or brokers. The commissioner of commerce or the commissioner's designated representative shall serve as an ex officio member of the committee. The committee shall review and act upon all properly executed applications. If the committee finds that it cannot assist in securing insurance coverage, it shall notify the applicant in writing with a full explanation and recommendation for enhancing its ability to secure insurance. The commissioner of commerce shall, if necessary, establish an assigned risk plan pursuant to subdivision 3. *The market assistance plan of the Minnesota joint underwriting association shall assist licensees in obtaining insurance coverage.*

Sec. 62. Minnesota Statutes 1992, section 340A.409, subdivision 3, is amended to read:

Subd. 3. [ASSIGNED RISK PLAN MINNESOTA JOINT UNDERWRITING ASSOCIATION.] (a) The purpose of the assigned risk plan is to *Minnesota joint underwriting association shall* provide coverage required by subdivision 1 to persons rejected under this subdivision.

(b) An insurer who offers liquor liability insurance that refuses to write the coverage required by subdivision 1 shall furnish the applicant with a written notice of refusal. The rejected applicant shall file a copy of the notice of refusal with the commissioner of public safety at the time of application for coverage to the assigned risk plan and the market assistance program.

A written notice of refusal must be provided to any applicant who has requested only liquor liability insurance if the insurer chooses to only offer liquor liability insurance in combination with other types of insurance.

A written notice of refusal must be provided by an insurer to any applicant who receives an offer of coverage from that insurer that is in excess of the rate charged by the assigned risk plan for similar coverage and risk. A notice is not required if the rate for the coverage offered is less than 20 percent in excess of the assigned risk plan rates, provided that the offered rate is the rate that the insurer has filed with the commissioner of commerce if the insurer is required to file its rates with the commissioner. If the insurer is not required to file its rates with the commissioner, the offered rate must be the rate generally charged by the insurer for similar coverage and risk.

A notice of refusal is not required to be filed if there is not an insurer offering liquor liability insurance in the state.

To be eligible to participate in the assigned risk plan an applicant must apply for coverage through the market assistance program. Application to the market assistance program must be made no later than the time of application

to the assigned risk plan. If the market assistance program is unable to secure coverage then coverage may be extended by the assigned risk plan.

(e) The commissioner of commerce may enter into service contracts as necessary or beneficial to accomplish the purposes of the assigned risk plan including servicing of policies or contracts of coverage, data management, and assessment collections. Services related to the administration of policies or contracts of coverages must be performed by one or more qualified insurance companies licensed pursuant to section 60A-06, subdivision 1, clause (13), or a qualified vendor of risk management services. A qualified insurer or vendor of risk management services must possess sufficient financial, professional, administrative, and personnel resources to provide the services required for operation of the plan. The cost of all services contracted for are an obligation of the assigned risk plan.

(4) The commissioner of commerce may assess all insurers licensed under section 60A-06, subdivision 1, clause (13), 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. The assessment of each insurer must be in a proportion equal to the proportion which the amount of insurance written as reported on page 14 of the annual statement under line 5, commercial multiperil, and line 17, other liability, during the preceding calendar year by that insurer bears to the total written by all such entities for such lines.

(e) Policies and contracts of coverage issued under this subdivision must contain the usual and customary provisions of liability insurance policies, and must contain at least the minimum coverage required by subdivision 1 or the local governing unit.

(4) Assigned risk policies and contracts of coverage are subject to premium tax pursuant to section 60A-15.

(g) Insureds served by the assigned risk plan must be charged premiums based upon a rating plan approved by the commissioner of commerce. Assigned risk premiums must be on an actuarially sound basis. The rating plan approved by the commissioner shall provide for surcharge factors based upon claims reported and losses paid. The commissioner of commerce shall fix the compensation received by the agent of record.

(h) The rating plan may be amended by rule pursuant to chapter 14 or by the following expedited procedure:

(1) Any person may, by written petition served upon the commissioner, request that a hearing be held to amend the rating plan.

(2) The commissioner shall forward a copy of the petition to the chief administrative law judge within three business days of its receipt. The chief administrative law judge shall, within three business days of receipt of the copy of the petition or a request for a hearing by the commissioner, set a hearing date, assign an administrative law judge to hear the matter and notify the commissioner of the hearing date and the administrative law judge assigned to hear the matter. The hearing date must be set no less than 60 days nor more than 90 days from the date of receipt of the petition by the commissioner.

(3) The commissioner of commerce shall publish a notice of the hearing in the State Register at least 30 days before the hearing date. The notice should

be similar to that used for rulemaking under the administrative procedure act. Approval by the administrative law judge of the notice prior to publication is not required.

(4) The hearing and all matters taking place after the hearing are a contested case under chapter 14. Within 45 days from the commencement of the hearing and within 15 days of the completion of the hearing the administrative law judge shall submit a report to the commissioner of commerce. The parties, or the administrative law judge, if the parties cannot agree, shall adjust all time requirements under the contested case procedure to conform with the 45-day requirement.

(5) The commissioner shall render a decision within ten business days of the receipt of the administrative law judge's report.

(6) If all parties to the proceeding agree, any of the previous requirements may be waived or modified.

(7) A petition for a hearing to amend the rating plan received by the commissioner within 180 days of the date of the commissioner's decision in a prior proceeding to amend the rating plan is invalid and requires no action:

(a) A liquor vendor shall be denied or terminated from coverage through the assigned risk plan *Minnesota joint underwriting association* if the liquor vendor disregards safety standards, laws, rules, or ordinances pertaining to the offer, sale, or other distribution of liquor.

The commissioner may by rule establish other conditions for denial or termination from coverage through the assigned risk plan.

(b) The commissioner of commerce shall adopt rules needed to implement this subdivision. The rules may include:

(1) appeal procedures from actions of the assigned risk plan;

(2) formation of an advisory committee composed of insurers, vendors of risk management services and licensees, to advise the commissioner of commerce regarding operation of the plan; and

(3) applicable rating plans and rating standards.

Sec. 63. [LIQUOR LIABILITY ASSIGNED RISK PLAN OBLIGATIONS AND LIABILITIES.]

The Minnesota joint underwriting association shall assume the obligations of existing contracts and existing liabilities of the liquor liability assigned risk plan.

Sec. 64. Laws 1993, chapter 372, section 8, is amended to read:

Sec. 8. [EFFECTIVE DATE.]

Sections 1 and 2 apply to all franchise contracts or franchise transfer agreements entered into or renewed on or after the effective date, and apply as of July 1, 1993, to franchise contracts in effect on the effective date that have no expiration date.

Sections 4 to 7 apply to all agreements for private label purchases entered into or renewed on or after July 1, 1993, and to all private label purchases occurring on or after that date.

Sec. 65. [REVISOR INSTRUCTIONS.]

(a) *The revisor shall recodify Minnesota Statutes, section 72A.20, subdivision 4a, as section 72A.201, subdivision 4a.*

(b) *The revisor shall recodify Minnesota Statutes, section 60A.30 as section 60A.351 and section 60A.31 as section 60A.352 and correct internal references in Minnesota Statutes and Minnesota Rules.*

Sec. 66. [REPEALER.]

(a) *Minnesota Statutes 1992, sections 72A.45; and 72B.07, are repealed.*

(b) *Minnesota Rules, parts 2780.4800; 2783.0010; 2783.0020; 2783.0030; 2783.0040; 2783.0050; 2783.0060; 2783.0070; 2783.0080; 2783.0090; and 2783.0100, are repealed. The rates set pursuant to these rules shall continue to apply until changed pursuant to Minnesota Statutes, section 621.06.*

Sec. 67. [EFFECTIVE DATE.]

Sections 61 to 63 and 66, paragraph (b), are effective the day following final enactment.

Section 64 is effective July 1, 1993."

Delete the title and insert:

"A bill for an act relating to insurance; regulating fees, data collection, coverages, notice provisions, enforcement provisions, the Minnesota joint underwriting association and the liquor liability assigned risk plan; enacting the NAIC model regulation relating to reporting requirements for licensees seeking to do business with certain unauthorized multiple employer welfare arrangements; making various technical changes; amending Minnesota Statutes 1992, sections 45.024, subdivision 2; 59A.12, by adding a subdivision; 60A.02, by adding a subdivision; 60A.03, subdivision 5; 60A.052, subdivision 2; 60A.082; 60A.085; 60A.14, subdivision 1; 60A.19, subdivision 4; 60A.206, subdivision 3; 60A.21, subdivision 2; 60A.36, by adding a subdivision; 60K.06; 60K.14, subdivision 4; 61A.07; 61A.071; 61A.074, subdivision 1; 61A.08; 61A.09, subdivision 1; 61A.092, by adding a subdivision; 61A.12, subdivision 1; 61A.282, subdivision 2; 62A.047; 62A.148; 62A.153; 62A.43, subdivision 4; 62E.05; 62E.19, subdivision 1; 62H.01; 62I.02; 62I.03; 62I.07; 62I.13, subdivisions 1 and 2; 62I.20; 65A.01, subdivision 1; 65A.29, subdivision 7; 65B.49, subdivision 3; 72A.20, subdivision 29, and by adding a subdivision; 72A.201, subdivision 9; 72A.41, subdivision 1; 72B.03, subdivision 1; 72B.04, subdivision 2; 176.181, subdivision 2; and 340A.409, subdivisions 2 and 3; Minnesota Statutes 1993 Supplement, section 61A.02, subdivision 2; Laws 1993, chapter 372, section 8; proposing coding for new law in Minnesota Statutes, chapters 45; 61A; 62A; and 62H; repealing Minnesota Statutes 1992, sections 72A.45; and 72B.07; Minnesota Rules, parts 2780.4800; 2783.0010; 2783.0020; 2783.0030; 2783.0040; 2783.0050; 2783.0060; 2783.0070; 2783.0080; 2783.0090; and 2783.0100."

We request adoption of this report and repassage of the bill.

House Conferees: (Signed) Brad Stanius, Leo J. Reding, Jeff Bertram, Tom Osthoff, Jim Farrell

Senate Conferees: (Signed) William P. Luther, Sam G. Solon, Cal Larson, Deanna Wiener, Linda Berglin

Mr. Luther moved that the foregoing recommendations and Conference Committee Report on H.F. No. 1094 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H.F. No. 1094 was read the third time, as amended by the Conference Committee, and placed on its repassage.

The question was taken on the repassage of the bill, as amended by the Conference Committee.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dille	Krentz	Morse	Riveness
Anderson	Finn	Kroening	Murphy	Robertson
Beckman	Flynn	Laidig	Neuville	Runbeck
Belanger	Frederickson	Langseth	Novak	Sams
Benson, D.D.	Hanson	Lesewski	Oliver	Samuelson
Benson, J.E.	Hottinger	Lessard	Olson	Solon
Berg	Janezich	Luther	Pappas	Spear
Berglin	Johnson, D.E.	Marty	Pariseau	Stevens
Bertram	Johnson, D.J.	McGowan	Piper	Stumpf
Betzold	Johnson, J.B.	Merriam	Pogemiller	Terwilliger
Chandler	Johnston	Metzen	Price	Vickerman
Cohen	Kiscaden	Moe, R.D.	Ranum	Wiener
Day	Knutson	Mondale	Reichgott Junge	

So the bill, as amended by the Conference Committee, was repassed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

S.F. No. 2260 and the Conference Committee Report thereon were reported to the Senate.

CONFERENCE COMMITTEE REPORT ON S.F. NO. 2260

A bill for an act relating to public safety; making technical corrections; allowing special, coded license plates to be issued, following impoundment of former plates, to licensed driver identified by vehicle's registered owner; requiring department of public safety to keep records for five years of cancellations and disqualifications of drivers' licenses, unless rescinded; classifying offenses of following too closely and erratic lane change as serious traffic offenses for purposes of disqualifying driver from operating commercial motor vehicle; imposing a penalty for displaying invalid driver's license as being valid; requiring same waiting period for Minnesota limited driver's license whether offense was committed in Minnesota or in another state; amending Minnesota Statutes 1992, sections 168.042, subdivision 12; 171.12, subdivisions 1, 3, and 3a; 171.165, subdivision 4; and 260.151, subdivision 1; Minnesota Statutes 1993 Supplement, sections 171.22, subdivision 1; 171.29, subdivision 2; and 171.30, subdivision 2a.

April 8, 1994

The Honorable Allan H. Spear
President of the Senate

The Honorable Irv Anderson
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 2260, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendment and that S.F. No. 2260 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1992, section 168.012, is amended by adding a subdivision to read:

Subd. 1d. [STATE LOTTERY VEHICLES.] Unmarked passenger vehicles used by the state lottery for the purpose of conducting security or criminal investigations or ensuring that lottery retailers are in compliance with law and with their contracts are not required to display tax-exempt number plates, but must be registered and must display passenger vehicle license plates. The registrar shall furnish the license plates to the director of the state lottery at cost. On applying for initial registration or renewal of a registration under this subdivision, the director of the state lottery must certify, on a form prescribed by the registrar and signed by the director, that the vehicles will be used exclusively for the purposes of this subdivision.

Sec. 2. Minnesota Statutes 1992, section 168.042, subdivision 12, is amended to read:

Subd. 12. [ISSUANCE OF SPECIAL REGISTRATION PLATES.] A violator or registered owner may apply to the commissioner for new registration plates, which must bear a special series of numbers or letters so as to be readily identified by traffic law enforcement officers. The commissioner may authorize the issuance of special plates if:

(1) ~~a member of the violator's household~~ ~~violator~~ has a ~~valid driver's license~~ *qualified licensed driver whom the violator must identify;*

(2) the violator or registered owner has a limited license issued under section 171.30;

(3) the registered owner is not the violator and the registered owner has a valid or limited driver's license; or

(4) a member of the registered owner's household has a valid driver's license.

The commissioner may issue the special plates on payment of a \$25 fee for each vehicle for which special plates are requested.

Sec. 3. Minnesota Statutes 1993 Supplement, section 171.06, subdivision 4, is amended to read:

Subd. 4. [APPLICATION, FILING; FEE RETAINED FOR EXPENSES.] Any applicant for an instruction permit, a driver's license, restricted license, or duplicate license may file an application with a court administrator of the district court or at a state office. The administrator or state office shall receive and accept the application. To cover all expenses involved in receiving, accepting, or forwarding to the department applications and fees, the court administrator of the district court may retain a county fee of \$3.50 for each application for a Minnesota identification card, instruction permit, duplicate license, driver license, or restricted license. The amount allowed to be retained by the court administrator of the district court shall be paid into the county

treasury and credited to the general revenue fund of the county. Before the end of the first working day following the final day of an established reporting period, the court administrator shall forward to the department all applications and fees collected during the reporting period, less the amount herein allowed to be retained for expenses. The court administrators of the district courts may appoint agents to assist in accepting applications, but the administrators shall require every agent to forward to the administrators by whom the agent is appointed all applications accepted and fees collected by the agent, except that an agent ~~may~~ shall retain the county fee to cover the agent's expenses involved in receiving, accepting or forwarding the applications and fees. The court administrators shall be responsible for the acts of agents appointed by them and for the forwarding to the department of all applications accepted and those fees collected by agents and by themselves as are required to be forwarded to the department.

Sec. 4. Minnesota Statutes 1992, section 171.12, subdivision 1, is amended to read:

Subdivision 1. [LICENSES FILED IN ALPHABETICAL ORDER.] The department shall file every application for a *driver's* license received by it and shall maintain suitable indices containing, in alphabetical order:

- (1) all applications denied; and ~~on each thereof~~ the reason for ~~such~~ denial;
- (2) all applications granted; and
- (3) the name of every person whose license has been suspended ~~or~~, revoked, ~~or canceled~~ or who has been disqualified from operating a commercial motor vehicle by the department, and after each ~~such~~ name the reasons for ~~such~~ the action.

Sec. 5. Minnesota Statutes 1992, section 171.12, subdivision 3, is amended to read:

Subd. 3. [APPLICATIONS AND RECORDS, WHEN DESTROYED.] The department may cause ~~the application~~ applications for drivers' licenses and instruction permits, and *related* records ~~in connection therewith~~, to be destroyed immediately after the period for which issued, except that the driver's record pertaining to revocations, suspensions, *cancellations*, *disqualifications*, convictions, and accidents shall be cumulative and kept for a period of at least five years.

Sec. 6. Minnesota Statutes 1992, section 171.12, subdivision 3a, is amended to read:

Subd. 3a. [RECORD DESTROYED WHEN REVOCATION OR SUSPENSION ORDER RESCINDED.] Notwithstanding subdivision 3 or section 138.163, when an order for revocation ~~or~~, suspension, ~~or cancellation~~ of a driver's license or *disqualification of a driver from operating a commercial motor vehicle* is rescinded and all rights of appeal have been exhausted or have expired, the commissioner shall remove the record of that revocation ~~or~~, suspension, *cancellation, or disqualification* from the computer records that are disclosed to persons or agencies outside the driver and vehicle services division, department of public safety.

Sec. 7. Minnesota Statutes 1992, section 171.165, subdivision 4, is amended to read:

Subd. 4. [SERIOUS TRAFFIC VIOLATIONS.] On receiving a record of conviction and subject to section 171.166, the commissioner shall disqualify a person from operating commercial motor vehicles for 60 days if the person is convicted of two serious traffic violations, or 120 days if convicted of three serious traffic violations. The violations must involve separate incidents and must have been committed in a commercial motor vehicle within a three-year period. For purposes of this subdivision, a serious traffic offense includes the following:

- (1) following too closely under section 169.18, subdivision 8;
- (2) erratic lane change under sections 169.18, subdivisions 3 and 7; and 169.19, subdivision 4;
- (3) operating the commercial vehicle at a speed 15 miles per hour or more above the posted speed limit;
- ~~(2)~~ (4) reckless or careless driving under section 169.13;
- ~~(3)~~ (5) fleeing a peace officer under section 609.487; and
- (4) (6) a violation of a moving traffic statute of Minnesota or any state, or an ordinance in conformity with a Minnesota statute, that arose in connection with a fatal accident.

Sec. 8. Minnesota Statutes 1993 Supplement, section 171.22, subdivision 1, is amended to read:

Subdivision 1. [VIOLATIONS.] With regard to any driver's license, including a commercial driver's license, it shall be unlawful for any person:

- (1) to display, cause or permit to be displayed, or have in possession, any:
 - ~~(i) canceled, revoked, or suspended driver's license;~~
 - ~~(ii) driver's license for which the person has been disqualified; or~~
 - ~~(iii) fictitious or fraudulently altered driver's license or Minnesota identification card;~~
- (2) to lend the person's driver's license or Minnesota identification card to any other person or knowingly permit the use thereof by another;
- (3) to display or represent as one's own any driver's license or Minnesota identification card not issued to that person;
- (4) to use a fictitious name or date of birth to any police officer or in any application for a driver's license or Minnesota identification card, or to knowingly make a false statement, or to knowingly conceal a material fact, or otherwise commit a fraud in any such application;
- (5) to alter any driver's license or Minnesota identification card;
- (6) to take any part of the driver's license examination for another or to permit another to take the examination for that person;
- (7) to make a counterfeit driver's license or Minnesota identification card; ~~or~~
- (8) to use the name and date of birth of another person to any police officer for the purpose of falsely identifying oneself to the police officer; *or*

(9) to display as a valid driver's license any canceled, revoked, or suspended driver's license. A person whose driving privileges have been withdrawn may display a driver's license only for identification purposes.

Sec. 9. Minnesota Statutes 1993 Supplement, section 171.29, subdivision 2, is amended to read:

Subd. 2. [FEES, ALLOCATION.] (a) A person whose ~~drivers~~ driver's license has been revoked as provided in subdivision 1, except under section 169.121 or 169.123, shall pay a \$30 fee before the ~~person's drivers~~ driver's license is reinstated.

(b) A person whose ~~drivers~~ driver's license has been revoked as provided in subdivision 1 under section 169.121 or 169.123 shall pay a \$250 fee before the ~~person's drivers~~ driver's license is reinstated, to be credited as follows:

(1) ~~20~~ Twenty percent shall be credited to the trunk highway fund;

(2) ~~55~~ Fifty-five percent shall be credited to the general fund;

(3) Eight percent shall be credited to a separate account to be known as the bureau of criminal apprehension account. Money in this account may be appropriated to the commissioner of public safety and the appropriated amount shall be divided as follows: ~~eight~~ apportioned 80 percent for laboratory costs; ~~two~~ and 20 percent for carrying out the provisions of section 299C.065;

(4) ~~12~~ Twelve percent shall be credited to a separate account to be known as the alcohol-impaired driver education account. Money in the account may be appropriated to the commissioner of education for programs in elementary and secondary schools; ~~and~~.

(5) Five percent shall be credited to a separate account to be known as the traumatic brain injury and spinal cord injury account. \$100,000 is annually appropriated from the account to the commissioner of human services for traumatic brain injury case management services. The remaining money in the account is annually appropriated to the commissioner of health to establish and maintain the traumatic brain injury and spinal cord injury registry created in section 144.662 and to reimburse the commissioner of jobs and training for the reasonable cost of services provided under section 268A.03, clause (o).

Sec. 10. Minnesota Statutes 1993 Supplement, section 171.30, subdivision 2a, is amended to read:

Subd. 2a. [OTHER WAITING PERIODS.] Notwithstanding subdivision 2, a limited license shall not be issued for a period of:

(1) 15 days, to a person whose license or privilege has been revoked or suspended for a violation of section 169.121 ~~or~~, 169.123, or a statute or ordinance from another state in conformity with either of those sections;

(2) 90 days, to a person who submitted to testing under section 169.123 if the person's license or privilege has been revoked or suspended for a second or subsequent violation of section 169.121 ~~or~~, 169.123, or a statute or ordinance from another state in conformity with either of those sections;

(3) 180 days, to a person who refused testing under section 169.123 if the person's license or privilege has been revoked or suspended for a second or

subsequent violation of section 169.121 ~~or~~, 169.123, or a statute or ordinance from another state in conformity with either of those sections; or

(4) one year, to a person whose license or privilege has been revoked or suspended for ~~commission of the offense of committing~~ manslaughter resulting from the operation of a motor vehicle ~~or~~, committing criminal vehicular homicide or injury under section 609.21, or violating a statute or ordinance from another state in conformity with either of those offenses.

Sec. 11. Minnesota Statutes 1992, section 260.151, subdivision 1, is amended to read:

Subdivision 1. Upon request of the court the county welfare board or probation officer shall investigate the personal and family history and environment of any minor coming within the jurisdiction of the court under section 260.111 and shall report its findings to the court. The court may order any minor coming within its jurisdiction to be examined by a duly qualified physician, psychiatrist, or psychologist appointed by the court.

The court shall have a chemical use assessment conducted when a child is (1) found to be delinquent for violating a provision of chapter 152, or for committing a felony-level violation of a provision of chapter 609 if the probation officer determines that alcohol or drug use was a contributing factor in the commission of the offense, or (2) alleged to be delinquent for violating a provision of chapter 152, if the child is being held in custody under a detention order. The assessor's qualifications and the assessment criteria shall comply with Minnesota Rules, parts 9530.6600 to 9530.6655. If funds under chapter 254B are to be used to pay for the recommended treatment, the assessment and placement must comply with all provisions of Minnesota Rules, parts 9530.6600 to 9530.6655 and 9530.7000 to 9530.7030. The commissioner of ~~public safety~~ *human services* shall reimburse the court for the cost of the chemical use assessment, up to a maximum of \$100.

With the consent of the commissioner of corrections and agreement of the county to pay the costs thereof, the court may, by order, place a minor coming within its jurisdiction in an institution maintained by the commissioner for the detention, diagnosis, custody and treatment of persons adjudicated to be delinquent, in order that the condition of the minor be given due consideration in the disposition of the case. Adoption investigations shall be conducted in accordance with the laws relating to adoptions. Any funds received under the provisions of this subdivision shall not cancel until the end of the fiscal year immediately following the fiscal year in which the funds were received. The funds are available for use by the commissioner of corrections during that period and are hereby appropriated annually to the commissioner of corrections as reimbursement of the costs of providing these services to the juvenile courts."

Delete the title and insert:

"A bill for an act relating to public safety; making technical corrections; exempting state lottery from registration tax for license plates on vehicles used for conducting security or criminal investigations; requiring district court agents to retain filing fee for receiving and forwarding drivers' license applications and fees; allowing special, coded license plates to be issued, following impoundment of former plates, to licensed driver identified by vehicle's registered owner; requiring department of public safety to keep records for five years of cancellations and disqualifications of drivers'

licenses, unless rescinded; classifying offenses of following too closely and erratic lane change as serious traffic offenses for purposes of disqualifying driver from operating commercial motor vehicle; requiring same waiting period for Minnesota limited driver's license whether offense was committed in Minnesota or in another state; amending Minnesota Statutes 1992, sections 168.012, by adding a subdivision; 168.042, subdivision 12; 171.12, subdivisions 1, 3, and 3a; 171.165, subdivision 4; and 260.151, subdivision 1; Minnesota Statutes 1993 Supplement, sections 171.06, subdivision 4; 171.22, subdivision 1; 171.29, subdivision 2; and 171.30, subdivision 2a."

We request adoption of this report and repassage of the bill.

Senate Conferees: (Signed) Terry D. Johnston, Arlene J. Lesewski, Jim Vickerman

House Conferees: (Signed) Betty McCollum, Tom Osthoff, Bernard L. "Bernie" Lieder

Ms. Johnston moved that the foregoing recommendations and Conference Committee Report on S.F. No. 2260 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

S.F. No. 2260 was read the third time, as amended by the Conference Committee, and placed on its repassage.

The question was taken on the repassage of the bill, as amended by the Conference Committee.

The roll was called, and there were yeas 65 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dille	Krentz	Mondale	Reichgott Junge
Anderson	Finn	Kroening	Morse	Riveness
Beckman	Flynn	Laidig	Murphy	Robertson
Belanger	Frederickson	Langseth	Neuville	Runbeck
Benson, D.D.	Hanson	Larson	Novak	Sarns
Benson, J.E.	Hottinger	Lesewski	Oliver	Samuelson
Berg	Janezich	Lessard	Olson	Solon
Berglin	Johnson, D.E.	Luther	Pappas	Spear
Bertram	Johnson, D.J.	Marty	Pariseau	Stevens
Betzold	Johnson, J.B.	McGowan	Piper	Stumpf
Chandler	Johnston	Merriam	Pogemiller	Terwilliger
Cohen	Kiscaden	Metzen	Price	Vickerman
Day	Knutson	Moe, R.D.	Ranum	Wiener

So the bill, as amended by the Conference Committee, was repassed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

RECONSIDERATION

Ms. Runbeck moved that the vote whereby S.F. No. 1758 was passed by the Senate on April 14, 1994, be now reconsidered.

CALL OF THE SENATE

Mr. Moe, R.D. imposed a call of the Senate for the balance of the

proceedings on S.F. No. 1758. The Sergeant at Arms was instructed to bring in the absent members.

The question was taken on the adoption of the motion of Ms. Runbeck.

The roll was called, and there were yeas 41 and nays 26, as follows:

Those who voted in the affirmative were:

Anderson	Finn	Luther	Oliver	Runbeck
Belanger	Flynn	Marty	Pappas	Solon
Benson, D.D.	Hottinger	McGowan	Piper	Spear
Benson, J.E.	Janezich	Metzen	Pogemiller	Terwilliger
Berglin	Johnson, D.E.	Moe, R.D.	Price	Wiener
Betzold	Johnson, J.B.	Mondale	Ranum	
Chandler	Kiscaden	Morse	Reichgott Junge	
Cohen	Krentz	Murphy	Riveness	
Dille	Lesewski	Novak	Robertson	

Those who voted in the negative were:

Adkins	Frederickson	Kroening	Neuville	Stumpf
Beckman	Hanson	Laidig	Olson	Vickerman
Berg	Johnson, D.J.	Langseth	Pariseau	
Bertram	Johnston	Larson	Sams	
Chmielewski	Kelly	Lessard	Samuelson	
Day	Knutson	Merriam	Stevens	

The motion prevailed. So the vote was reconsidered.

RECONSIDERATION

Mr. Johnson, D.E. moved that the vote whereby the Senate concurred in the House amendments to S.F. No. 1758 on April 14, 1994, be now reconsidered.

The question was taken on the adoption of the motion.

The roll was called, and there were yeas 40 and nays 27, as follows:

Those who voted in the affirmative were:

Anderson	Dille	Krentz	Murphy	Reichgott Junge
Belanger	Finn	Lesewski	Novak	Riveness
Benson, D.D.	Flynn	Luther	Oliver	Robertson
Benson, J.E.	Hottinger	Marty	Pappas	Runbeck
Berglin	Janezich	Metzen	Piper	Solon
Betzold	Johnson, D.E.	Moe, R.D.	Pogemiller	Spear
Chandler	Johnson, J.B.	Mondale	Price	Terwilliger
Cohen	Kiscaden	Morse	Ranum	Wiener

Those who voted in the negative were:

Adkins	Frederickson	Kroening	Merriam	Stevens
Beckman	Hanson	Laidig	Neuville	Stumpf
Berg	Johnson, D.J.	Langseth	Olson	Vickerman
Bertram	Johnston	Larson	Pariseau	
Chmielewski	Kelly	Lessard	Sams	
Day	Knutson	McGowan	Samuelson	

The motion prevailed. So the vote was reconsidered.

Mr. Samuelson moved that S.F. No. 1758 be laid on the table. The motion prevailed.

RECESS

Mr. Moe, R.D. moved that the Senate do now recess subject to the call of the President. The motion prevailed.

After a brief recess, the President called the Senate to order.

APPOINTMENTS

Mr. Moe, R.D. from the Subcommittee on Committees recommends that the following Senators be and they hereby are appointed as a Conference Committee on:

S.F. No. 1662: Ms. Piper, Messrs. Cohen, Betzold, Knutson and Ms. Robertson.

S.F. No. 1766: Ms. Reichgott Junge, Messrs. Betzold and Knutson.

Mr. Moe, R.D. moved that the foregoing appointments be approved. The motion prevailed.

MOTIONS AND RESOLUTIONS - CONTINUED

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated the General Orders Calendar a Special Orders Calendar to be heard immediately.

SPECIAL ORDER

H.F. No. 524: A bill for an act relating to traffic regulations; authorizing rural postal carriers to operate rural mail delivery vehicles equipped with tires having metal studs, with restrictions; requiring permit from commissioner of transportation; providing a penalty; amending Minnesota Statutes 1992, section 169.72, by adding a subdivision.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 52 and nays 9, as follows:

Those who voted in the affirmative were:

Adkins	Dille	Krentz	Morse	Sams
Anderson	Finn	Laidig	Murphy	Samuelson
Beckman	Frederickson	Larson	Neuville	Solon
Belanger	Hottinger	Lesewski	Novak	Stevens
Benson, D.D.	Janezich	Lessard	Olson	Stumpf
Benson, J.E.	Johnson, D.E.	Luther	Pariseau	Terwilliger
Berg	Johnson, D.J.	Marty	Piper	Vickerman
Bertram	Johnson, J.B.	McGowan	Price	Wiener
Chmielewski	Johnston	Merriam	Riveness	
Cohen	Kelly	Metzen	Robertson	
Day	Knutson	Mondale	Runbeck	

Those who voted in the negative were:

Berglin	Chandler	Oliver	Pogemiller	Spear
Betzold	Flynn	Pappas	Ranum	

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 2360: A bill for an act relating to transportation; authorizing commissioner of transportation to contract with state of Wisconsin to build and operate truck inspection station in Wisconsin.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Day	Kroening	Novak	Sams
Anderson	Dille	Laidig	Oliver	Samuelson
Beckman	Finn	Lesewski	Olson	Solon
Belanger	Flynn	Lessard	Pappas	Spear
Benson, D.D.	Frederickson	Luther	Pariseau	Stevens
Benson, J.E.	Hanson	Marty	Piper	Stumpf
Berg	Hottinger	McGowan	Pogemiller	Terwilliger
Berglin	Johnson, D.J.	Merriam	Price	Vickerman
Bertram	Johnson, J.B.	Metzen	Ranum	Wiener
Betzold	Johnston	Mondale	Reichgott Junge	
Chandler	Kelly	Morse	Riveness	
Chmielewski	Knutson	Murphy	Robertson	
Cohen	Krentz	Neuville	Runbeck	

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 2124: A bill for an act relating to retirement; state university and state community college individual retirement account plans; clarifying various plan provisions; providing for plan coverage for technical college teachers; providing for an optional election of plan coverage for certain state university and community college teachers; mandating the preparation of plan recodification legislation; amending Minnesota Statutes 1992, sections 353.27, subdivision 7a; 354.05, subdivision 2a; 354.42, subdivision 7; 354B.01, by adding a subdivision; 354B.015; and 354B.02, subdivision 2, and by adding a subdivision; Minnesota Statutes 1993 Supplement, sections 352.04, subdivision 9; 354A.011, subdivision 27; 354B.02, subdivision 1; and 354B.05, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 354B; proposing coding for new law as Minnesota Statutes, chapter 354C.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 58 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Day	Kiscaden	Murphy	Riveness
Anderson	Dille	Knutson	Neuville	Robertson
Beckman	Finn	Krentz	Novak	Runbeck
Belanger	Flynn	Laidig	Oliver	Sams
Benson, D.D.	Frederickson	Lessard	Olson	Solon
Benson, J.E.	Hanson	Luther	Pappas	Spear
Berg	Hottinger	Marty	Pariseau	Stevens
Berglin	Johnson, D.E.	McGowan	Piper	Stumpf
Bertram	Johnson, D.J.	Merriam	Pogemiller	Terwilliger
Betzold	Johnson, J.B.	Metzen	Price	Wiener
Chandler	Johnston	Mondale	Ranum	
Cohen	Kelly	Morse	Reichgott Junge	

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 1948: A bill for an act relating to agriculture; providing for family farm limited liability companies and authorized farm limited liability companies; removing limitation on number of shareholders or partners for authorized farm corporations and partnerships; amending Minnesota Statutes 1992, section 500.24, subdivision 2.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 50 and nays 11, as follows:

Those who voted in the affirmative were:

Adkins	Cohen	Kroening	Murphy	Riveness
Beckman	Day	Langseth	Neuville	Robertson
Belanger	Dille	Larson	Novak	Runbeck
Benson, D.D.	Frederickson	Lesewski	Oliver	Sams
Benson, J.E.	Hanson	Lessard	Olson	Spear
Berg	Janezich	Luther	Pappas	Stevens
Berglin	Johnson, D.E.	McGowan	Pariseau	Stumpf
Bertram	Johnston	Metzen	Pogemiller	Terwilliger
Betzold	Kiscaden	Mondale	Price	Vickerman
Chmielewski	Knutson	Morse	Reichgott Junge	Wiener

Those who voted in the negative were:

Anderson	Flynn	Krentz	Merriam	Ranum
Chandler	Johnson, D.J.	Marty	Piper	
Finn	Johnson, J.B.			

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 3053: A bill for an act relating to unemployment compensation; changing its name; modifying provisions relating to reporting requirements, eligibility conditions, and liability for benefits; amending Minnesota Statutes 1992, sections 268.03; 268.08, subdivision 1; and 268.10, subdivision 1; Minnesota Statutes 1993 Supplement, sections 268.08, subdivision 6; 268.09, subdivision 1; 268.10, subdivision 2; and 268.161, subdivision 9.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 57 and nays 3, as follows:

Those who voted in the affirmative were:

Anderson	Dille	Kroening	Neuville	Robertson
Beckman	Finn	Laidig	Novak	Runbeck
Belanger	Frederickson	Langseth	Oliver	Sams
Benson, D.D.	Hanson	Larson	Olson	Solon
Benson, J.E.	Janezich	Lesewski	Pappas	Spear
Berglin	Johnson, D.E.	Lessard	Pariseau	Stevens
Bertram	Johnson, D.J.	Luther	Piper	Stumpf
Betzold	Johnson, J.B.	McGowan	Pogemiller	Terwilliger
Chandler	Johnston	Metzen	Price	Wiener
Chmielewski	Kiscaden	Mondale	Ranum	
Cohen	Knutson	Morse	Reichgott Junge	
Day	Krentz	Murphy	Riveness	

Ms. Flynn, Messrs. Marty and Merriam voted in the negative.

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 1736: A bill for an act relating to metropolitan government; providing for financial assistance and capital expenditures of the regional transit board; amending Minnesota Statutes 1992, sections 473.375, subdivision 13; and 473.39, subdivision 1b.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Dille	Krentz	Morse	Runbeck
Beckman	Finn	Kroening	Murphy	Sams
Belanger	Flynn	Laidig	Neuville	Solon
Benson, D.D.	Frederickson	Langseth	Oliver	Spear
Benson, J.E.	Hanson	Larson	Olson	Stevens
Berg	Hottinger	Lesewski	Pappas	Stumpf
Berglin	Janezich	Lessard	Pariseau	Terwilliger
Bertram	Johnson, D.E.	Luther	Piper	Vickerman
Betzold	Johnson, D.J.	Marty	Price	Wiener
Chandler	Johnson, J.B.	McGowan	Ranum	
Chmielewski	Johnston	Merriam	Reichgott Junge	
Cohen	Kiscaden	Metzen	Riveness	
Day	Knutson	Mondale	Robertson	

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 1757: A bill for an act relating to solid waste management; postponing the prohibition on disposing of unprocessed mixed municipal solid waste at substandard landfills under specific circumstances; amending Minnesota Statutes 1993 Supplement, section 115A.415.

Mr. Stumpf moved to amend S.F. No. 1757 as follows:

Page 1, strike lines 22 to 25

Page 2, line 8, delete "and"

Page 2, line 12, delete the period and insert ";

(6) serves one or more counties, each of which is implementing aggressive waste reduction efforts, aggressive household hazardous waste management programs, and has met and exceeded its recycling goals under section 115A.551; and

(7) receives an annual volume of waste disposal that does not exceed 1993 levels by more than five percent or serves only the host county.

Subd. 3. [DEFINITION; UNPROCESSED.] (a) For the purpose of this section, waste is "unprocessed" if it has not, after collection and before disposal, undergone separation of materials for resource recovery through recycling, incineration for energy production, production and use of refuse-derived fuel, composting, or any combination of these processes so that the percentage, by weight, of the collected waste that must be disposed of in a

mixed municipal solid waste disposal facility, on an annual average, is not more than:

(1) 35 percent for waste collected from generators for whom a waste collector or local government unit provides collection and management of recyclables separately from collection and management of mixed municipal solid waste; or

(2) 20 percent for waste collected from generators for whom a waste collector or local government unit provides collection of recyclables combined with mixed municipal solid waste.

(b) For the purposes of paragraph (a), a mixed municipal solid waste generator is provided separate collection and management of recyclables if the generator has the opportunity to separately recycle as described in section 115A.552 and the waste collector that serves the generator does not override the opportunity to separately recycle by collecting recyclables combined with mixed municipal solid waste for separate or combined management of the recyclables after collection.

(c) Nothing in this section affects the responsibility of counties for recycling activities under chapter 115A."

The motion prevailed. So the amendment was adopted.

S.F. No. 1757 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

The roll was called, and there were yeas 57 and nays 1, as follows:

Those who voted in the affirmative were:

Anderson	Day	Knutson	Murphy	Runbeck
Beckman	Dille	Krentz	Neuville	Sams
Belanger	Flynn	Langseth	Novak	Samuelson
Benson, D.D.	Frederickson	Larson	Oliver	Spear
Benson, J.E.	Hanson	Lesewski	Olson	Stevens
Berg	Hottinger	Luther	Pariseau	Stumpf
Berglin	Janezich	Marty	Piper	Terwilliger
Bertram	Johnson, D.E.	McGowan	Price	Vickerman
Betzold	Johnson, D.J.	Merriam	Ranum	Wiener
Chandler	Johnson, J.B.	Metzen	Reichgott Junge	
Chmielewski	Johnston	Mondale	Riveness	
Cohen	Kiscaden	Morse	Robertson	

Mr. Finn voted in the negative.

So the bill, as amended, was passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 2433: A bill for an act relating to the city of Duluth; authorizing the issuance of general obligation bonds to finance improvements to the Duluth entertainment convention center.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 57 and nays 4, as follows:

Those who voted in the affirmative were:

Anderson	Frederickson	Langseth	Novak	Runbeck
Beckman	Hanson	Larson	Oliver	Sams
Belanger	Hottinger	Lesewski	Olson	Samuelson
Benson, D.D.	Janezich	Lessard	Pappas	Solon
Benson, J.E.	Johnson, D.E.	Luther	Pariseau	Spear
Berg	Johnson, D.J.	Marty	Piper	Stumpf
Berglin	Johnson, J.B.	McGowan	Pogemiller	Terwilliger
Bertram	Johnston	Metzen	Price	Vickerman
Chandler	Kiscaden	Mondale	Ranum	Wiener
Chmielewski	Knutson	Morse	Reichgott Junge	
Dille	Krentz	Murphy	Riveness	
Finn	Laidig	Neuville	Robertson	

Mr. Betzold, Ms. Flynn, Messrs. Merriam and Stevens voted in the negative.

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 1963: A bill for an act relating to local government; permitting the establishment of a special service district in the city of Hopkins; providing taxing and other authority for the city.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Dille	Kroening	Morse	Reichgott Junge
Beckman	Finn	Laidig	Murphy	Riveness
Belanger	Flynn	Langseth	Neuville	Robertson
Benson, D.D.	Frederickson	Larson	Novak	Runbeck
Benson, J.E.	Hottinger	Lesewski	Oliver	Samuelson
Berg	Janezich	Lessard	Olson	Solon
Berglin	Johnson, D.E.	Luther	Pappas	Spear
Bertram	Johnson, J.B.	Marty	Pariseau	Stevens
Betzold	Johnston	McGowan	Piper	Stumpf
Chandler	Kiscaden	Merriam	Pogemiller	Terwilliger
Chmielewski	Knutson	Metzen	Price	Vickerman
Cohen	Krentz	Mondale	Ranum	Wiener

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 2329: A bill for an act relating to taxation; property; providing an exemption for power facilities containing cogeneration systems; amending Minnesota Statutes 1993 Supplement, section 272.02, subdivision 1.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Dille	Kroening	Neuville	Runbeck
Beckman	Finn	Langseth	Novak	Sams
Belanger	Flynn	Larson	Oliver	Samuelson
Benson, D.D.	Frederickson	Lesewski	Olson	Solon
Benson, J.E.	Hanson	Lessard	Pappas	Spear
Berg	Janezich	Luther	Pariseau	Stevens
Berglin	Johnson, D.E.	Marty	Piper	Stumpf
Bertram	Johnson, D.J.	McGowan	Pogemiller	Terwilliger
Betzold	Johnson, J.B.	Merriam	Price	Wiener
Chandler	Johnston	Metzen	Ranum	
Chmielewski	Kiscaden	Mondale	Reichgott Junge	
Cohen	Knutson	Morse	Riveness	
Day	Krentz	Murphy	Robertson	

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 1921: A bill for an act relating to housing projects; providing for a housing bond credit enhancement program administered by the metropolitan council; authorizing the metropolitan council to provide additional security for bonds issued for qualifying housing projects; proposing coding for new law in Minnesota Statutes, chapter 473.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Dille	Kroening	Neuville	Runbeck
Beckman	Finn	Langseth	Novak	Sams
Belanger	Flynn	Larson	Oliver	Samuelson
Benson, D.D.	Frederickson	Lesewski	Olson	Solon
Benson, J.E.	Hanson	Lessard	Pappas	Spear
Berg	Janezich	Luther	Pariseau	Stevens
Berglin	Johnson, D.E.	Marty	Piper	Stumpf
Bertram	Johnson, D.J.	McGowan	Pogemiller	Terwilliger
Betzold	Johnson, J.B.	Merriam	Price	Vickerman
Chandler	Johnston	Metzen	Ranum	Wiener
Chmielewski	Kiscaden	Mondale	Reichgott Junge	
Cohen	Knutson	Morse	Riveness	
Day	Krentz	Murphy	Robertson	

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 1416: A bill for an act relating to retirement; Austin fire department relief association; modifying health insurance benefit coverage for the spouses of certain retired firefighters; providing survivor benefit coverage for the spouses of certain retired firefighters; amending Laws 1992, chapter 455, section 2.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Finn	Kroening	Murphy	Riveness
Beckman	Flynn	Langseth	Neuville	Robertson
Belanger	Frederickson	Larson	Novak	Runbeck
Benson, D.D.	Hanson	Lesewski	Oliver	Sams
Benson, J.E.	Janezich	Lessard	Olson	Samuelson
Berglin	Johnson, D.E.	Luther	Pappas	Solon
Bertram	Johnson, D.J.	Marty	Pariseau	Spear
Betzold	Johnson, J.B.	McGowan	Piper	Stevens
Chandler	Johnston	Merriam	Pogemiller	Stumpf
Chmielewski	Kiscaden	Metzen	Price	Terwilliger
Cohen	Knutson	Mondale	Ranum	Vickerman
Dille	Krentz	Morse	Reichgott Junge	Wiener

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 1909: A bill for an act relating to retirement; local police and salaried firefighters relief associations and consolidation accounts; requiring continuation of surviving spouse benefits upon remarriage; amending Minnesota Statutes 1992, section 423A.17; Minnesota Statutes 1993 Supplement, section 353B.11, subdivision 6.

Ms. Piper moved that the amendment made to H.F. No. 1909 by the Committee on Rules and Administration in the report adopted April 6, 1994, pursuant to Rule 49, be stricken. The motion prevailed. So the amendment was stricken.

H.F. No. 1909 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Finn	Langseth	Novak	Sams
Beckman	Flynn	Larson	Oliver	Samuelson
Belanger	Frederickson	Lesewski	Olson	Solon
Benson, D.D.	Hanson	Lessard	Pappas	Spear
Benson, J.E.	Janezich	Luther	Pariseau	Stevens
Berg	Johnson, D.E.	Marty	Piper	Stumpf
Berglin	Johnson, D.J.	McGowan	Pogemiller	Terwilliger
Bertram	Johnson, J.B.	Merriam	Price	Vickerman
Betzold	Johnston	Metzen	Ranum	Wiener
Chandler	Kiscaden	Mondale	Reichgott Junge	
Chmielewski	Knutson	Morse	Riveness	
Day	Krentz	Murphy	Robertson	
Dille	Kroening	Neuville	Runbeck	

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 1938: A bill for an act relating to employment; providing for enforcement of an employees' right to review personnel records; proposing coding for new law in Minnesota Statutes, chapter 181.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called; and there were yeas 59 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Dille	Krentz	Morse	Reichgott Junge
Beckman	Finn	Kroening	Murphy	Riveness
Belanger	Flynn	Langseth	Neuville	Robertson
Benson, J.E.	Frederickson	Larson	Novak	Runbeck
Berg	Hanson	Lesewski	Oliver	Sams
Berglin	Janezich	Lessard	Olson	Solon
Bertram	Johnson, D.E.	Luther	Pappas	Spear
Betzold	Johnson, D.J.	Marty	Pariseau	Stevens
Chandler	Johnson, J.B.	McGowan	Piper	Stumpf
Chmielewski	Johnston	Merriam	Pogemiller	Terwilliger
Cohen	Kiscaden	Metzen	Price	Vickerman
Day	Knutson	Mondale	Ranum	

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 2467: A bill for an act relating to game and fish; modifying size limits for walleye; changing the boundary of the West Central Goose Zone; amending Minnesota Statutes 1993 Supplement, section 97C.401, subdivision 2.

Mr. Berg moved to amend S.F. No. 2467 as follows:

Page 1, line 17, strike "30" and insert "36"

The motion prevailed. So the amendment was adopted.

Mr. Neuville moved to amend S.F. No. 2467 as follows:

Page 1, after line 17, insert:

"Sec. 2. Minnesota Statutes 1992, section 103G.405, is amended to read:

103G.405 [WATER LEVEL CONTROL FOR LANDLOCKED LAKES.]

(a) The commissioner must issue a water level control permit to establish control elevations for landlocked lakes up to three feet below the ordinary high water level for the lake if:

(1) the commissioner finds that control is necessary to prevent flooding of homesteads;

(2) other reasonable or cost-effective alternatives are not available; and

(3) a change in the control elevation is prescribed in an approved stormwater plan under section 103B.235.

(b) *Notwithstanding any other rule or statute, the commissioner is authorized to adjust up to two feet below the ordinary high water level for Lake Francis, Elysian, Minnesota. The commissioner shall take all necessary steps to alleviate current and future water problems within the provisions of this authorization which do not harm fishery.*

Page 1, line 24, delete "and 2" and insert "to 3"

ReNUMBER the sections in sequence and correct the internal references

Amend the title accordingly

Mr. Finn questioned whether the amendment was germane.

The President ruled that the amendment was not germane.

S.F. No. 2467 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

The roll was called, and there were yeas 58 and nays 1, as follows:

Those who voted in the affirmative were:

Anderson	Dille	Langseth	Neuville	Robertson
Beckman	Finn	Larson	Novak	Runbeck
Belanger	Flynn	Lesewski	Oliver	Sams
Benson, D.D.	Frederickson	Lessard	Olson	Samuelson
Benson, J.E.	Janezich	Luther	Pappas	Spear
Berg	Johnson, D.E.	Marty	Pariseau	Stevens
Berglin	Johnson, J.B.	McGowan	Piper	Stumpf
Bertram	Kiscaden	Merriam	Pogemiller	Terwilliger
Betzold	Knutson	Metzen	Price	Vickerman
Chandler	Krentz	Mondale	Ranum	Wiener
Cohen	Kroening	Morse	Reichgott Junge	
Day	Laidig	Murphy	Riveness	

Ms. Johnston voted in the negative.

So the bill, as amended, was passed and its title was agreed to.

MOTIONS AND RESOLUTIONS – CONTINUED

Remaining on the Order of Business of Motions and Resolutions, Mr. Luther moved that the Senate revert to the Order of Business of Reports of Committees. The motion prevailed.

REPORTS OF COMMITTEES

Mr. Mondale, for Mrs. Adkins, from the Committee on Metropolitan and Local Government, to which was re-referred

S.F. No. 1991: A bill for an act relating to metropolitan government; requiring the metropolitan council to adopt rules allocating comprehensive choice housing among cities and towns in the metropolitan area; requiring metropolitan council review of efforts of cities and towns to comply with the allocation; establishing penalties for noncompliance; proposing coding for new law in Minnesota Statutes, chapters 16A; and 473.

Reports the same back with the recommendation that the bill be amended as follows:

Pages 1 and 2, delete section 1

Page 3, line 12, delete "RULES" and insert "GUIDELINES"

Page 3, lines 14 and 18, delete "rules" and insert "guidelines"

Page 3, line 24, delete "Rules" and insert "Guidelines"

Page 5, line 27, delete the semicolon and insert a period

Page 5, line 28, delete from "Subd." through page 7, line 23, to "project."

Page 7, line 25, delete "Sections" and insert "Section" and delete "and 2 apply" and insert "applies"

Page 7, line 28, delete "to 3" and insert "and 2"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, delete "rules" and insert "guidelines"

Page 1, line 7, delete "establishing penalties for"

Page 1, line 8, delete "noncompliance;"

Page 1, line 9, delete "chapters 16A; and" and insert "chapter"

And when so amended the bill do pass.

Pursuant to Joint Rule 2.03, the bill was referred to the Committee on Rules and Administration.

MEMBERS EXCUSED

Mr. Novak was excused from the Session of today from 8:00 to 9:10 a.m. Mr. Kelly was excused from the Session of today from 8:00 to 10:00 a.m. and at 10:40 a.m. Mr. Chmielewski was excused from the Session of today from 8:00 to 9:48 a.m. Mrs. Adkins was excused from the Session of today at 11:15 a.m. Mr. Hottinger was excused from the Session of today from 10:50 to 11:10 a.m. and at 11:25 a.m. Ms. Kiscaden was excused from the Session of today from 10:20 to 10:45 a.m. Mr. Moe, R.D. was excused from the Session of today at 10:30 a.m.

ADJOURNMENT

Mr. Luther moved that the Senate do now adjourn until 10:00 a.m., Monday, April 18, 1994. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

NINETY-SECOND DAY

St. Paul, Minnesota, Monday, April 18, 1994

The Senate met at 10:00 a.m. and was called to order by the President.

CALL OF THE SENATE

Mr. Moe, R.D. imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

Prayer was offered by the Chaplain, Rev. Thomas M. Carlson.

The members of the Senate gave the pledge of allegiance to the flag of the United States of America.

The roll was called, and the following Senators answered to their names:

Adkins	Finn	Kroening	Murphy	Runbeck
Anderson	Flynn	Laidig	Neuville	Sams
Belanger	Frederickson	Langseth	Novak	Samuelson
Benson, D.D.	Hanson	Larson	Oliver	Solon
Benson, J.E.	Hottinger	Lesewski	Olson	Spear
Berg	Janezich	Lessard	Pappas	Stevens
Berglin	Johnson, D.E.	Luther	Pariseau	Stumpf
Bertram	Johnson, D.J.	Marty	Piper	Terwilliger
Betzold	Johnson, J.B.	McGowan	Pogemiller	Vickerman
Chandler	Johnston	Merriam	Price	Wiener
Chmielewski	Kelly	Metzen	Ranum	
Cohen	Kiscaden	Moe, R.D.	Reichgott Junge	
Day	Knutson	Mondale	Riveness	
Dille	Krentz	Morse	Robertson	

The President declared a quorum present.

The reading of the Journal was dispensed with and the Journal, as printed and corrected, was approved.

REPORTS FILED WITH THE SECRETARY OF THE SENATE

The following reports were received and filed by the Secretary of the Senate: Children's Mental Health Integrated Fund Task Force, 1994; Department of Human Services, Mental Health Screening and Treatment of Juveniles in Detention, Annual Report, 1994; Department of Human Services, Mental Health Report, 1994; Department of Human Services, Out-of-State Placements, 1994; Board of Aging, Office of Ombudsman for Older Minnesotans, 1994; Metropolitan Council, Regional Parks Operations and Maintenance Grants, 1994; Department of Public Safety, Emergency Response Plan for High-Level Radioactive Waste Transportation Accidents/Incidents, 1993; Department of Human Services, Disproportionate Population Adjustment,

1994; Department of Revenue, Independent Contractors Compliance with Income Tax Withholding Laws, 1994; Board of Pardons, Annual Report, 1994; Department of Human Services, MinnesotaCare Health Care Access Fund, Status Report, 1994; Department of Human Services, MinnesotaCare Progress Report on the Coordination of Medical Assistance and the MinnesotaCare Plan, 1994; Cold Weather Resource Center, Annual Report, 1993; International Joint Commission, Great Lakes Water Quality, Seventh Biennial Report, 1994; Department of Human Services, Rule 79 Mental Health Case Management Medical Assistance Reimbursement Study, 1994; Department of Human Services, Status of Revisions to Rule 53 and Proposed Uses for Client Assessment in Rule 53, 1994; Department of Public Safety, Office of Pipeline Safety, Certification Forms for Natural Gas and Hazardous Liquid Programs, 1994; Department of Health, Health Care Delivery Systems Division Medical Savings Accounts, 1994; Department of Employee Relations, Local Government Pay Equity Compliance Report, 1994; Department of Trade and Economic Development, Office of Tourism, Improving Minnesota's Competitive Position in the Tourism Industry, 1994; Ethical Practices Board, Annual Report Supplement, 1993; Capital Equipment Advisory Council, 1994; Department of Public Safety, Access to Criminal Conviction Data, 1994; Department of Human Services, Development of Reform Strategies for Developmental Disabilities Services, Progress Report, 1994; Department of Human Services, Vulnerable Adult Act: An Outline for Reform, 1994; Department of Human Services, Pilot Children's Safety Centers, 1994; Legislative Water Commission, Proposed Lewis and Clark Rural Water System, 1994; Office of the State Auditor, Revenue, Expenditures, and Debt of Minnesota, Cities Under 2500 in Population, 1992; Office of the State Auditor, Revenue, Expenditures, and Debt of Minnesota, Cities Over 2500 in Population, 1992; Department of Trade and Economic Development, Interim Performance Report for Business Finance Programs; Department of Jobs and Training, Transitional Housing Program, 1993; Department of Health, Cost of Tuberculosis Control in Minnesota, 1994; Department of Health, Prescription Drug Study, Preliminary Report, 1994; Department of Human Services, Preliminary Evaluation of the Mt. Olivet Rolling Acres Special Services Program, 1993; Minnesota Health Care Commission, Use and Distribution of Health Care Technology in Minnesota, 1994; Department of Public Safety, Minnesota Crime Information, 1992; Department of Commerce, Effectiveness of Standards for the Appointment of Qualified Actuaries; Department of Commerce, Effectiveness of the Minnesota Risk-Adjusted Capital (RAC) Ratio; Legislative Commission on Children, Youth and Their Families, Annual Report, 1994; Board on Judicial Standards, Annual Report, 1993; Department of Public Safety, Data Exchange Committee, 1994; Department of Health, Office of Rural Health, Community Health Center Program.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communication was received.

April 14, 1994

The Honorable Irv Anderson
Speaker of the House of Representatives

The Honorable Allan H. Spear
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1994 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

S.F. No.	H.F. No.	Session Laws Chapter No.	Time and Date Approved 1994	Date Filed 1994
2073		416	1:15 p.m. April 13	April 13
	1934	417	1:04 p.m. April 13	April 13
	2187	418	1:06 p.m. April 13	April 13
1692		419	1:17 p.m. April 13	April 13
	2306	420	1:03 p.m. April 13	April 13
	2562	421	1:07 p.m. April 13	April 13
	2646	422	1:08 p.m. April 13	April 13
	1890	423	1:09 p.m. April 13	April 13
1826		424	1:20 p.m. April 13	April 13
	1886	425	1:10 p.m. April 13	April 13
	1964	426	1:12 p.m. April 13	April 13
	2487	427	1:13 p.m. April 13	April 13
2671		428	1:22 p.m. April 13	April 13
2462		429	1:25 p.m. April 13	April 13
2464		430	1:24 p.m. April 13	April 13
2598		431	1:25 p.m. April 13	April 13
2135		432	1:27 p.m. April 13	April 13
2345		433	1:02 p.m. April 13	April 13
2572		434	1:31 p.m. April 13	April 13
2582		435	1:33 p.m. April 13	April 13
2503		436	1:35 p.m. April 13	April 13
1959		437	1:38 p.m. April 13	April 13

Sincerely,
Joan Anderson Growe
Secretary of State

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S.F. No. 2913: A bill for an act relating to state government; supplementing appropriations for public safety; the environment and natural resources; the general legislative, judicial, and administrative expenses of state government; community development; and human services; fixing and limiting the amount of fees, penalties, and other costs to be collected in certain cases; transferring certain duties and functions; amending Minnesota Statutes 1992, sections 3.737, subdivisions 1 and 4; 16A.124, subdivisions 2 and 7; 16A.127, as amended; 16A.15, subdivision 3; 16B.01, subdivision 4; 16B.05, subdivision 2; 16B.06, subdivisions 1 and 2; 41A.09, subdivisions 2 and 5; 43A.37, subdivision 1; 60K.06; 60K.19, subdivision 8; 62A.046; 62A.048; 62A.27; 62D.102; 82.20, subdivisions 7 and 8; 82.21, by adding a subdivision; 82B.08,

subdivisions 4 and 5; 82B.09, subdivision 1; 82B.19, subdivision 1; 83.25; 84.0887, by adding subdivisions; 84A.32, subdivision 1; 85A.02, subdivision 17; 144.804, subdivision 1; 144A.47; 171.06, subdivision 3; 176.102, subdivisions 3a and 14; 176.611, subdivision 6a; 204B.27, by adding a subdivision; 221.041, by adding a subdivision; 221.171, subdivision 2; 245.97, subdivision 1; 246.18, by adding a subdivision; 252.025, by adding a subdivision; 256.74, by adding a subdivision; 256.9365, subdivisions 1 and 3; 256B.056, by adding a subdivision; 256B.0625, subdivision 25, and by adding a subdivision; 256B.0641, subdivision 1; 256B.431, subdivision 17; 256H.05, subdivision 6; 257.62, subdivisions 1, 5, and 6; 257.64, subdivision 3; 257.69, subdivisions 1 and 2; 296.02, subdivision 7; 354.06, subdivision 1; 462A.05, by adding a subdivision; 477A.12; 504.33, subdivision 4; 504.35; 518.171, subdivision 5; and 518.613, subdivision 7; Minnesota Statutes 1993 Supplement, sections 15.50, subdivision 2; 41A.09, subdivision 3; 62A.045; 82.21, subdivision 1; 82.22, subdivisions 6 and 13; 82.34, subdivision 3; 97A.028, subdivisions 1 and 3; 116J.966, subdivision 1; 138.763, subdivision 1; 144A.071, subdivisions 3 and 4a; 239.785, subdivision 2, and by adding a subdivision; 245.97, subdivision 6; 246.18, subdivision 4; 252.46, subdivision 6, and by adding a subdivision; 256.969, subdivision 24; 256B.431, subdivision 24; 256I.04, subdivision 3; 257.55, subdivision 1; 257.57, subdivision 2; 268.98, subdivision 1; 477A.13; 477A.14; 504.33, subdivision 7; 518.171, subdivisions 1, 3, 4, 7, and 8; 518.611, subdivisions 2 and 4; 518.613, subdivision 2; and 518.615, subdivision 3; Laws 1993, chapter 369, section 5, subdivision 4; proposing coding for new law in Minnesota Statutes, chapters 62A; 145; 148; 268; and 518; repealing Minnesota Statutes 1992, sections 16A.06, subdivision 8; 16A.124, subdivision 6; 43A.21, subdivision 5; 62C.141; 62C.143; 62D.106; 62E.04, subdivisions 9 and 10; 268.32; 268.551; 268.552; 355.04; and 355.06; Laws 1985, First Special Session chapter 12, article 11, section 19.

Senate File No. 2913 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 15, 1994

Mr. Merriam moved that the Senate do not concur in the amendments by the House to S.F. No. 2913, and that a Conference Committee of 5 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of 3 members of the House, on the amendments adopted by the House to the following Senate File:

S.F. No. 1766: A bill for an act relating to attorneys; expanding remedies for the unauthorized practice of law; amending Minnesota Statutes 1992, section 481.02, subdivision 8.

There has been appointed as such committee on the part of the House:

Bishop, Pugh and Macklin.

Senate File No. 1766 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 15, 1994

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 2710:

H.F. No. 2710: A bill for an act relating to state government; requiring the commissioner of administration to study and report on the best way to increase electronic services to citizens; proposing coding for new law in Minnesota Statutes, chapter 16B.

The House respectfully requests that a Conference Committee of 3 members be appointed thereon.

Kahn, Krueger and Krinkie have been appointed as such committee on the part of the House.

House File No. 2710 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 15, 1994

Mr. Riveness moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 2710, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 2882:

H.F. No. 2882: A bill for an act relating to motor carriers; exempt carriers; providing an exemption for transportation of potatoes; amending Minnesota Statutes 1993 Supplement, section 221.025.

The House respectfully requests that a Conference Committee of 3 members be appointed thereon.

Olson, E.; Lieder and Tunheim have been appointed as such committee on the part of the House.

House File No. 2882 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 15, 1994

Mr. Moe, R.D. moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 2882, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 2351 and 3210.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 15, 1994

FIRST READING OF HOUSE BILLS

The following bills were read the first time.

H.F. No. 2351: A bill for an act relating to crime and crime prevention; appropriating money for the attorney general, department of administration, public defense, courts, corrections, criminal justice, and crime prevention and education programs; increasing penalties for a variety of violent crimes; increasing regulation of and penalties for unlawful possession or use of firearms and other dangerous weapons; providing for access to and sharing of government data relating to criminal investigations; improving law enforcement investigations of reports of missing and endangered children; enhancing 911 telephone service; providing a number of new investigative tools for law enforcement agencies; regulating explosives and blasting agents; modifying programs in state and local correctional facilities; increasing crime victim rights and protections; increasing court witness fees; requiring a study of civil commitment laws; completing the state takeover of public defender services; authorizing a variety of crime prevention programs; making it a crime to engage in behavior that transmits the HIV virus; requiring dangerous repeat offenders to serve mandatory minimum terms; requiring inmates to contribute to costs of confinement; providing mandatory minimum sentences for certain criminal sexual conduct offenses; providing that certain sex offenders shall serve indeterminate sentences; making it a crime to possess a dangerous weapon in any courthouse and certain state public buildings; mandating that parents are responsible for providing health care to children; amending Minnesota Statutes 1992, sections 2.722, subdivision 1; 8.06; 13.99, subdivision 79; 84.9691; 123.3514, subdivision 3, and by adding a subdivision; 126.02, subdivision 1; 144.125; 145A.05, by adding a subdivision; 152.01, by adding a subdivision; 152.021, subdivision 1; 152.024, subdivision 1; 169.89, subdivision 2; 171.18, subdivision 1; 171.22, subdivision 2; 241.26, subdivision 7; 243.05, subdivision 1, and by adding subdivisions; 243.166, subdivision 5; 243.18, subdivision 1; 243.23, subdivision 2; 243.24, subdivision 1; 244.09, by adding a subdivision; 244.12, subdivisions 1 and 2; 244.15, subdivision 4; 253B.19, subdivision 2; 260.161, by adding a subdivision; 299A.31; 299A.32, subdivision 3; 299A.38, subdivision 3; 299C.065, as amended; 299C.11; 299C.14; 299C.52, subdivision 1; 299C.53, subdivision 1, and by adding a subdivision; 299D.07; 299F.71; 299F.72, subdivision 2, and by adding subdivisions; 299F.73; 299F.74; 299F.75; 299F.77; 299F.78, subdivision 1; 299F.79; 299F.80; 299F.82; 299F.83; 352.91, by adding subdivisions; 352.92, subdivision 2; 357.22; 357.241; 357.242; 383B.225,

subdivision 6; 388.051, by adding a subdivision; 403.02, by adding a subdivision; 403.11, subdivisions 1 and 4; 477A.012, by adding a subdivision; 480.09, by adding a subdivision; 485.06; 494.05; 508.11; 600.23, subdivision 1; 609.0331; 609.0332; 609.152, by adding a subdivision; 609.165, by adding a subdivision; 609.185; 609.2231, subdivision 2; 609.224, by adding a subdivision; 609.245; 609.25, subdivision 2; 609.321, subdivision 12; 609.3241; 609.325, subdivision 2; 609.341, subdivisions 11, 12, and by adding subdivisions; 609.342, subdivisions 1 and 2; 609.3451, subdivision 1; 609.377; 609.485, subdivisions 2 and 4; 609.497, subdivision 1, and by adding a subdivision; 609.506, by adding subdivisions; 609.52, subdivision 3; 609.5315, subdivision 3; 609.561, by adding a subdivision; 609.611; 609.66, subdivisions 1, 1b, 1c, and by adding a subdivision; 609.713, subdivision 3; 609.72, subdivision 1; 609.855; 609.87, by adding a subdivision; 609.88, subdivision 1; 609.89, subdivision 1; 611.21; 611.26, subdivisions 4 and 6; 611A.036; 611A.045, subdivision 3; 611A.19; 611A.53, subdivision 2; 617.23; 624.714, subdivision 3; 626.556, subdivisions 3a and 10e; 626.557, subdivisions 2, 10a, and 12; 626.76; 626.846, subdivision 6; 626A.05, subdivision 2; 629.471; 629.73; and 631.425, subdivision 6; Minnesota Statutes 1993 Supplement, sections 8.15; 13.46, subdivision 2; 13.82, subdivision 10; 144.651, subdivisions 2, 21, and 26; 152.022, subdivision 1; 152.023, subdivision 2; 171.24; 242.51; 243.166, subdivisions 1, 2, 3, 4, 6, and 9; 243.18, subdivision 2; 244.05, subdivisions 4 and 5; 244.101, by adding a subdivision; 244.14, subdivision 3; 253B.03, subdivisions 3 and 4; 260.161, subdivisions 1 and 3; 299C.10, subdivision 1; 299C.65, subdivision 1; 357.021, subdivision 2; 357.24; 388.23, subdivision 1; 401.13; 462A.202, by adding a subdivision; 473.407, subdivision 1; 480.30; 518B.01, subdivisions 2, 6, and 14; 593.48; 609.11, subdivisions 4, 5, 7, 8, and by adding a subdivision; 609.14, subdivision 1; 609.344, subdivision 1; 609.345, subdivision 1; 609.346, subdivision 2; 609.378, subdivision 1; 609.531, subdivision 1; 609.66, subdivision 1a; 609.685, subdivision 3; 609.713, subdivision 1; 609.748, subdivision 5; 609.902, subdivision 4; 611.17; 611.20, subdivision 2; 611.27, subdivision 4; 611A.04, subdivision 1; 611A.06, subdivision 1; 611A.52, subdivision 8; 624.712, subdivision 5; 624.713, subdivision 1; 624.7131, subdivision 1; 624.7132, subdivisions 1 and 12; 624.7181; 626.556, subdivision 2; and 626.861, subdivision 4; Laws 1993, chapter 146, article 2, section 32; proposing coding for new law in Minnesota Statutes, chapters 8; 16B; 116J; 126; 144; 241; 243; 245; 253B; 268; 299C; 299F; 403; 609; 611A; 626; and 629; repealing Minnesota Statutes 1992, sections 152.01, subdivision 17; 260.315; 299F.72, subdivisions 3 and 4; 299F.78, subdivision 2; 299F.815, as amended; 609.0332, subdivision 2; and 629.69; Minnesota Statutes 1993 Supplement, sections 243.18, subdivision 3; and 299F.811.

Mr. Moe, R.D. moved that H.F. No. 2351 be laid on the table. The motion prevailed.

H.F. No. 3210: A bill for an act relating to the organization and operation of state government; appropriating money for the departments of human services and health, the ombudsman for mental health and mental retardation, the council on disability, veterans nursing homes board, jobs and training, housing finance, veterans affairs, human rights, and other purposes with certain conditions; establishing and modifying certain programs; modifying the compact on industrialized/modular buildings; providing for appointments; amending Minnesota Statutes 1992, sections 16A.124, subdivisions 1, 2, 3, 4, 5, and 6; 16B.75; 62A.046; 62A.048; 62A.27; 62A.31, by adding a subdivision; 62J.05, subdivision 2; 126A.02, subdivision 2; 144.0721, by adding a

subdivision; 144.0723, subdivisions 1, 2, 3, 4, and 6; 144.414, subdivision 3; 144.417, subdivision 1; 144.801, by adding a subdivision; 144.804, subdivision 1; 144.878, by adding a subdivision; 144A.073, subdivisions 1, 3a, 4, 8, and by adding a subdivision; 144A.46, subdivision 2; 145A.14, by adding a subdivision; 148B.23, subdivisions 1 and 2; 148B.27, subdivision 2, and by adding a subdivision; 148B.60, subdivision 3; 245A.14, subdivision 7; 246.50, subdivision 5; 246.53, subdivision 1; 246.57, subdivision 1; 252.025, subdivision 1, and by adding a subdivision; 252.275, subdivisions 3, 4, and by adding a subdivision; 253.015, by adding a subdivision; 256.015, subdivisions 2 and 7; 256.045, subdivisions 3, 4, and 5; 256.74, by adding a subdivision; 256.9365, subdivisions 1 and 3; 256.969, subdivisions 10 and 16; 256B.042, subdivision 2; 256B.056, by adding a subdivision; 256B.059, subdivision 1; 256B.06, subdivision 4; 256B.0625, subdivisions 8, 8a, 25, and by adding subdivisions; 256B.0641, subdivision 1; 256B.0913, subdivision 8, and by adding a subdivision; 256B.0915, subdivision 5; 256B.0917, subdivisions 6 and 8; 256B.15, subdivision 1a; 256B.431, subdivisions 3c, 3f, and 17; 256B.432, subdivisions 1, 3, and 6; 256B.49, subdivision 4; 256B.501, subdivisions 1, 3, 3c, and by adding a subdivision; 256B.69, subdivision 4, and by adding a subdivision; 256D.03, subdivisions 3a and 3b; 256D.05, subdivisions 3 and 3a; 256D.16; 256D.425, by adding a subdivision; 256F.09; 256H.05, subdivision 6; 257.62, subdivisions 1, 5, and 6; 257.64, subdivision 3; 257.69, subdivisions 1 and 2; 261.04, subdivision 2; 518.171, subdivision 5; 518.613, subdivision 7; 524.3-803; 524.3-1201; 528.08; and 626.556, subdivisions 4, 10e, and by adding subdivisions; Minnesota Statutes 1993 Supplement, sections 16B.06, subdivision 2a; 62A.045; 144.551, subdivision 1; 144.651, subdivisions 21 and 26; 144.872, subdivision 4; 144.873, subdivision 1; 144.874, subdivisions 1 and 3a; 144.8771, subdivision 2; 144.99, subdivisions 1 and 6; 144A.071, subdivisions 3 and 4a; 144A.073, subdivisions 2 and 3; 153A.14, subdivision 2; 157.08; 239.785, subdivision 2, and by adding a subdivision; 245.492, subdivisions 2, 6, 9, and 23; 245.493, subdivision 2; 245.4932, subdivisions 1, 2, 3, and 4; 245.494, subdivisions 1 and 3; 245.495; 245.496, subdivision 3, and by adding a subdivision; 245.97, subdivision 6; 252.46, by adding a subdivision; 253B.03, subdivisions 3 and 4; 256.9353, subdivisions 3 and 7; 256.9354, subdivisions 1, 4, 5, and 6; 256.9362, subdivision 6; 256.9657, subdivisions 2 and 3; 256.9685, subdivision 1; 256.969, subdivision 1; 256B.059, subdivisions 3 and 5; 256B.0595, subdivisions 1, 2, 3, and 4; 256B.0625, subdivisions 13, 19a, 20, and 37; 256B.0626; 256B.0911, subdivisions 2, 4, and 7; 256B.0913, subdivisions 5 and 12; 256B.0915, subdivisions 1 and 3; 256B.0917, subdivisions 1, 2, and 5; 256B.15, subdivision 2; 256B.431, subdivisions 2b, 2r, 15, and 24; 256B.432, subdivision 5; 256B.501, subdivisions 3g, 5a, and 8; 256D.03, subdivisions 3 and 4; 256I.04, subdivision 3; 256I.06, subdivision 1; 257.55, subdivision 1; 257.57, subdivision 2; 326.71, subdivision 4; 326.75, subdivision 3; 514.981, subdivisions 2 and 5; 518.171, subdivisions 1, 3, 4, 7, and 8; 518.611, subdivisions 2 and 4; 518.613, subdivision 2; 518.615, subdivision 3; and 626.556, subdivision 11; Laws 1993, chapter 369, sections 5, subdivision 4; and 11; proposing coding for new law in Minnesota Statutes, chapters 137; 144; 145; 148; 197; 245; 246; 252; 253; 256; 256B; 256D; 268; 268A; and 645; repealing Minnesota Statutes 1992, sections 62C.141; 62C.143; 62D.106; 62E.04, subdivisions 9 and 10; 144.0723, subdivision 5; 148B.23, subdivision 1a; 148B.28, subdivision 6; 197.235; 252.275, subdivisions 4 and 10; 256.969, subdivision 24; 256B.501, subdivisions 3d, 3e, and 3f; 256D.065; 268.32; 268.551; and 268.552; Minnesota Statutes 1993 Supplement, sections 144.8771, subdivision 5; 144.8781, subdivisions 1, 2, 3, and 5;

157.082; and 157.09; Laws 1993, chapter 286, section 11; and Laws 1993, First Special Session chapter 1, article 9, section 49; Minnesota Rules, parts 3300.0100; 3300.0200; 3300.0300; 3300.0400; 3300.0500; 3300.0600; and 3300.0700.

Mr. Moe, R.D. moved that H.F. No. 3210 be laid on the table. The motion prevailed.

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was re-referred

S.F. No. 2836: A bill for an act relating to public finance; changing procedures for allocating bonding authority; amending Minnesota Statutes 1992, sections 474A.02, subdivisions 8a, 13a, and 23a; 474A.03, subdivision 1; 474A.04, subdivision 1a; 474A.061, subdivision 4; 474A.091, subdivisions 3 and 5; and 474A.131, subdivision 3, and by adding a subdivision; Minnesota Statutes 1993 Supplement, sections 474A.047, subdivision 1; and 474A.061, subdivision 2a.

Reports the same back with the recommendation that the bill be amended as follows:

Page 5, line 26, delete "*existing*"

Page 6, line 15, after ""city"" insert "*means county and*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Merriam from the Committee on Finance, to which was re-referred

S.F. No. 1867: A bill for an act relating to health; requiring the legislative auditor to study the administrative costs of providing health care services.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 7, delete "*auditor shall study*" and insert "*audit commission is requested to direct the legislative auditor to conduct an evaluation of*"

Page 1, after line 23, insert:

"Sec. 2. [APPROPRIATION.]

\$65,000 is appropriated from the general fund to the legislative auditor for the purposes of this act."

Amend the title as follows:

Page 1, line 2, delete "*requiring*" and insert "*requesting*"

Page 1, line 4, before the period, insert "*;* appropriating money"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Merriam from the Committee on Finance, to which was re-referred

S.F. No. 2079: A bill for an act relating to privacy; classifying data; modifying certain human service licensing data provisions; authorizing access by the department of human services to certain data maintained by the department of jobs and training; permitting the commissioner of health to conduct fetal, infant, and maternal death studies; classifying certain data obtained by the department of trade and economic development as nonpublic; providing for release of certain information on juvenile offenders to schools and victims; limiting release of records; providing for the preparation of an information policy training plan; providing for the release of commitment information for firearm background checks; allowing sharing of certain information by family services and local children's mental health collaboratives; proposing classifications of data as private, nonpublic, and protected nonpublic; limiting liability for 911 systems; providing for a social worker witness privilege; appropriating money; amending Minnesota Statutes 1992, sections 13.38, by adding a subdivision; 13.39, subdivision 2; 13.41, subdivision 2; 13.57; 13.76, by adding a subdivision; 13.82, by adding a subdivision; 13.84, subdivision 5a; 214.10, subdivision 8; 253B.23, subdivision 4; 256.0361, by adding a subdivision; 260.161, subdivision 2, and by adding subdivisions; 480.235; 624.7131, subdivision 2; and 624.714, subdivisions 3 and 4; Minnesota Statutes 1993 Supplement, sections 13.32, subdivision 5; 13.43, subdivision 2; 13.46, subdivision 4; 13.643, by adding a subdivision; 121.8355, by adding a subdivision; 144.335, subdivision 3a; 148B.04, subdivision 6; 245.493, by adding a subdivision; 260.161, subdivision 3; 595.02, subdivision 1; 624.7131, subdivision 1; and 624.7132, subdivisions 1 and 2; proposing coding for new law in Minnesota Statutes, chapters 13; 144; 145; 245; 253B; and 403; proposing coding for new law as Minnesota Statutes, chapter 325I.

Reports the same back with the recommendation that the bill be amended as follows:

Page 35, line 15, delete "\$....." and insert "\$50,000" and delete "general fund" and insert "*public employees insurance reserve holding account established in Minnesota Statutes, section 353.65, subdivision 7,*"

Page 35, line 17, delete from ". for" through page 35, line 20, to "training"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Merriam from the Committee on Finance, to which was re-referred

S.F. No. 2220: A bill for an act relating to water; providing for duties of the legislative water commission; providing for a sustainable agriculture advisory committee; requiring plans relating to sustainable agriculture and integrated pest management; changing disclosures and fees related to dewatering wells; establishing groundwater policy and education; changing water well permit requirements; requiring reports to the legislature; appropriating money; amending Minnesota Statutes 1992, sections 3.887, subdivisions 5, 6, and 8; 17.114, subdivisions 1, 3, 4, and by adding a subdivision; 18B.045, subdivision 1; 103A.43; 103B.151, subdivision 1; 103G.271, subdivision 5; 103H.175, by adding a subdivision; 103H.201, subdivisions 1 and 4; 103I.101, subdivision 5; 103I.205, subdivision 1; 103I.208; 103I.235, subdivision 1; 103I.331, subdivision 6; and 103I.401, subdivision 1; Minnesota

Statutes 1993 Supplement, sections 18E.06; and 115B.20, subdivision 6; proposing coding for new law in Minnesota Statutes, chapters 103A; and 103F; repealing Minnesota Statutes 1992, section 103F.460.

Reports the same back with the recommendation that the bill be amended as follows:

Page 15, line 5, strike "drilled that produces less than 50"

Page 15, strike line 6

Page 15, line 7, strike "installed," and delete "\$100" and strike the semicolon

Page 15, strike line 8

Page 15, line 9, strike "more based on the actual capacity of the pump installed"

Page 15, line 11, delete "(3)" and insert "(2)"

Page 20, after line 25, insert:

"Sec. 26. [APPROPRIATIONS.]

(a) \$50,000 is appropriated for fiscal year 1995 from the general fund to the commissioner of agriculture for coordination and outreach activities relating to sustainable agriculture and integrated pest management programs in section 4.

(b) \$100,000 is appropriated for fiscal year 1995 from the general fund to the commissioner of agriculture for demonstration grants on sustainable agriculture and integrated pest management projects. This appropriation is available until expended.

(c) \$50,000 is appropriated for fiscal year 1995 from the general fund to the environmental quality board through the director of the office of strategic and long-range planning for the purposes of sections 10 and 11.

(d) \$160,000 is appropriated for fiscal year 1995 from the general fund to the board of water and soil resources to fund two complement positions with the Minnesota extension service to work on groundwater education efforts with local units of government and landowners and for grants under Minnesota Statutes, section 103F.461, paragraph (c).

(e) \$100,000 is appropriated for fiscal year 1995 from the general fund to the office of strategic and long-range planning for the purpose of maintaining a computerized database of the results of groundwater quality monitoring required in Minnesota Statutes, section 103H.175."

Re-number the sections in sequence

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was re-referred

S.F. No. 2816: A bill for an act relating to metropolitan government; increasing the amount of obligations the metropolitan council may issue for

certain transit purposes; amending Minnesota Statutes 1992, section 473.39, subdivision 1b.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, after line 6, insert:

“Section 1. Minnesota Statutes 1992, section 473.375, subdivision 14, is amended to read:

Subd. 14. [COORDINATION.] The board shall coordinate transit operations within the metropolitan area and shall establish a transit information program to provide transit users with accurate information on transit schedules and service. *The board shall establish a uniform design for signs which shall be used by the commission and transit service providers in the metropolitan areas to mark bus stops throughout the regular route transit system. Design of these signs shall incorporate the international bus stop symbol and may allow smaller, secondary symbols identifying the individual service provider.*”

Page 1, after line 21, insert:

“Sec. 3. [HIGH SPEED BUS PLAN.]

The high speed bus coalition, consisting of the cities of Apple Valley, Bloomington, Burnsville, Eagan, Edina, Lakeville, Prior Lake, Richfield, Rosemount, Savage, and Eden Prairie, and Dakota county, shall prepare and submit to the regional transit board a high speed bus plan.

Sec. 4. [HIGH SPEED BUS SERVICE PILOT PROJECT.]

The regional transit board shall implement a high speed bus service pilot project consistent with the high speed bus plan and in consultation with the high speed bus advisory group established in section 5.

Sec. 5. [HIGH SPEED BUS ADVISORY GROUP.]

The regional transit board shall establish a high speed bus service pilot project advisory committee to assist the board in implementing the service. The committee shall consist of:

(1) a representative of each of the following cities appointed by the governing body of the city represented: Apple Valley, Bloomington, Burnsville, Eagan, Edina, Lakeville, Prior Lake, Richfield, Rosemount, Savage, and Eden Prairie;

(2) a representative of Dakota county appointed by the county board;

(3) the commissioner of transportation or designee; and

(4) one representative each from the metropolitan transit commission and the metropolitan council.

This section expires July 31, 1998.

Sec. 6. [REPORT.]

The regional transit board shall evaluate the high speed bus pilot project and report to the legislature by February 1, 1998. The report must include, but is not limited to, data on ridership, hours of service, miles of service, operating costs, operating subsidies, fare box recovery rate, and capital costs.

The report must also discuss the impact of the high speed bus service on highway congestion, regional transit ridership, and air quality, types of service provided, and other qualitative information that will help evaluate the effectiveness of high speed bus service.

Sec. 7. Minnesota Statutes 1992, section 473.39, is amended by adding a subdivision to read:

Subd. 1c. [OBLIGATIONS 1995-1998.] The council may also issue certificates of indebtedness, bonds, or other obligations under this section in an amount not exceeding \$6,250,000 which may be used by the board for transit vehicles, transit facilities, and capital improvements required by the high speed bus service pilot project under section 4, and related costs including the cost of issuance and sale of obligations.

Sec. 8. [APPLICATION.]

Sections 3 to 7 apply in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

Sec. 9. [EFFECTIVE DATE; LOCAL APPROVAL.]

Sections 3 to 8 are effective the day after each of the governing bodies of the cities and county named in section 3 have complied with Minnesota Statutes, section 645.021, subdivision 3."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, after the semicolon, insert "requiring design of uniform bus stop signs for use by metropolitan area transit providers; authorizing a high speed bus plan, pilot project, advisory group, and report;"

Page 1, line 5, delete "section" and insert "sections 473.375, subdivision 14; and" and after "1b" insert ", and by adding a subdivision"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Merriam from the Committee on Finance, to which was re-referred

S.F. No. 2358: A bill for an act relating to employee relations; ratifying labor agreements; making certain positions unclassified; changing duties of the legislative commission on employee relations; revising a salary range for a certain position in the judicial branch; amending Minnesota Statutes 1992, sections 3.855, subdivisions 2, 3, and by adding a subdivision; 15A.081, subdivisions 7 and 7b; 43A.05, subdivision 5; 43A.08, subdivisions 1 and 1a; 43A.18, subdivisions 2, 3, and 5; 179A.18, subdivision 1; and 179A.22, subdivision 4; Minnesota Statutes 1993 Supplement, sections 15A.081, subdivision 1; 15A.083, subdivision 4; and 43A.18, subdivision 4.

Reports the same back with the recommendation that the bill be amended as follows:

Page 3, after line 2, insert:

"Subd. 13. [CORRECTIONAL GUARDS.] The arbitration award and memorandum of understanding for unit 8, the correctional guards unit,

approved by the legislative commission on employee relations on April 6, 1994, are approved."

Page 8, after line 23, insert:

"Sec. 7. Minnesota Statutes 1992, section 15A.082, subdivision 1, is amended to read:

Subdivision 1. [CREATION.] A compensation council is created each even-numbered year to assist the legislature in establishing the compensation of constitutional officers, members of the legislature, justices of the supreme court, ~~and~~ judges of the court of appeals, district court, county court, and county municipal court, *and the heads of state and metropolitan agencies.*

Sec. 8. Minnesota Statutes 1992, section 15A.082, subdivision 3, is amended to read:

Subd. 3. [SUBMISSION OF RECOMMENDATIONS:] (a) By May 1 in each odd-numbered year, the compensation council shall submit to the speaker of the house of representatives and the president of the senate salary recommendations for constitutional officers, legislators, justices of the supreme court, and judges of the court of appeals, district court, county court, and county municipal court. The recommended salary for each office must take effect on July 1 of the next odd-numbered year, with no more than one adjustment, to take effect on July 1 of the year after that. The salary recommendations for legislators, judges, and constitutional officers take effect if an appropriation of money to pay the recommended salaries is enacted after the recommendations are submitted and before their effective date. Recommendations may be expressly modified or rejected. The salary recommendations for legislators are subject to additional terms that may be adopted according to section 3.099, subdivisions 1 and 3.

(b) The council shall also submit to the speaker of the house of representatives and the president of the senate recommendations for the salaries of the heads of state and metropolitan agencies, to be effective retroactively from January 1 of that year. The recommendations shall include the appropriate group in section 15A.081 to which each agency head should be assigned and the appropriate limitation on the maximum salary of the agency heads in each group, expressed as a percentage of the salary of the governor."

Page 17, after line 16, insert:

"Sec. 17. Minnesota Statutes 1992, section 179A.10, subdivision 3, is amended to read:

Subd. 3. [STATE EMPLOYEE SEVERANCE.] Each of the following groups of employees has the right, as specified in this subdivision, to separate from the general professional, health treatment, or general supervisory units provided for in subdivision 2: attorneys, physicians, professional employees of the higher education coordinating board who are compensated under section 43A.18, subdivision 4, state patrol-supervisors, ~~regional~~ enforcement officers supervisors employed by the department of natural resources, and criminal apprehension investigative-supervisors. This right must be exercised by petition during the 60-day period commencing 270 days prior to the termination of a contract covering the units. If one of these groups of employees exercises the right to separate from the units they have no right to meet and negotiate, but retain the right to meet and confer with the commissioner of employee relations and with the appropriate appointing

authority on any matter of concern to them. The right to separate 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 units 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 for the petitioner from the employees, the commissioner shall hold an election to ascertain the wishes of the majority with respect to the issue of remaining within or severing from the units provided in subdivision 2. This election must be conducted within 30 days of the close of the petition period. If a majority of votes cast endorse severance from the unit in favor of separate meet and confer status for any one of these groups of employees, the commissioner shall certify that result. This election, where not inconsistent with other provisions of this section, is governed by section 179A.12. If a group of employees elects to sever, the group may rejoin that unit by following the same procedures specified above for severance, but may only do so during the periods provided for severance."

Page 19, after line 3, insert:

"Sec. 20. [TRANSITION.]

Notwithstanding Laws 1993, chapter 192, section 2, subdivision 6, the compensation council appointed in 1993 expires on the first Monday in January 1995. The governor shall then appoint a new compensation council to make recommendations under Minnesota Statutes, section 15A.082, by April 1, 1995. The new salaries for agency heads will be effective retroactively from January 1, 1995. The new salaries for legislators, judges, and constitutional officers will be effective July 1, 1997."

Page 19, after line 29, insert:

"Sec. 22. [STUDY OF ARBITRATION.]

The legislative commission on employee relations shall study the use of arbitration to resolve labor disputes between public employers and public employees and report to the legislature by January 15, 1995, its recommendations for changes in the process by which arbitrators are selected and the conditions under which disputes are referred to arbitration."

Page 19, line 31, delete "17" and insert "21"

Renumber the sections of article 2 in sequence

Amend the title as follows:

Page 1, line 9, after the first semicolon, insert "15A.082, subdivisions 1 and 3;"

Page 1, line 11, after "5;" insert "179A.10, subdivision 3;"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 2519 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
2519	2112				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 2519 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2519 and insert the language after the enacting clause of S.F. No. 2112, the first engrossment; further, delete the title of H.F. No. 2519 and insert the title of S.F. No. 2112, the first engrossment.

And when so amended H.F. No. 2519 will be identical to S.F. No. 2112, and further recommends that H.F. No. 2519 be given its second reading and substituted for S.F. No. 2112, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 2410 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
2410	2236				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 2410 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2410 and insert the language after the enacting clause of S.F. No. 2236, the first engrossment; further, delete the title of H.F. No. 2410 and insert the title of S.F. No. 2236, the first engrossment.

And when so amended H.F. No. 2410 will be identical to S.F. No. 2236, and further recommends that H.F. No. 2410 be given its second reading and substituted for S.F. No. 2236, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

SECOND READING OF SENATE BILLS

S.F. Nos. 2836, 1867, 2079, 2220, 2816 and 2358 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 2519 and 2410 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Moe, R.D. moved that the name of Mr. Solon be added as a co-author to S.F. No. 2918. The motion prevailed.

Mr. Larson introduced—

Senate Resolution No. 82: A Senate resolution commending Sister Suzanne Slominski for her dedication and contributions to the betterment of education.

Referred to the Committee on Rules and Administration.

Messrs. Larson and Berg introduced—

Senate Resolution No. 83: A Senate resolution congratulating Tom Lehman, Alexandria, Minnesota on his outstanding accomplishments in golf competition.

Referred to the Committee on Rules and Administration.

Mr. Chandler moved that S.F. No. 2314, on General Orders, be stricken and returned to its author. The motion prevailed.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated the General Orders Calendar a Special Orders Calendar to be heard immediately.

SPECIAL ORDER

H.F. No. 2007: A bill for an act relating to employment; making clear that employee includes "at pleasure" employees under the whistleblower law; amending Minnesota Statutes 1992, section 181.931, subdivision 2.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Finn	Krentz	Mondale	Robertson
Anderson	Flynn	Kroening	Morse	Runbeck
Belanger	Frederickson	Laidig	Murphy	Sams
Benson, D.D.	Hanson	Langseth	Neuville	Samuelson
Benson, J.E.	Hottinger	Larson	Novak	Spear
Berg	Janezich	Lesewski	Oliver	Stevens
Berglin	Johnson, D.E.	Lessard	Pariseau	Stumpf
Bertram	Johnson, D.J.	Luther	Piper	Terwilliger
Betzold	Johnson, J.B.	Marty	Pogemiller	Vickerman
Chandler	Johnston	McGowan	Price	Wiener
Cohen	Kelly	Merriam	Ranum	
Day	Kiscaden	Metzen	Reichgott Junge	
Dille	Knutson	Moe, R.D.	Riveness	

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 1957: A bill for an act relating to housing and redevelopment authorities; providing for the membership in the Olmsted county housing and redevelopment authority and for dissolution of the Rochester housing and

redevelopment authority; making conforming changes; allowing certain cities the option to form their own authorities.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Finn	Krentz	Mondale	Riveness
Anderson	Flynn	Kroening	Morse	Robertson
Belanger	Frederickson	Laidig	Murphy	Runbeck
Benson, D.D.	Hanson	Langseth	Neuville	Sams
Benson, J.E.	Hottinger	Larson	Novak	Samuelson
Berg	Janezich	Lesewski	Oliver	Solon
Berglin	Johnson, D.E.	Lessard	Pappas	Spear
Bertram	Johnson, D.J.	Luther	Pariseau	Stevens
Betzold	Johnson, J.B.	Marty	Piper	Stumpf
Chandler	Johnston	McGowan	Pogemiller	Terwilliger
Cohen	Kelly	Merriam	Price	Vickerman
Day	Kiscaden	Metzen	Ranum	Wiener
Dille	Knutson	Moe, R.D.	Reichgott Junge	

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 2159: A bill for an act relating to limited liability companies; providing for the application of unemployment compensation laws; amending Minnesota Statutes 1993 Supplement, section 268.04, subdivision 12.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Finn	Laidig	Murphy	Runbeck
Anderson	Flynn	Langseth	Neuville	Sams
Belanger	Frederickson	Larson	Novak	Samuelson
Benson, D.D.	Hanson	Lesewski	Oliver	Solon
Benson, J.E.	Hottinger	Lessard	Pappas	Spear
Berg	Janezich	Luther	Pariseau	Stevens
Berglin	Johnson, D.E.	Marty	Piper	Stumpf
Bertram	Johnson, D.J.	McGowan	Pogemiller	Terwilliger
Betzold	Johnson, J.B.	Merriam	Price	Vickerman
Chandler	Johnston	Metzen	Ranum	Wiener
Cohen	Kelly	Moe, R.D.	Reichgott Junge	
Day	Knutson	Mondale	Riveness	
Dille	Krentz	Morse	Robertson	

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 2540: A bill for an act relating to energy; classifying and requiring information on applications for the municipal energy conservation investment loan program; amending Minnesota Statutes 1992, sections 13.99, by adding a subdivision; 216C.37, subdivision 3, and by adding subdivisions; Minnesota Statutes 1993 Supplement, section 216C.37, subdivision 1; repealing Minnesota Statutes 1992, section 216C.37, subdivision 8.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Finn	Krentz	Mondale	Riveness
Anderson	Flynn	Kroening	Morse	Robertson
Belanger	Frederickson	Laidig	Murphy	Runbeck
Benson, D.D.	Hanson	Langseth	Neuville	Sams
Benson, J.E.	Hottinger	Larson	Novak	Samuelson
Berg	Janezich	Lesewski	Oliver	Solon
Berglin	Johnson, D.E.	Lessard	Pappas	Spear
Bertram	Johnson, D.J.	Luther	Pariseau	Stevens
Betzold	Johnson, J.B.	Marty	Piper	Stumpf
Chandler	Johnston	McGowan	Pogemiller	Terwilliger
Cohen	Kelly	Merriam	Price	Vickerman
Day	Kiscaden	Metzen	Ranum	Wiener
Dille	Knutson	Moe, R.D.	Reichgott Junge	

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 1808: A bill for an act relating to workers' compensation; providing coverage for certain civil air patrol volunteers; amending Minnesota Statutes 1992, section 176.011, subdivision 9.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Finn	Krentz	Morse	Runbeck
Anderson	Flynn	Kroening	Murphy	Sams
Belanger	Frederickson	Laidig	Neuville	Samuelson
Benson, D.D.	Hanson	Langseth	Novak	Solon
Benson, J.E.	Hottinger	Lesewski	Oliver	Spear
Berg	Janezich	Lessard	Pappas	Stevens
Berglin	Johnson, D.E.	Luther	Pariseau	Stumpf
Bertram	Johnson, D.J.	Marty	Piper	Terwilliger
Betzold	Johnson, J.B.	McGowan	Pogemiller	Vickerman
Chandler	Johnston	Merriam	Ranum	Wiener
Cohen	Kelly	Metzen	Reichgott Junge	
Day	Kiscaden	Moe, R.D.	Riveness	
Dille	Knutson	Mondale	Robertson	

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 1859: A bill for an act relating to housing; establishing penalties for failure to provide a written lease; amending Minnesota Statutes 1993 Supplement, section 504.12.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Finn	Kroening	Morse	Sams
Anderson	Flynn	Laidig	Neuville	Samuelson
Belanger	Frederickson	Langseth	Novak	Solon
Benson, D.D.	Hanson	Larson	Oliver	Spear
Benson, J.E.	Hottinger	Lesewski	Pappas	Stevens
Berg	Janezich	Lessard	Pariseau	Stumpf
Berglin	Johnson, D.E.	Luther	Piper	Terwilliger
Bertram	Johnson, D.J.	Marty	Pogemiller	Vickerman
Betzold	Johnson, J.B.	McGowan	Ranum	Wiener
Chandler	Johnston	Merriam	Reichgott Junge	
Cohen	Kiscaden	Metzen	Riveness	
Day	Knutson	Moe, R.D.	Robertson	
Dille	Krentz	Mondale	Runbeck	

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 228: A bill for an act relating to local government; providing for annexation elections; changing conditions permitting annexation by ordinance; amending Minnesota Statutes 1992, sections 414.031, by adding a subdivision; and 414.033, subdivision 2; repealing Minnesota Statutes 1992, section 414.033, subdivision 2a.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Finn	Kroening	Morse	Robertson
Anderson	Flynn	Laidig	Murphy	Runbeck
Belanger	Frederickson	Langseth	Neuville	Sams
Benson, D.D.	Hanson	Larson	Novak	Samuelson
Benson, J.E.	Hottinger	Lesewski	Oliver	Solon
Berg	Johnson, D.E.	Lessard	Pappas	Spear
Berglin	Johnson, D.J.	Luther	Pariseau	Stevens
Bertram	Johnson, J.B.	Marty	Piper	Stumpf
Betzold	Johnston	McGowan	Pogemiller	Terwilliger
Chandler	Kelly	Merriam	Price	Vickerman
Cohen	Kiscaden	Metzen	Ranum	Wiener
Day	Knutson	Moe, R.D.	Reichgott Junge	
Dille	Krentz	Mondale	Riveness	

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 2148: A bill for an act relating to human services; providing monitoring and evaluation of emergency health services on a pilot project basis; authorizing an advisory committee.

Mr. Betzold moved to amend H.F. No. 2148, as amended pursuant to Rule 49, adopted by the Senate April 6, 1994, as follows:

(The text of the amended House File is identical to S.F. No. 1760.)

Page 1, line 8, delete "COMMITTEE" and insert "COMMITTEES"

Page 1, line 9, delete "a" and insert "three"

Page 1, line 10, delete "committee" and insert "committees" and after "monitor" insert "the emergency adult mental health services in accordance with"

Page 1, line 11, after the period, insert "Each committee shall be made up of members who reside in the county the committee is monitoring."

Page 1, line 13, delete "state" and insert "local" and delete "council" and insert "councils"

Page 1, line 14, delete "committee" and insert "committees" and delete "six" and insert "five"

Page 1, lines 21, 23, and 25, delete "committee" and insert "committees"

Page 2, line 4, delete "chosen" and insert "selected"

Page 2, line 10, after the period, insert "Counties shall be given the opportunity to participate in the pilot study. If there is no county requesting to participate, the counties shall be designated by the commissioner."

Page 2, line 12, after "provided" insert "for persons"

Amend the title as follows:

Page 1, line 4, delete "an" and delete "committee" and insert "committees"

The motion prevailed. So the amendment was adopted.

H.F. No. 2148 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dille	Knutson	Mondale	Runbeck
Anderson	Finn	Krentz	Murphy	Sams
Belanger	Flynn	Kroening	Neuville	Samuelson
Benson, D.D.	Frederickson	Laidig	Novak	Solon
Benson, J.E.	Hanson	Langseth	Oliver	Spear
Berg	Hottinger	Lesewski	Pappas	Stevens
Berglin	Janezich	Lessard	Pariseau	Stumpf
Bertram	Johnson, D.E.	Luther	Piper	Terwilliger
Betzold	Johnson, D.J.	Marty	Pogemiller	Vickerman
Chandler	Johnson, J.B.	McGowan	Price	Wiener
Chmielewski	Johnston	Merriam	Ranum	
Cohen	Kelly	Metzen	Riveness	
Day	Kiscaden	Moe, R.D.	Robertson	

So the bill, as amended, was passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 2135: A bill for an act relating to manufactured home parks; prohibiting manufactured home parks from prohibiting senior citizens from keeping house pet dogs, cats, and birds on the park premises; amending Minnesota Statutes 1992, section 327.27, by adding a subdivision.

Ms. Hanson moved to amend H.F. No. 2135, as amended pursuant to Rule 49, adopted by the Senate April 7, 1994, as follows:

(The text of the amended House File is identical to S.F. No. 1698.)

Page 1, after line 16, insert:

"Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment."

The motion prevailed. So the amendment was adopted.

Mr. Mondale moved to amend H.F. No. 2135, as amended pursuant to Rule 49, adopted by the Senate April 7, 1994, as follows:

(The text of the amended House File is identical to S.F. No. 1698.)

Page 1, after line 16, insert:

“Sec. 2. [346.58] [DEFINITIONS.]

Subdivision 1. [SCOPE.] The definitions in this section apply to sections 2 and 3.

*Subd. 2. [ANIMAL.] “Animal” means a dog, wholly or in part of the species *Canis familiaris*, or a cat, wholly or in part of the species *Felis domesticus*.*

Subd. 3. [BREEDER.] “Breeder” means a person, firm, partnership, corporation, or association that:

(1) breeds animals for direct or indirect sale to the public and sells more than 24 puppies or kittens per year; or

(2) sells animals to brokers or pet dealers.

Subd. 4. [BROKER.] “Broker” means a person, firm, partnership, corporation, or association that purchases or breeds animals for resale to other brokers or pet dealers.

Subd. 5. [CONFINEMENT AREA.] “Confinement area” means a structure used or designed for use to restrict an animal to a limited amount of space, such as a room, pen, cage, kennel, compartment, or hutch.

Subd. 6. [HOUSING FACILITY.] “Housing facility” means a room, building, or area that contains a confinement area.

Subd. 7. [PET DEALER.] “Pet dealer” means a person, firm, partnership, corporation, or association, that sells animals to the public. “Pet dealer” does not include a humane society, a nonprofit organization performing the functions of a humane society, an animal control agency, a pet broker, or a person, firm, partnership, corporation, or association that breeds animals for direct sale to the public and sells or gives away fewer than 25 puppies or kittens per year.

Subd. 8. [VETERINARIAN.] “Veterinarian” means a doctor of veterinary medicine, licensed to practice in the state of Minnesota, who does not have a financial interest in the firm, partnership, corporation, or the transaction or sale of animals for which the examination of the animals is being performed.

Sec. 3. [346.59] [STANDARDS.]

Subdivision 1. [APPLICABILITY.] This section applies to breeders, brokers, and pet dealers. Breeders, brokers, and pet dealers do not need to comply with section 346.39.

Subd. 2. [FOOD.] Animals must be provided with food which meets or exceeds National Research Council standards for nutrients and balance and American Association of Feed Company Officials, Inc., standards of processing of sufficient quantity and quality to allow for normal growth or maintenance of body weight. Animals must be provided wholesome food suitable for the species served in a clean receptacle, dish, or container, at a frequency and amount appropriate for the species and age. Animals over the

age of 20 weeks must be offered food at least once every 24 hours. Animals under the age of 20 weeks must be offered food at least twice every 24 hours.

Subd. 3. [WATER.] Animals must be provided access to clean, fresh, potable water provided in a sanitary manner at least once every 12 hours or in sufficient quantity to satisfy the animals' needs or supplied by free choice. Snow or ice is not an adequate water source.

Subd. 4. [SHELTER.] A shelter that protects the animal from inclement weather, wind, and direct rays of the sun must be supplied for each animal. If an animal is maintained in an outdoor confinement area, that space must contain a shelter that complies with section 343.40. If an animal is maintained in a confinement area within a housing facility used primarily to house animals, the confinement area must provide sufficient space to allow each animal to turn around freely and to easily stand, sit, and lie in a normal position. Each confined animal must be provided a minimum square footage of floor space as measured from the tip of its nose to the base of its tail, plus 25 percent, expressed in square feet. The formula for computing minimum square footage is: (length of animal in inches plus 25 percent) times (length of animal in inches plus 25 percent) divided by 144.

Subd. 5. [CONFINEMENT AND EXERCISE AREA SURFACES.] The interior surfaces of all indoor confinement and exercise areas, including crates or containers, must be constructed and maintained so that they are impermeable and may be readily cleaned. Confinement area flooring must be constructed of nonabrasive wire of ten gauge or larger or smooth, durable, impermeable material suitable for animals. Sufficient space or barrier must be provided between confinement areas to ensure that no liquid or solid waste, water, or food passes from one confinement area to the other. Confinement areas must be ventilated sufficiently to allow for the free movement of air in and around the confinement area. Confinement areas must protect the animal from injury and be kept in good repair. All outdoor confinement area flooring must be impermeable material or well drained aggregate. Each animal must be provided with a raised solid resting surface of appropriate size to allow the animal to lie down comfortably.

Subd. 6. [EXERCISE.] All animals must be provided the opportunity for exercise at least twice per day. An indoor or outdoor exercise area of at least 72 square feet must be provided. If more than three animals use an area simultaneously, space must be increased to allow sufficient room for each animal to exercise freely. A shaded area must be provided sufficient to protect the animal from the direct rays of the sun at all times during the months of May to October.

Subd. 7. [GROUP HOUSING AND BREEDING.] Animals housed together must be kept in compatible groups. Animals must not be bred so as to endanger their health. Health is endangered if a female is bred more than three times in two years. A female animal younger than 18 months may not be bred. A female animal over eight years old may not be bred unless individually authorized in writing by a veterinarian.

Subd. 8. [TEMPERATURE.] Indoor housing facilities for animals must be maintained at an ambient temperature of not less than 50 degrees Fahrenheit at floor level. Heating and cooling units must be of a type and installation approved by applicable building or safety codes. Infrared heating devices may not be used as a primary heating source.

Subd. 9. [VENTILATION.] Housing facilities must be ventilated. Auxiliary ventilation, such as exhaust fans, vents, air conditioning, or a combination of them, must be used when the ambient temperature exceeds 85 degrees Fahrenheit at floor level. Facilities used primarily to house animals must be equipped with an air exchange or air purification system that fully exchanges or purifies the air at least four times per hour. This system must be of a type and installation approved by applicable building or safety codes.

Subd. 10. [LIGHTING.] Housing facilities must have at least eight hours of illumination at a minimum of 25 foot candles 30 inches above floor level. Ample lighting, by natural or artificial means must be uniformly distributed. The lighting must be provided in a regular diurnal cycle. Confinement areas must be placed to avoid exposure of animals to excessive light.

Subd. 11. [DRAINAGE.] A suitable method must be used to eliminate excess fluids from confinement areas. All feces must be removed and disposed of daily. All waste drainage and waste material must be disposed of using a method prescribed by applicable building or health codes.

Subd. 12. [SANITATION.] Food and water receptacles must be accessible to each animal and located so as to prevent contamination by excreta. Opened food bags must be stored in plastic or metal cans with tight fitting lids. Feeding and water receptacles must be kept free of contaminants. Disposable foods receptacles must be discarded when soiled.

Confinement areas must be thoroughly cleaned daily and impervious surfaces treated with disinfectant at least once per week. Animals must be removed from an area while the area is being treated with disinfectant and animals must not be returned to that area until the area is dry.

Animals with infectious or contagious diseases must be isolated from healthy animals. Caretakers must disinfect their hands and shoes after handling animals with infectious or contagious diseases.

Bedding, if used, must be kept clean and dry. Outdoor confinement and exercise areas must be kept clean and base material replaced as necessary.

Each cat confinement area must be provided with a container for elimination. This container must be constructed so it is impervious to moisture and may be readily cleaned. The container must contain absorbent material suitable for use by cats. The container must be cleaned daily and absorbent material removed and replaced at least once per week.

Subd. 13. [FEMALES AND LITTERS.] Females and litters must be provided a separate confinement area of a size that complies with this section. Healthy litters must remain with their mother at least five weeks, unless rejected or endangered by their mother or the mother's health is endangered by its litter. No animal may be sold or given away before the age of eight weeks, except the entire litter and the mother may be sold or given away together before the litter is eight weeks old.

The ambient temperature of the confinement area must be maintained at a minimum of 70 degrees Fahrenheit at floor level and a maximum of 90 degrees Fahrenheit for animals under seven weeks of age unless authorized in writing by a veterinarian. The litter must be provided fresh, clean water at all times and fresh food in amounts and at frequency appropriate for age and species.

Litters must be provided socialization and exercise. Socialization must include physical contact with other animals of like species and human beings.

No pet dealer who is not the breeder of the animal may be in possession of an animal that is under the age of eight weeks.

Subd. 14. [TRANSPORTATION AND SHIPMENT.] An animal may not be delivered or held for transport in commerce more than four hours before the scheduled departure time of the primary conveyance on which the animal is to be transported. No animal may be shipped on consignment. Shippers must provide the carriers or intermediate handlers with the name, address, and telephone number of the receiver, shipper's name, address, telephone number, tag or tattoo number of the animals, and time and date the animal was last fed and watered. All shippers must securely attach to the outside of the shipping container written instructions for the in-transit food and water requirements.

No one may transport or cause to be transported into, out of, or within the state for purposes of resale any animal under eight weeks of age, unless the entire litter and the mother are being transported together for resale.

If animals are transported in containers, the containers must be constructed of nonabrasive wire or a smooth, durable material suitable for animals. Floors must be smooth, impermeable material with grating of smooth wire of ten gauge or larger. Containers must be provided with barriers so as to ensure that no liquid or solid waste, water, or food passes from one confinement area to another. Containers must be clean, adequately ventilated, contain sufficient space to allow the animals to stand up, lie down, and turn around and provide maximum safety and protection to the animals. If more than a single animal is transported in one container, each animal must be provided sufficient space to stand up, lie down, and turn around.

Animals must be maintained in compatible groups. No more than two animals may be transported in the same container. Female animals in estrus may not be transported in the same container with any male.

Food and water receptacles must be securely attached inside the container and placed so that the receptacle can be filled from outside the container without opening the door. Animals over the age of 20 weeks must be offered food at least once every 24 hours. Animals under the age of 20 weeks must be offered food at least once every 12 hours. Each animal must be offered clean, fresh, potable water, provided in a sanitary manner, at least once every eight hours.

Exercise must be provided at least once every eight hours, or at suitable intervals in relation to food and water consumption.

Subd. 15. [FIRE SAFETY.] Smoke detectors must be installed in a housing facility at a frequency prescribed by applicable fire code. Fire extinguishers containing substances nontoxic to animals must be readily available.

Subd. 16. [PENALTIES.] A violation of this section is a misdemeanor. A violation of each subdivision is a separate violation. Before prosecution of a violation of subdivision 5, 8, 9, 10, 11, 12, or 15 may be initiated, an animal control officer or peace officer must give written notice to a breeder, owner, or pet dealer that a probable violation exists, and that the probable violation must be corrected within seven days or the probable violation will be referred to the appropriate prosecuting authority. Prosecution may be initiated by the prosecuting authority for a violation of subdivision 5, 8, 9, 10, 11, 12, or 15

if the violation continues more than seven days after receipt of the notice of probable violation.

Subd. 17. [ENFORCEMENT.] The enforcement provisions in chapter 343 also apply to sections 2 and 3.

Sec. 4. [EFFECTIVE DATE.]

Sections 2 and 3 are effective 180 days following final enactment."

Amend the title as follows:

Page 1, line 2, delete "manufactured home parks" and insert "animals"

Page 1, line 5, after the semicolon, insert "setting standards for care of dogs and cats by pet dealers, breeders, and brokers; providing for seizure and disposition of certain animals that are suffering cruelty or neglect, are in danger, or are a significant health risk to animals or humans; imposing a penalty;"

Page 1, line 6, before the period, insert "proposing coding for new law in Minnesota Statutes, chapter 346"

Mr. Finn questioned whether the amendment was germane.

The President ruled that the amendment was germane.

The question recurred on the adoption of the Mondale amendment. The motion prevailed. So the amendment was adopted.

Ms. Hanson moved that H.F. No. 2135 be laid on the table. The motion prevailed.

SPECIAL ORDER

H.F. No. 2405: A bill for an act relating to retirement; making various administrative and minor substantive changes in the laws governing the Minnesota state retirement system, the public employees retirement association, the teachers retirement association, and police and firefighters retirement law; requiring disclosure of certain investment information; amending Minnesota Statutes 1992, sections 352.01, subdivisions 11 and 13; 352.029, subdivision 1, and by adding subdivisions; 352.04, subdivisions 2 and 3; 352.119, by adding a subdivision; 352B.265; 352D.04, subdivision 2; 353.03, subdivisions 1 and 3a; 354.05, subdivisions 2, 21, 22, 35, and by adding subdivisions; 354.06, subdivisions 2a and 4; 354.071, subdivision 5; 354.091; 354.10, subdivisions 1 and 2; 354.41, subdivision 4, and by adding subdivisions; 354.42, subdivisions 3 and 5; 354.44, subdivisions 1a, 4, and 5a; 354.47; 354.48, subdivision 2; 354.49, subdivision 1; 354.52, subdivisions 2, 2a, 4, and by adding subdivisions; 354.66, subdivisions 2, 3, and by adding a subdivision; and 356.30, subdivision 1; Minnesota Statutes 1993 Supplement, sections 3A.02, subdivision 5; 352.22, subdivision 2; 352.93, subdivision 2a; 352.96, subdivision 4; 352B.08, subdivision 2a; 353.01, subdivisions 10, 12a, 16, and 28; 353.017, subdivisions 1, 3, and by adding subdivisions; 353.27, subdivision 7; 353.37, subdivisions 1, 2, and 4; 353.65, subdivision 3a; 353A.08, subdivision 3; 354.05, subdivision 8; and 354.46, subdivisions 1 and 5; proposing coding for new law in Minnesota Statutes, chapters 354; 356; and 423A; repealing Minnesota Statutes 1992, sections 352.15, subdivision 2; 352D.09, subdivision 6; 354.05, subdivisions 15 and 29; 354.43, subdivision 3; 354.57; 354.65; and 356.18.

Mr. Stumpf moved to amend H.F. No. 2405, as amended pursuant to Rule 49, adopted by the Senate April 11, 1994, as follows:

(The text of the amended House File is identical to S.F. No. 2288.)

Page 29, line 6, delete "12" and insert "13"

Page 29, line 8, delete "13" and insert "14"

Page 56, after line 14, insert:

"ARTICLE 6

LOCAL POLICE AND FIRE

Section 1. [423A.171] [BYLAW AMENDMENTS.]

(a) *Notwithstanding a provision of section 69.48; 423.387, subdivision 1; 423.58, subdivision 1; 423.810, subdivision 1; 423B.10; 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 or its successor board under chapter 353A or 353B, 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 to a surviving spouse who married a deferred or retired member after the member's retirement, provided the marriage occurred at least five years before the death of the member.*

(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 deferred or retired members of the relief association who have that status on the effective date of the change.*

(c) *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.*

(d) *Notwithstanding the provisions of section 353B.11, a surviving spouse benefit change made under this section for a relief association that has consolidated with the public employees retirement association is effective upon approval by the public employees retirement association and the municipality pursuant to clause (c)."*

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

H.F. No. 2405 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

The roll was called, and there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dille	Knutson	Morse	Runbeck
Anderson	Finn	Krentz	Neuville	Sams
Belanger	Flynn	Kroening	Novak	Samuelson
Benson, D.D.	Frederickson	Laidig	Oliver	Solon
Benson, J.E.	Hanson	Langseth	Pappas	Spear
Berg	Hottinger	Larson	Pariseau	Stumpf
Berglin	Janezich	Lesewski	Piper	Terwilliger
Bertram	Johnson, D.E.	Luther	Pogemiller	Vickerman
Betzold	Johnson, D.J.	Marty	Price	Wiener
Chandler	Johnson, J.B.	McGowan	Ranum	
Chmielewski	Johnston	Merriam	Reichgott Junge	
Cohen	Kelly	Moe, R.D.	Riveness	
Day	Kiscaden	Mondale	Robertson	

So the bill, as amended, was passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 2192: A bill for an act relating to health; MinnesotaCare; establishing and regulating community integrated service networks; defining terms; creating a reinsurance and risk adjustment association; classifying data; requiring reports; mandating studies; modifying provisions relating to the regulated all-payer option; requiring administrative rulemaking; setting time-lines and requiring plans for implementation; designating essential community providers; establishing an expedited fact finding and dispute resolution process; requiring proposed legislation; establishing task forces; providing for demonstration models; mandating universal coverage; requiring insurance reforms; providing grant programs; establishing the Minnesota health care administrative simplification act; implementing electronic data interchange standards; creating the Minnesota center for health care electronic data interchange; providing standards for the Minnesota health care identification card; appropriating money; providing penalties; amending Minnesota Statutes 1992, sections 60A.15, subdivision 1; 62A.303; 62D.04, by adding a subdivision; 62E.02, subdivisions 10, 18, 20, and 23; 62E.10, subdivisions 1, 2, and 3; 62E.141; 62E.16; 62J.03, by adding a subdivision; 62L.02, subdivisions 9, 13, 17, 24, and by adding subdivisions; 62L.03, subdivision 1; 62L.05, subdivisions 1, 5, and 8; 62L.08, subdivisions 2, 5, 6, and 7; 62L.12; 62L.21, subdivision 2; 62M.02, subdivisions 5 and 21; 62M.03, subdivisions 1, 2, and 3; 62M.05, subdivision 3; 62M.06, subdivision 3; 62M.09, subdivision 5; 144.335, by adding a subdivision; 144.581, subdivision 2; 256.9355, by adding a subdivision; 256.9358, subdivision 4; 295.50, by adding subdivisions; and 318.02, by adding a subdivision; Minnesota Statutes 1993 Supplement, sections 43A.317, by adding a subdivision; 60K.14, subdivision 7; 61B.20, subdivision 13; 62A.011, subdivision 3; 62A.65, subdivisions 2, 3, 4, 5, and by adding subdivisions; 62D.12, subdivision 17; 62J.03, subdivision 6; 62J.04, subdivisions 1 and 1a; 62J.09, subdivisions 1a and 2; 62J.33, by adding subdivisions; 62J.35, subdivisions 2 and 3; 62J.38; 62J.41, subdivision 2; 62J.45, by adding subdivisions; 62L.02, subdivisions 8, 11, 15, 16, 19, and 26; 62L.03, subdivisions 3, 4, and 5; 62L.04, subdivision 1; 62L.08, subdivisions 4 and 8; 62N.01; 62N.02, subdivisions 1, 8, and by adding a subdivision; 62N.06, subdivision 1; 62N.065, subdivision 1; 62N.10, subdivisions 1 and 2; 62N.22; 62N.23; 62P.01; 62P.03; 62P.04; 62P.05; 144.1486; 151.21, subdivisions 7 and 8; 256.9352, subdivision 3; 256.9353, subdivisions 3 and 7; 256.9354, subdivisions 1, 4, and 6; 256.9356, subdivision 3; 256.9362, subdivision 6; 256.9363, subdivisions 6, 7, and 9; 256.9657, subdivision 3; 295.50, subdivisions 3, 4, and 12b; 295.52, subdivision 5;

295.53, subdivisions 1, 2, and 5; 295.54; 295.58; and 295.582; Laws 1992, chapter 549, article 9, section 22; proposing coding for new law in Minnesota Statutes, chapters 62A; 62J; 62N; 62P; 144; and 317A; proposing coding for new law as Minnesota Statutes, chapter 62Q; repealing Minnesota Statutes 1992, sections 62A.02, subdivision 5; 62E.51; 62E.52; 62E.53; 62E.531; 62E.54; 62E.55; and 256.362, subdivision 5; Minnesota Statutes 1993 Supplement, sections 62J.04, subdivision 8; 62N.07; 62N.075; 62N.08; 62N.085; and 62N.16.

Ms. Berglin moved to amend S.F. No. 2192 as follows:

Page 120, line 3, after "*hospitals;*" insert "*claims clearinghouses; third-party administrators; billing service bureaus; value added networks;*"

Page 124, line 2, before "*On*" insert "*(a)*"

Page 124, after line 6, insert:

"(b) The instructions and definitions for the use of the uniform claim form shall be in accordance with instructions specified by the commissioner of health, except as provided in subdivision 5."

Page 124, line 36, delete "*July*" and insert "*January*"

Page 125, line 21, delete "*July 1, 1995*" and insert "*January 1, 1996*"

Page 126, line 9, delete "*July 1, 1995*" and insert "*January 1, 1996*"

Page 129, line 8, after "*standards*" insert "*or new versions of existing standards*"

Page 133, line 26, after the period, insert "*The description shall include the health plan company name and the plan or product name.*"

Page 133, line 31, after the semicolon, insert "*and*"

(8) Provider/clinic name, which is the name of the primary care clinic the cardholder is assigned to by the health plan company. The standard label for this field is "PCP." This information is mandatory only if the health plan company assigns a specific primary care provider to the cardholder."

Page 133, delete lines 32 to 34

Page 134, line 11, after "*eligibility*" insert "*and benefit*"

Page 134, line 13, delete "*and*" and insert "*or*"

Page 134, after line 14, insert:

"(c) The following human readable data elements are mandatory on the back side of the card for health maintenance organizations and integrated service networks:

(1) emergency care authorization telephone number or instruction on how to receive authorization for emergency care. There is no standard label required for this information; and

(2) telephone number to call to appeal to the commissioner of health. There is no standard label required for this information."

Page 134, line 15, delete "*(c)*" and insert "*(d)*"

Page 134, line 16, delete "paragraph (a) or (b)" and insert "paragraphs (a) to (c)"

The motion prevailed. So the amendment was adopted.

Ms. Berglin then moved to amend S.F. No. 2192 as follows:

Page 179, delete line 18

Page 179, after line 19, insert:

"GENERAL FUND -0- 4,579,000"

Page 179, line 20, delete "(17,894,000)" and insert "(17,757,000)"

Page 179, after line 20, insert:

"APPROPRIATIONS"

Page 180, delete lines 12 and 13

Page 180, line 14, delete "5" and insert "4"

Page 180, after line 30, insert:

"Of this amount transferred in fiscal year 1995, \$4,579,000 is appropriated to the commissioner of human services for general assistance medical care grants."

The motion prevailed. So the amendment was adopted.

Ms. Berglin then moved to amend S.F. No. 2192 as follows:

Page 174, line 23, delete "and"

Page 174, line 27, before the period, insert "; and

(18) payments received for services provided by community supervised living facilities for persons with mental retardation or related conditions licensed under Minnesota Rules, parts 4665.0100 to 4665.9900"

The motion prevailed. So the amendment was adopted.

Ms. Berglin then moved to amend S.F. No. 2192 as follows:

Page 3, line 23, after the period, insert "Notwithstanding the foregoing, an organization licensed as a community integrated service network that accepts payments for health care services on a capitated basis, or under another risk-sharing agreement, from a program of self-insurance maintained by an employer as described in section 60A.02, subdivision 3, paragraph (b), shall not be regulated as a community integrated service network with respect to the receipt of such payments, nor are any such payments "premium revenues" for the purposes of calculating the community integrated service network's liability for otherwise applicable state taxes, assessments, or surcharges with the exception of the MinnesotaCare provider tax and the Minnesota comprehensive health association assessment, provided that the community integrated service network does not bear risk for health service expenses in excess of 125 percent of the self-insurance program's expected costs, and provided that the community integrated service network and the employer comply with

the data submission and the administrative simplification provisions of chapter 62J and the provider tax pass-through provision of section 295.582 and the Minnesota comprehensive health association assessment provision of section 62E.11, and provided that the employer has more than 500 employees and the employer's self-insurance program was in effect on April 1, 1994."

Page 3, line 31, after the period, insert:

"Notwithstanding the foregoing, an organization licensed as an integrated service network that accepts payments for health care services on a capitated basis, or under another risk-sharing agreement, from a program of self-insurance maintained by an employer as described in section 60A.02, subdivision 3, paragraph (b), shall not be regulated as an integrated service network with respect to the receipt of such payments, nor are any such payments "premium revenues" for the purposes of calculating the integrated service network's liability for otherwise applicable state taxes, assessments, or surcharges with the exception of the MinnesotaCare provider tax and the Minnesota comprehensive health association assessment, provided that the integrated service network does not bear risk for health service expenses in excess of 125 percent of the self-insurance program's expected costs, and provided that the integrated service network and the employer comply with the data submission and the administrative simplification provisions of chapter 62J and the provider tax pass-through provision of section 295.582 and the Minnesota comprehensive health association assessment provision of section 62E.11, and provided that the employer has more than 500 employees and the employer's self-insurance program was in effect on April 1, 1994."

Page 80, after line 27, insert:

"Section 1. Minnesota Statutes 1992, section 60A.02, subdivision 3, is amended to read:

Subd. 3. [INSURANCE.] (a) "Insurance" is any agreement whereby one party, for a consideration, undertakes to indemnify another to a specified amount against loss or damage from specified causes, or to do some act of value to the assured in case of such loss or damage. A program of self-insurance, self-insurance revolving fund or pool established under section 471.981 is not insurance for purposes of this subdivision.

(b) Capitation or other risk-sharing payments to a capitated entity for health care services by a program of self-insurance maintained by an employer with more than 500 employees do not constitute insurance for the purposes of this subdivision so long as the employer maintained the program of self-insurance on April 1, 1994, and shares risk with the capitated entity such that the capitated entity does not assume risk in excess of 125 percent of the self-insurance program's expected costs, and so long as the employer and the capitated entity comply with the data submission and administrative simplification provisions of chapter 62J and the provider tax pass-through provision of section 295.582 and the Minnesota comprehensive health association assessment provision of section 62E.11. For purposes of this subdivision, a capitated entity must be licensed as a health maintenance organization, integrated service network, or community integrated service network. This paragraph only applies to programs of self-insurance in existence as of April 1, 1994; all other insurance as defined in paragraph (a), even if maintained by an employer that also offers programs of self-insurance, continues to be subject to all applicable state regulations."

Page 82, after line 20, insert:

"Sec. 4. Minnesota Statutes 1992, section 62D.02, subdivision 4, is amended to read:

Subd. 4. "Health maintenance organization" means a nonprofit corporation organized under chapter 317A, or a local governmental unit as defined in subdivision 11, controlled and operated as provided in sections 62D.01 to 62D.30, which provides, either directly or through arrangements with providers or other persons, comprehensive health maintenance services, or arranges for the provision of these services, to enrollees on the basis of a fixed prepaid sum without regard to the frequency or extent of services furnished to any particular enrollee. *Notwithstanding the foregoing, an organization licensed as a health maintenance organization that accepts payments for health care services on a capitated basis, or under another risk-sharing agreement, from a program of self-insurance maintained by an employer, as described in section 60A.02, subdivision 3, paragraph (b), shall not be regulated as a health maintenance organization with respect to the receipt of such payments, nor are any such payments "premium revenues" for the purposes of calculating the health maintenance organization's liability for otherwise applicable state taxes, assessments, or surcharges with the exception of the MinnesotaCare provider tax and the Minnesota comprehensive health association assessment, provided that the health maintenance organization does not bear risk for health service expenses in excess of 125 percent of the self-insurance program's expected costs, and provided that the health maintenance organization and the employer comply with the data submission and the administrative simplification provisions of chapter 62J and the provider tax pass-through provision of section 295.582 and the Minnesota comprehensive health association assessment provision of section 62E.11, and provided that the employer has more than 500 employees and the employer's self-insurance program was in effect on April 1, 1994."*

Renumber the sections of article 8 in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Ms. Berglin then moved to amend S.F. No. 2192 as follows:

Pages 26 and 27, delete section 17

Renumber the sections of article 2 in sequence and correct the internal references

Page 37, line 33, strike "commissioner" and insert "*commissioners*"

Page 37, line 34, after the first "health" insert "*and commerce*"

Page 37, line 36, after the comma, insert "*with respect to the health plan companies that each commissioner respectively regulates*"

Page 38, line 6, strike "increase"

Page 38, after line 10, insert:

"(c) Notwithstanding paragraphs (a) and (b), premiums charged by a health plan company shall be reasonable, adequate, and not predatory in relation to the benefits, considering actuarial projection of the cost of

providing or paying for the covered health services, considering costs of administration, and in relation to reserves and surplus required by law. A health plan company may appeal a denial of its proposed premium rate by mailing to the commissioner of health or the commissioner of commerce, as applicable, a written notice of appeal within 30 days from the date that the denial was mailed. The contested case and judicial review provisions of chapter 14 apply to the appeal.

(d) Health plan companies, except those licensed under chapter 60A to sell accident and sickness insurance under chapter 62A, shall annually before the end of the fourth fiscal quarter provide to the commissioner of health or commerce, as applicable, a projection of the level of reserves the company expects to attain during each quarter of the following fiscal year. These health plan companies shall submit with required quarterly financial statements a calculation of the actual reserve level attained by the company at the end of each quarter including identification of the sources of any significant changes in the reserve level and an updated projection of the level of reserves the health plan company expects to attain by the end of the fiscal year. In cases where the health plan company has been given a certificate to operate a new health maintenance organization under chapter 62D, or been licensed as an integrated service network or community integrated service network under chapter 62N, or formed an affiliation with one of these organizations, the health plan company shall also submit with its quarterly financial statement, total enrollment at the beginning and end of the quarter and enrollment changes within each service area of the new organization. The reserve calculations shall be maintained by the commissioners as trade secret information, except to the extent that such information is also required to be filed by another provision of state law and is not treated as trade secret information under such other provisions.

(e) Health plan companies in paragraph (d) whose reserves are less than the required minimum or more than the required maximum at the end of the fiscal year shall submit a plan of corrective action to the commissioner of health or commerce under subdivision 7.

(f) The commissioner of commerce, in consultation with the commissioner of health, shall report to the legislature no later than January 15, 1995, as to whether the concept of a reserve corridor or other mechanism for purposes of monitoring reserves is adaptable for use with indemnity health insurers that do business in multiple states and that must comply with their domiciliary state's reserves requirements."

Page 38, line 35, before "The" insert "(a)"

Page 39, line 5, strike "Each"

Page 39, strike line 6

Page 39, line 7, before "Health" insert "The plan of correction must address the following:

- (1) actuarial assumptions used in forecasting future financial results;
- (2) trend assumptions used in setting future premiums;
- (3) demographic, geographic, and private and public sector mix of the population covered by the health plan company;
- (4) proposed rate increases or decreases;

(5) growth rates applied under section 62J.04, subdivision 1, paragraph (b); and

(6) other factors deemed appropriate by the health plan company or commissioner.

If the health plan company's reserves exceed the required maximum, the plan of correction shall address how the health plan company will come into compliance and set forth a timetable within which compliance would be achieved. The plan of correction may propose premium refunds, credits for prior premiums paid, policyholder dividends, or any combination of these or other methods which will benefit enrollees and/or Minnesota residents and are such that the reserve requirements can reasonably be expected to be met. The commissioner's evaluation of the plan of correction must consider:

(1) whether implementation of the plan would provide the company with an unfair advantage in the market;

(2) the extent to which the reserve excess was created by any movement of enrolled persons to another organization formed by the company;

(3) whether any proposed premium refund, credit, and/or dividend represents an equitable allocation to policyholders covered in prior periods as determined using sound actuarial practice; and

(4) any other factors deemed appropriate by the applicable commissioner.

(b) The plan of correction is subject to approval by the commissioner of health or commerce, as applicable. If such a plan is not approved by the applicable commissioner, the applicable commissioner shall enter an order stating the steps that the health plan company must take to come into compliance. Within 30 days of the date of such order, the health plan company must file a notice of appeal with the applicable commissioner or comply with the commissioner's order. If an appeal is filed, such appeal is governed by chapter 14.

(c)"

Page 39, line 9, delete the new language and strike the old language

Page 39, line 10, strike everything before "shall" and insert "(1994 and 1995, 1996 and 1997)";

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Samuelson moved to amend S.F. No. 2192 as follows:

Page 118, after line 33, insert:

"Sec. 50. [STUDY OF ANESTHESIA PRACTICES.]

The commissioner of health shall study and report to the legislature by January 15, 1995, on anesthesia services provided in the hospitals of this state by nurse anesthetists and anesthesiologists. The study shall compare different contractual and employment arrangements between hospitals, nurse anesthetists, and anesthesiologists in terms of:

(1) the quality of anesthetic services provided under each arrangement;

(2) the cost of the service provided under each arrangement to hospitals, third-party purchasers, and patients; and

(3) any inequitable or anticompetitive effects under each arrangement.

The report shall also include the commissioner's recommendations on the most appropriate method to provide anesthesia services to ensure cost-effective delivery of quality anesthesia services."

Renumber the sections of article 8 in sequence and correct the internal references

Amend the title accordingly

CALL OF THE SENATE

Ms. Berglin imposed a call of the Senate for the balance of the proceedings on S.F. No. 2192. The Sergeant at Arms was instructed to bring in the absent members.

The question was taken on the adoption of the Samuelson amendment.

The roll was called, and there were yeas 38 and nays 26, as follows:

Those who voted in the affirmative were:

Adkins	Day	Johnson, D.J.	Merriam	Ranum
Anderson	Dille	Knutson	Metzen	Reichgott Junge
Benson, J.E.	Finn	Kroening	Murphy	Robertson
Berg	Flynn	Laidig	Neuville	Samuelson
Bertram	Frederickson	Langseth	Novak	Solon
Betzold	Hanson	Lessard	Pappas	Vickerman
Chandler	Janezich	Marty	Pogemiller	
Chmielewski	Johnson, D.E.	McGowan	Price	

Those who voted in the negative were:

Belanger	Johnston	Luther	Piper	Terwilliger
Benson, D.D.	Kelly	Moe, R.D.	Riveness	Wiener
Berglin	Kiscaden	Mondale	Runbeck	
Cohen	Krentz	Morse	Sams	
Hottinger	Larson	Oliver	Spear	
Johnson, J.B.	Lesewski	Pariseau	Stumpf	

The motion prevailed. So the amendment was adopted.

Mr. Samuelson then moved to amend S.F. No. 2192 as follows:

Page 69, delete lines 8 to 36

Page 70, delete line 1

Page 70, line 2, delete "7" and insert "6"

Page 71, line 16, delete "8" and insert "7"

Page 71, line 21, delete "9" and insert "8"

Page 71, line 27, delete "10" and insert "9"

Page 71, line 28, delete everything after "subdivision"

Page 71, line 29, delete "7" and insert "6" and delete "9" and insert "8"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 24 and nays 40, as follows:

Those who voted in the affirmative were:

Adkins	Day	Laidig	McGowan	Runbeck
Benson, J.E.	Frederickson	Langseth	Merriam	Samuelson
Berg	Hanson	Larson	Metzen	Terwilliger
Bertram	Johnston	Lesewski	Neuville	Vickerman
Chmielewski	Knutson	Lessard	Pariseau	

Those who voted in the negative were:

Anderson	Finn	Kiscaden	Murphy	Reichgott Junge
Belanger	Flynn	Krentz	Novak	Riveness
Benson, D.D.	Hottinger	Kroening	Oliver	Robertson
Berglin	Janezich	Luther	Pappas	Sams
Betzold	Johnson, D.E.	Marty	Piper	Solon
Chandler	Johnson, D.J.	Moe, R.D.	Pogemiller	Spear
Cohen	Johnson, J.B.	Mondale	Price	Stumpf
Dille	Kelly	Morse	Ranum	Wiener

The motion did not prevail. So the amendment was not adopted.

Mr. Finn moved to amend S.F. No. 2192 as follows:

Page 161, after line 8, insert:

“Sec. 36. Minnesota Statutes 1992, section 62L.06, is amended to read:
62L.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 characteristics and other rating factors used to determine initial and renewal rates;
- (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) provisions relating to renewability of coverage;
- (5) the use and effect of any preexisting condition provisions, if permitted;
and
- (6) the application of any provider network limitations and their effect on eligibility for benefits; and
- (7) the ability of small employers to insure eligible employees and dependents currently receiving coverage from the comprehensive health association through small employer policies.

Sec. 37. Minnesota Statutes 1992, section 62L.07, subdivision 2, is amended to read:

Subd. 2. [WAIVERS.] Health benefit plans must require that small employers offering a health benefit plan maintain written documentation of a waiver of coverage by an eligible employee or dependent and provide the documentation indicating that each eligible employee was informed of the availability of coverage through the employer and of a waiver of coverage by the eligible employee. This documentation must be provided to the health carrier upon reasonable request.”

Renumber the sections of article 10 in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Larson moved to amend S.F. No. 2192 as follows:

Page 15, after line 9, insert:

“Sec. 16. [STUDY OF SOLVENCY REGULATION OF INTEGRATED SERVICE NETWORKS.]

The commissioners of health and commerce shall develop the solvency standards for the integrated service networks created by Minnesota Statutes, chapter 62N. The solvency standards for integrated service networks must be effective no later than January 1, 1996.”

Page 15, line 10, delete “16” and insert “17”

Page 15, line 11, delete “15” and insert “16”

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Benson, D.D. moved to amend S.F. No. 2192 as follows:

Page 180, line 15, delete “Health Care Access” and insert “General”

The motion prevailed. So the amendment was adopted.

S.F. No. 2192 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

The roll was called, and there were yeas 41 and nays 23, as follows:

Those who voted in the affirmative were:

Anderson	Finn	Luther	Pappas	Solon
Belanger	Flynn	Marty	Piper	Spear
Benson, D.D.	Hottinger	Metzen	Pogemiller	Stumpf
Benson, J.E.	Janezich	Moe, R.D.	Price	Terwilliger
Berglin	Johnson, D.E.	Mondale	Ranum	Wiener
Betzold	Johnson, J.B.	Morse	Reichgott Junge	
Chandler	Kelly	Murphy	Riveness	
Cohen	Kiscaden	Novak	Robertson	
Dille	Kroening	Oliver	Sams	

Those who voted in the negative were:

Adkins	Frederickson	Laidig	McGowan	Runbeck
Berg	Hanson	Langseth	Merriam	Samuelson
Bertram	Johnson, D.J.	Larson	Neuville	Vickerman
Chmielewski	Johnston	Lesewski	Olson	
Day	Knutson	Lessard	Pariseau	

So the bill, as amended, was passed and its title was agreed to.

MOTION AND RESOLUTION – CONTINUED

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate reverted to the Orders of Business of Messages From the House, Reports of Committees and Second Reading of Senate Bills.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, herewith returned: S.F. No. 2171.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 18, 1994

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S.F. No. 1712: A bill for an act relating to towns; providing for financial audits in certain circumstances; amending Minnesota Statutes 1992, section 367.36, subdivision 1.

Senate File No. 1712 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 18, 1994

Mr. Johnson, D.E. moved that the Senate do not concur in the amendments by the House to S.F. No. 1712, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 2189:

H.F. No. 2189: A bill for an act relating to education; prekindergarten through grade 12; providing for general education revenue; transportation; special programs; community education; facilities; organization and cooperation; commitment to excellence; other programs; miscellaneous provisions; libraries; state agencies; school bus safety; conforming amendments; providing for appointments; appropriating money; amending Minnesota Statutes 1992, sections 13.04, by adding a subdivision; 120.101, by adding a subdivision; 120.17, subdivision 1; 121.612, subdivision 7; 121.912, subdivision 5; 121.935, subdivision 6; 122.23, subdivisions 6, 8, 10, 13, and by adding a subdivision; 122.531, subdivision 9; 122.533; 122.91, subdivision 3; 122.937, subdivision 4; 123.35, subdivision 19a, and by adding subdivisions; 123.3514, subdivision 4; 123.39, subdivision 1; 123.58, subdivisions 2 and 4; 124.195, subdivisions 3, 6, and by adding a subdivision; 124.223, subdivision 1; 124.244, subdivision 4; 124.26, subdivision 1b; 124.2601, subdivisions 3, 5, and 7; 124.2711, by adding a subdivision; 124.2713, by adding a subdivision; 124.2721, subdivisions 1 and 5; 124.2725, subdivision 16; 124.278, subdivision 1; 124.6472, subdivision 1; 124.84, by adding a subdivision; 124.85; 124.90, by adding a subdivision; 124.912, by adding a

subdivision; 124.95, subdivision 4; 124A.02, by adding subdivisions; 124A.03, subdivision 2a; 124A.22, subdivision 2a; 124A.26, by adding a subdivision; 124C.49; 125.09, subdivision 1; 125.188, subdivision 1; 126.02, subdivision 1; 126.15, subdivision 4; 126.23; 126.69, subdivisions 1 and 3; 126.77, subdivision 1; 126.78; 127.27, subdivision 5; 127.30, by adding a subdivision; 127.31, by adding a subdivision; 127.38; 129C.15, by adding a subdivision; 134.195, subdivision 10; 136D.22, by adding subdivisions; 136D.72, by adding subdivisions; 136D.82, by adding subdivisions; 169.01, subdivision 6; 169.21, subdivision 2; 169.442, subdivision 1; 169.443, subdivision 8, and by adding a subdivision; 169.445, subdivisions 1 and 2; 169.446, subdivision 3; 169.447, subdivision 6; 169.45, subdivision 1; 169.64, subdivision 8; 171.01, subdivision 22; 171.321, subdivision 3; 171.3215; 179A.07, subdivision 6; 260.181, subdivision 2; 272.02, subdivision 8; 475.61, subdivision 4; and 631.40, subdivision 1a; Minnesota Statutes 1993 Supplement, sections 120.062, subdivision 5; 120.064, subdivision 16; 120.17, subdivisions 11b, 12, and 17; 121.11, subdivisions 7c and 7d; 121.702, subdivisions 2 and 9; 121.703; 121.705; 121.706; 121.707; 121.708; 121.709; 121.710; 121.831, subdivision 9; 121.885, subdivisions 1, 2, and 4; 123.3514, subdivisions 6 and 6b; 123.58, subdivisions 6, 7, 8, and 9; 123.951; 124.155, subdivisions 1 and 2; 124.17, subdivisions 1 and 2f; 124.225, subdivisions 1 and 7e; 124.226, subdivisions 3a and 9; 124.2455; 124.26, subdivisions 1c and 2; 124.2711, subdivision 1; 124.2713, subdivision 5; 124.2714; 124.2727, subdivisions 6 and 6a; 124.573, subdivision 2b; 124.6469, subdivision 3; 124.91, subdivisions 3 and 5; 124.914, subdivision 4; 124.95, subdivision 1; 124A.029, subdivision 4; 124A.03, subdivisions 1c, 2, and 3b; 124A.22, subdivisions 5, 6, 8, and 9; 124A.225, subdivisions 1, 3, 4, and 5; 124A.29, subdivision 1; 124A.292, subdivision 3; 125.05, subdivision 1a; 125.138, subdivision 9; 125.185, subdivision 4; 125.230, subdivisions 3, 4, and 6; 125.231, subdivisions 1 and 4; 125.623, subdivision 3; 125.706; 126.239, subdivision 3; 126.70, subdivisions 1 and 2a; 127.46; 171.321, subdivision 2; 275.48; Laws 1992, chapter 499, articles 6, section 34; and 11, section 9; Laws 1993, chapter 224, articles 2, section 15, subdivision 2, as amended; 3, sections 36, subdivision 2; 38, subdivision 22; 5, sections 43; 46, subdivisions 2, 3; and 4; 6, section 30, subdivisions 2 and 6; 7, section 28, subdivisions 3, 4, 9, and 11; 8, sections 20, subdivision 2; 22, subdivisions 6, 7, and 12; 12, sections 39 and 41; and 15, section 2; proposing coding for new law in Minnesota Statutes, chapters 120; 121; 123; 124; 124A; 125; 126; 127; 134; and 169; 473; repealing Minnesota Statutes 1992, sections 121.935, subdivision 7; 122.23, subdivision 13a; 122.91, subdivisions 5 and 7; 122.93, subdivision 7; 122.937; 122.94, subdivisions 2, 3, and 6; 122.945; 136D.22, subdivisions 1 and 3; 136D.71, subdivision 2; 136D.72, subdivisions 1, 2, and 5; 136D.82, subdivisions 1 and 3; 169.441, subdivisions 2 and 3; 169.442, subdivisions 2 and 3; 169.445, subdivision 3; 169.447, subdivision 3; Minnesota Statutes 1993 Supplement, sections 121.935, subdivision 5; 123.80; 124.2727, subdivision 8; 124A.225, subdivision 2; Laws 1992, chapter 499, article 6, section 39, subdivision 3; Law 1993, chapter 224, articles 1, section 37; 8, section 14; Minnesota Rules, parts 3520.3600; 3520.3700; 8700.6410; 8700.9000; 8700.9010; 8700.9020; and 8700.9030.

The House respectfully requests that a Conference Committee of 5 members be appointed thereon.

Vellenga; Bauerly; Johnson, A.; Carlson and Ness have been appointed as such committee on the part of the House.

House File No. 2189 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 18, 1994

Mr. Pogemiller moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 2189, and that a Conference Committee of 5 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on Senate File No. 2260, and repassed said bill in accordance with the report of the Committee, so adopted.

S.F. No. 2260: A bill for an act relating to public safety; making technical corrections; allowing special, coded license plates to be issued, following impoundment of former plates, to licensed driver identified by vehicle's registered owner; requiring department of public safety to keep records for five years of cancellations and disqualifications of drivers' licenses, unless rescinded; classifying offenses of following too closely and erratic lane change as serious traffic offenses for purposes of disqualifying driver from operating commercial motor vehicle; imposing a penalty for displaying invalid driver's license as being valid; requiring same waiting period for Minnesota limited driver's license whether offense was committed in Minnesota or in another state; amending Minnesota Statutes 1992, sections 168.042, subdivision 12; 171.12, subdivisions 1, 3, and 3a; 171.165, subdivision 4; and 260.151, subdivision 1; Minnesota Statutes 1993 Supplement, sections 171.22, subdivision 1; 171.29, subdivision 2; and 171.30, subdivision 2a.

Senate File No. 2260 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 18, 1994

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

Mr. Merriam from the Committee on Finance, to which was re-referred

H.F. No. 2010: A bill for an act relating to the environment; requiring a person who arranges for management of solid waste in an environmentally inferior manner to indemnify generators of the waste and, for a landfill, set aside a fund to pay for contamination from the landfill; proposing coding for new law in Minnesota Statutes, chapter 115A.

Reports the same back with the recommendation that the bill be amended as follows:

Amend the report from the Committee on Environment and Natural Resources, adopted by the Senate April 7, 1994, as follows:

Page 3, line 15, delete "*does meet*" and insert "*meets*."

Page 3, line 36, delete "*indemnifies and holds*" and insert "*shall indemnify and hold*"

Page 4, line 14, delete "*as required in clauses (1) and (2)*"

Page 4, line 17, delete "\$2.80" and insert "\$6.45" and delete "\$9.25" and insert "\$21.25"

Page 4, line 19, after the second "*facility*" insert "; or"

Page 4, delete lines 20 to 25

Page 4, line 26, delete "(3) 60 cents" and insert "(2) \$1.38" and delete "\$2" and insert "\$4.60"

Page 4, line 28, after the second "*facility*" insert a period

Page 4, delete lines 29 to 35

Page 4, line 36, delete "*Payment*" and insert "*A person required to provide proof of financial capability under paragraph (b) shall make payments*" and delete "*must be made*"

Page 5, line 30, delete "35" and insert "30"

Page 5, line 31, delete "\$1.20" and insert "\$1"

And when so amended the bill do pass and be re-referred to the Committee on Taxes and Tax Laws. Amendments adopted. Report adopted.

Mr. Merriam from the Committee on Finance, to which was re-referred

S.F. No. 2392: A bill for an act relating to crime prevention; requiring law enforcement agencies to adopt policies for investigating cases involving children who are missing and endangered; requiring that all cases of children who are missing and endangered be reported to the bureau of criminal apprehension, which may assist local law enforcement agencies; restricting access to data involving juvenile witnesses; requiring pretrial evaluations in felony and certain other cases; requiring mandated reporters to report instances of kidnapping; requiring the commissioner of public safety to develop a plan for a criminal alert network; appropriating money; amending Minnesota Statutes 1992, sections 299C.52, subdivision 1; 299C.53, subdivision 1, and by adding a subdivision; 299D.07; 626.556, subdivision 3a; and 629.73; Minnesota Statutes 1993 Supplement, sections 13.82, subdivision 10; 299C.065, subdivision 1; and 480.30; proposing coding for new law in Minnesota Statutes, chapters 626; and 629.

Reports the same back with the recommendation that the bill be amended as follows:

Page 8, line 23, delete "\$....." and insert "\$1,304,000"

Page 8, line 26, delete "\$....." and insert "\$814,000"

Page 8, line 32, delete "\$490,000" and insert "\$445,000"

Page 8, line 33, delete "\$200,000" and insert "\$155,000"

Page 9, after line 21, insert:

“Sec. 3. [APPROPRIATION; POST BOARD.]

\$35,000 is appropriated from the general fund to the peace officer standards and training board to develop a model policy for investigation of missing and endangered children cases under article 1, section 9.

Sec. 4. [APPROPRIATION; SUPREME COURT.]

\$10,000 is appropriated from the general fund to the supreme court for judicial training on child and adolescent sexual abuse under article 1, section 7.”

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was re-referred

S.F. No. 2725: A bill for an act relating to metropolitan government; providing for the ownership, financing, and use of certain sports facilities; permitting the issuance of bonds and other obligations; appropriating money; amending Minnesota Statutes 1992, sections 473.551; 473.552; 473.556; 473.561; 473.564, subdivision 2; 473.572; 473.581; 473.592; 473.595; and 473.596; proposing coding for new law in Minnesota Statutes, chapters 240A; and 473; repealing Minnesota Statutes 1992, sections 473.564, subdivision 1; and 473.571.

Reports the same back with the recommendation that the bill be amended as follows:

Page 9, line 29, after the period, insert “*The commission shall establish standards to provide reasonable assurances to other public bodies owning or operating an entertainment or sports complex or indoor sports arena in the metropolitan area that the agreements between the commission and the Minnesota amateur sports commission with respect to the basketball and hockey arena shall not remove the conduct of amateur sports activities currently and traditionally held at such facilities.*”

Page 18, delete line 1 and insert “*facility is to be located city of Minneapolis.*”

Page 29, delete line 13

Page 29, line 14, delete “*of the*”

Page 30, line 2, after “(a),” insert “*exclusive of any original issue discount,*”

Page 30, line 3, delete “\$......” and insert “*\$42,000,000, plus such amount as the council determines necessary to pay the costs of issuance, fund reserves*”

for operation and debt service, and pay for any bond insurance or other credit enhancement." and delete ", including any capital"

Page 30, delete line 4

Page 30, line 10, after "land" insert ", the related purposes referred to in this subdivision,"

Page 30, line 16, delete "has" and insert ", the city of Minneapolis, or the Minneapolis community development agency, or any or all of them, as the commission may deem appropriate, have"

Page 30, line 21, delete "between" and insert "with"

Page 30, line 22, delete "organizations and the commission" and insert "organization"

Page 30, line 23, after "termination" insert "of the use of the basketball and hockey arena"

Page 30, line 24, after the period, insert "The agreements shall afford to the commission, the city of Minneapolis, or the Minneapolis community development agency, or each or all of them, as the commission deems appropriate, the remedies that are deemed necessary and appropriate to provide reasonable assurances that the major league professional basketball organization or another major league professional basketball organization shall comply with the agreements. The remedies shall include the payment of liquidated damages equivalent to direct and consequential damages incurred by reason of the breach of the agreements and any additional remedies or security arrangements the commission reasonably determines to be effective in accomplishing the purposes of this paragraph."

Page 30, delete lines 25 to 36

Page 31, delete lines 1 to 8

Page 31, line 9, delete everything before "The"

Page 31, line 18, delete "include provisions to protect the" and insert "address contingencies that may arise"

Page 31, line 19, delete "commission and the council"

Page 31, line 20, delete "agreement" and insert "agreements"

Page 31, line 21, after "organization" insert "for the use of the basketball and hockey arena"

Page 31, delete lines 26 to 29 and insert:

"(b) The commission has exercised its reasonable efforts to obtain assurances from the professional basketball major league to the extent permitted under applicable federal and state law, that it will not approve the relocation of the major league professional basketball organization if the relocation is in violation of the terms of the agreements referred to in paragraph (a)."

Page 31, line 35, delete ", to acquire or remodel and to furnish the" and insert "for the purposes for which they are issued."

Page 31, delete line 36

Page 32, delete line 1

Page 34, line 10, delete "\$....." and insert "\$10,000,000"

Page 34, line 26, delete the second "or"

Page 34, delete line 27

Page 34, line 28, delete everything before "except"

Page 34, line 36, delete "the proceeds of the sale of the health club" and insert "the operations or sale of the health club (except as such claim may arise from the commission's acquisition of the basketball and hockey arena and the contemporaneous sale or transfer of the health club to those persons who own the basketball and hockey arena and the health club on the date of the commission's acquisition)"

Page 36, after line 12, insert:

"(q) The commission may execute an agreement with the state of Minnesota providing that the commission shall compensate the state for its contribution from the general fund under section 13 plus accrued interest, after payment of basketball and hockey arena debt service, the necessary and appropriate funding of debt reserve of the basketball and hockey arena and all expenses of operation, administration, and maintenance and the funding of a capital reserve for the repair, remodeling, and renovation of the basketball and hockey arena. Compensation paid to the state shall occur at the same time that compensation is paid to the city of Minneapolis as provided in clause (n) on a basis proportionate to the amount of forbearance of the entertainment tax or surcharge by the city as provided in clause (n) to that date and the amount of general fund appropriations paid by the state pursuant to section 13 to that date."

Page 36, line 20, after "the" insert "purposes specified in this act and for"

Page 38, line 27, delete "[240A.09]"

Page 38, line 28, after "from" insert "the"

Page 38, delete lines 29 and 30

Page 38, line 31, delete "pursuant to chapter 297A,"

Page 38, line 35, delete "and for" and insert "consistent with"

Amend the title as follows:

Page 1, line 9, delete "chapters 240A; and" and insert "chapter"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

SECOND READING OF SENATE BILLS

S.F. No. 2392 was read the second time.

MOTIONS AND RESOLUTIONS - CONTINUED

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate proceeded to the Order of Business of Introduction and First Reading of Senate Bills.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time and referred to the committees indicated.

Messrs. Morse, Frederickson and Bertram introduced—

S.F. No. 2919: A bill for an act relating to motor fuels; ethanol development and production; tax credits; trunk highway bonding authority; amending Minnesota Statutes 1992, sections 41A.09, subdivisions 2 and 5; and 296.02, subdivision 7; Minnesota Statutes 1993 Supplement, section 41A.09, subdivision 3.

Referred to the Committee on Transportation and Public Transit.

Mr. Kelly introduced—

S.F. No. 2920: A bill for an act relating to legislation; providing for the engrossment, enrollment, and numbering of bills; amending Minnesota Statutes 1992, section 3C.04, subdivision 5.

Referred to the Committee on Rules and Administration.

RECESS

Mr. Moe, R.D. moved that the Senate do now recess subject to the call of the President. The motion prevailed.

After a brief recess, the President called the Senate to order.

APPOINTMENTS

Mr. Moe, R.D. from the Subcommittee on Committees recommends that the following Senators be and they hereby are appointed as a Conference Committee on:

H.F. No. 2882: Messrs. Moe, R.D.; Stumpf and Dille.

H.F. No. 2710: Messrs. Riveness, Metzen and Terwilliger.

S.F. No. 2913: Messrs. Merriam, Cohen, Morse, Kroening and Frederickson.

H.F. No. 2189: Messrs. Pogemiller, Janezich, Mses. Pappas, Krentz and Robertson.

Mr. Moe, R.D. moved that the foregoing appointments be approved. The motion prevailed.

MEMBERS EXCUSED

Mr. Beckman was excused from the Session of today. Ms. Pappas was excused from the Session of today from 10:00 to 10:30 a.m. Ms. Johnson, J.B. was excused from the Session of today from 10:20 to 10:30 a.m. Ms. Olson was excused from the Session of today from 10:20 a.m. to 1:45 p.m. Mr. Stevens was excused from the Session of today at 12:00 noon. Ms. Krentz was excused from the Session of today at 1:45 p.m.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 8:00 a.m., Tuesday, April 19, 1994. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

NINETY-THIRD DAY

St. Paul, Minnesota, Tuesday, April 19, 1994

The Senate met at 8:00 a.m. and was called to order by the President.

CALL OF THE SENATE

Ms. Flynn imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

Prayer was offered by the Chaplain, Rev. Keith Johnson.

The roll was called, and the following Senators answered to their names:

Adkins	Dille	Knutson	Moe, R.D.	Ranum
Anderson	Finn	Krentz	Mondale	Reichgott Junge
Belanger	Flynn	Kroening	Morse	Riveness
Benson, D.D.	Frederickson	Laidig	Murphy	Robertson
Benson, J.E.	Hanson	Langseth	Neuville	Runbeck
Berg	Hottinger	Larson	Novak	Sams
Berglin	Janezich	Lesewski	Oliver	Samuelson
Bertram	Johnson, D.E.	Lessard	Olson	Solon
Betzold	Johnson, D.J.	Luther	Pappas	Spear
Chandler	Johnson, J.B.	Marty	Pariseau	Stevens
Chmielewski	Johnston	McGowan	Piper	Stumpf
Cohen	Kelly	Merriam	Pogemiller	Vickerman
Day	Kiscaden	Metzen	Price	Wiener

The President declared a quorum present.

The reading of the Journal was dispensed with and the Journal, as printed and corrected, was approved.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communication was received.

April 15, 1994

The Honorable Allan H. Spear
President of the Senate

Dear President Spear:

It is my honor to inform you that I have received, approved, signed and deposited in the Office of the Secretary of State, S.F. Nos. 1911, 1951, 1825, 2672, 2070, 2267 and 819.

Warmest regards,
Arne H. Carlson, Governor

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, herewith returned: S.F. No. 862.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 18, 1994

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S.F. No. 1732: A bill for an act relating to conciliation courts; expanding conciliation court jurisdiction over matters involving rental property; allowing nonattorneys to represent condominium and cooperative associations; amending Minnesota Statutes 1993 Supplement, sections 481.02, subdivision 3; 491A.01, subdivision 9; and 491A.02, subdivision 4.

Senate File No. 1732 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 18, 1994

CONCURRENCE AND REPASSAGE

Mr. Finn moved that the Senate concur in the amendments by the House to S.F. No. 1732 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 1732 was read the third time, as amended by the House, and placed on its repassage.

The question was taken on the repassage of the bill, as amended.

The roll was called, and there were yeas 60 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Finn	Knutson	Moe, R.D.	Ranum
Anderson	Flynn	Krentz	Mondale	Riveness
Belanger	Frederickson	Kroening	Morse	Robertson
Benson, D.D.	Hanson	Langseth	Murphy	Runbeck
Benson, J.E.	Hottinger	Larson	Neuville	Sams
Berg	Janezich	Lesewski	Novak	Samuelson
Bertram	Johnson, D.E.	Lessard	Oliver	Solon
Betzold	Johnson, D.J.	Luther	Olson	Spear
Chandler	Johnson, J.B.	Marty	Pappas	Stevens
Cohen	Johnston	McGowan	Pariseau	Stumpf
Day	Kelly	Merriam	Piper	Vickerman
Dille	Kiscaden	Metzen	Price	Wiener

So the bill, as amended, was repassed and its title was agreed to.

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S.F. No. 2709: A bill for an act relating to agriculture; amending provisions regarding the pricing of certain dairy products; amending Minnesota Statutes 1993 Supplement, section 32.72.

Senate File No. 2709 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 18, 1994

Mr. Berg moved that the Senate concur in the amendments by the House to S.F. No. 2709 and that the bill be placed on its repassage as amended.

Mr. Morse moved that the Senate do not concur in the amendments by the House to S.F. No. 2709, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S.F. No. 2393: A bill for an act relating to the jobs and training department; making changes of a technical and housekeeping nature; amending Minnesota Statutes 1992, sections 248.011; 248.07, subdivisions 1, 2, 3, 4, 5, 13, 14a, and 16; 248.11; 268A.09; and 268A.11, subdivisions 1 and 3; Minnesota Statutes 1993 Supplement, sections 248.10; and 268A.02, subdivision 2; repealing Minnesota Statutes 1992, sections 268A.12.

Senate File No. 2393 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 18, 1994

Mr. Larson moved that the Senate do not concur in the amendments by the House to S.F. No. 2393, and that a Conference Committee of 5 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S.F. No. 2710: A bill for an act relating to health; modifying provisions relating to lead abatement; amending Minnesota Statutes 1992, sections 144.871, subdivision 3; and 144.874, subdivision 12, and by adding a subdivision; Minnesota Statutes 1993 Supplement, sections 16B.61, subdivision 3; 144.871, subdivision 2; 144.872, subdivision 2; 144.874, subdivisions 1, 3, 9, and 11a; 144.878, subdivisions 2 and 5; and 326.71, subdivision 4; repealing Minnesota Statutes 1993 Supplement, section 144.877.

Senate File No. 2710 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 18, 1994

Mr. Solon moved that S.F. No. 2710 be laid on the table. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 2411:

H.F. No. 2411: A bill for an act relating to retirement; providing for coverage of employees of lessee of Itasca Medical Center facilities by the public employees retirement association.

The House respectfully requests that a Conference Committee of 3 members be appointed thereon.

Solberg, Kinkel and Ness have been appointed as such committee on the part of the House.

House File No. 2411 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 18, 1994.

Mr. Lessard moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 2411, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 2617:

H.F. No. 2617: A bill for an act relating to alcoholic beverages; defining terms; regulating agreements between brewers and wholesalers; providing for amounts of malt liquor that may be brewed in a brewery-restaurant; providing exemption from law regulating nondiscrimination in liquor wholesaling; prohibiting certain solicitations by wholesalers; allowing only owner of a brand of distilled spirits to register that brand; denying registration to certain brand labels; requiring reports by certain brewers; requiring permits for

transporters of distilled spirits and wine; removing requirements that retail licensees be citizens or resident aliens; allowing counties to issue on-sale licenses to hotels; allowing political committees to obtain temporary on-sale licenses; restricting issuance of off-sale licenses to drugstores; allowing counties to issue exclusive liquor store licenses in certain towns; allowing counties to issue wine auction licenses; restricting issuance of temporary on-sale licenses to one organization or for one location; imposing new restrictions on issuance of more than one off-sale license to any person in a municipality; regulating wine tastings; allowing on-sales of intoxicating liquor after 8 p.m. on Christmas eve; allowing certain sales by off-sale retailers to on-sale retailers' restricting use of coupons by retailers, wholesalers, and manufacturers; providing for inspection of premises of temporary on-sale licensees; authorizing issuance of licenses by certain cities and counties; amending Minnesota Statutes 1992, sections 325B.02; 325B.04; 325B.05; 325B.12; 340A.101, subdivision 13; 340A.301, subdivisions 6, 7, and by adding a subdivision; 340A.307, subdivision 4; 340A.308; 340A.311; 340A.404, subdivisions 6 and 10; 340A.405, subdivisions 1, 2, and 4; 340A.410, by adding a subdivision; 340A.412, subdivision 3; 340A.416, subdivision 3; 340A.505; and 340A.907; Minnesota Statutes 1993 Supplement, sections 340A.402; and 340A.415; proposing coding for new law in Minnesota Statutes, chapters 325B; and 340A.

The House respectfully requests that a Conference Committee of 3 members be appointed thereon.

Jacobs, Tunheim and Dempsey have been appointed as such committee on the part of the House.

House File No. 2617 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 18, 1994

Mr. Solon moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 2617, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 2821, 2046, 1985, 2485, 1919, 3017, 3136 and 3032.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 18, 1994

FIRST READING OF HOUSE BILLS

The following bills were read the first time and referred to the committees indicated.

H.F. No. 2821: A bill for an act relating to child custody; providing for presumptive custody in grandparents in certain circumstances; proposing coding for new law in Minnesota Statutes, chapter 518.

Referred to the Committee on Judiciary.

H.F. No. 2046: A bill for an act relating to wild animals; restricting the killing of dogs wounding, killing, or pursuing big game within the metropolitan area; amending Minnesota Statutes 1992, section 97B.011.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1922, now on General Orders.

H.F. No. 1985: A bill for an act relating to partnerships; providing for the registration and operation of limited liability partnerships; appropriating money; amending Minnesota Statutes 1992, sections 319A.02, subdivision 5; 319A.05; 319A.06, subdivision 2; 319A.07; 319A.12, subdivisions 1, 1a, and 2; 323.02, subdivision 8, and by adding a subdivision; 323.06; 323.14; 323.17; 323.35; and 323.39; Minnesota Statutes 1993 Supplement, section 319A.02, subdivision 7; proposing coding for new law in Minnesota Statutes, chapter 323.

Referred to the Committee on Finance.

H.F. No. 2485: A bill for an act relating to water; providing for duties of the legislative water commission; providing for a sustainable agriculture advisory committee; requiring plans relating to sustainable agriculture and integrated pest management; regulating acceptance of empty pesticide containers; changing disclosures and fees related to dewatering wells; establishing groundwater policy and education; changing water well permit requirements; requiring reports to the legislature; amending Minnesota Statutes 1992, sections 3.887, subdivisions 5, 6, and 8; 17.114, subdivisions 1, 3, 4, and by adding a subdivision; 18B.045, subdivision 1; 103A.43; 103B.151, subdivision 1; 103G.271, subdivision 5; 103H.175, by adding a subdivision; 103H.201, subdivisions 1 and 4; 103I.101, subdivision 5; 103I.205, subdivision 1; 103I.208; and 103I.331, subdivision 6; Minnesota Statutes 1993 Supplement, sections 18B.135, subdivision 1; 18E.06; and 115B.20, subdivision 6; proposing coding for new law in Minnesota Statutes, chapters 103A; and 103F; repealing Minnesota Statutes 1992, section 103F.460.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2220, now on General Orders.

H.F. No. 1919: A bill for an act relating to manufactured homes; clarifying certain language governing application fees with in park sales; requiring a study; amending Minnesota Statutes 1992, section 327C.07, subdivisions 1, 2, 3, and 6.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1984, now on General Orders.

H.F. No. 3017: A bill for an act relating to dangerous dogs; restricting the ability to license a dangerous dog; requiring the production of a dog under certain circumstances; requiring notification of ownership transfer; imposing penalties; providing a civil fine for dangerous dog offenses; appropriating money; amending Minnesota Statutes 1992, sections 347.51, subdivision 2; and 347.54, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 347.

Referred to the Committee on Veterans and General Legislation.

H.F. No. 3136: A bill for an act relating to attorneys-at-law; prohibiting fees for public bond counsel from being based primarily on the amount of bonds sold; proposing coding for new law in Minnesota Statutes, chapter 481.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2291, now on General Orders.

H.F. No. 3032: A bill for an act relating to game and fish; clarifying the purposes for which various game and fish revenues may be spent; abolishing the angling license refund for senior citizens; changing certain deer hunting provisions; amending Minnesota Statutes 1992, sections 97A.071, subdivision 3; 97A.075, subdivisions 2, 3, and 4; 97A.475, subdivisions 6, 7, 8, and 13; and 97A.485, subdivision 7; and 97B.055, subdivision 3; Minnesota Statutes 1993 Supplement, sections 97A.055, subdivision 4; 97A.091, subdivision 2; 97A.475, subdivision 12; and 97A.485, subdivision 6; repealing Minnesota Statutes 1992, sections 97A.065, subdivision 3; and 97A.475, subdivision 9.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2445.

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

Mr. Merriam from the Committee on Finance, to which was re-referred

S.F. No. 2445: A bill for an act relating to game and fish; clarifying the purposes for which various game and fish revenues may be spent; requiring establishment of citizen oversight committees to review expenditures of game and fish revenues; abolishing the angling license refund for senior citizens; appropriating money and reducing earlier appropriations; amending Minnesota Statutes 1992, sections 97A.055, by adding a subdivision; 97A.071, subdivision 3, and by adding subdivisions; 97A.075, subdivisions 2, 3, and 4; 97A.475, subdivisions 6, 7, 8, and 13; and 97A.485, subdivision 7; Minnesota Statutes 1993 Supplement, sections 97A.055, subdivision 4; 97A.071, subdivision 2; 97A.475, subdivision 12; and 97A.485, subdivision 6; repealing Minnesota Statutes 1992, sections 97A.065, subdivision 3; 97A.071, subdivision 4; 97A.475, subdivision 9; and 103E.615, subdivision 6.

Reports the same back with the recommendation that the bill be amended as follows:

Page 3, after line 3, insert:

"Sec. 3. Minnesota Statutes 1992, section 97A.061, subdivision 1, is amended to read:

Subdivision 1. [APPLICABILITY; AMOUNT.] (a) The commissioner shall annually make a payment ~~from the game and fish fund~~ to each county having public hunting areas and game refuges. *Money to make the payments is annually appropriated for that purpose from the general fund.* This section does not apply to state trust fund land and other state land not purchased for game refuge or public hunting purposes. The payment shall be the greatest of:

(1) 35 percent of the gross receipts from all special use permits and leases of land acquired for public hunting and game refuges;

(2) 50 cents per acre on land purchased actually used for public hunting or game refuges; or

(3) three-fourths of one percent of the appraised value of purchased land actually used for public hunting and game refuges.

(b) The payment must be reduced by the amount paid under subdivision 3 for croplands managed for wild geese.

(c) The appraised value is the purchase price for five years after acquisition. The appraised value shall be determined by the county assessor every five years after acquisition.

Sec. 4. Minnesota Statutes 1993 Supplement, section 97A.061, subdivision 3, is amended to read:

Subd. 3. [GOOSE MANAGEMENT CROPLANDS.] (a) The commissioner shall make a payment on July 1 of each year from the ~~game and fish fund~~, to each county where the state owns more than 1,000 acres of crop land, for wild goose management purposes. The payment shall be equal to the taxes assessed on comparable, privately owned, adjacent land. *Money to make the payments is annually appropriated for that purpose from the general fund.* The county treasurer shall allocate and distribute the payment as provided in subdivision 2.

(b) The land used for goose management under this subdivision is exempt from taxation as provided in sections 272.01 and 273.19."

Page 6, after line 15, insert:

"Sec. 12. Minnesota Statutes 1992, section 97A.165, is amended to read:
97A.165 [SOURCE OF PAYMENTS FOR INDIAN AGREEMENT.]

Money to make payments to the Leech Lake Band, the 1854 treaty area agreement, and White Earth Band special license account under sections ~~94.16~~, 97A.151, subdivision 4, and ~~97A.155~~, subdivision 2, and 97A.157, subdivision 4, is annually appropriated for that purpose ~~in a ratio of 20 percent from the game and fish fund and 80 percent from the general fund.~~"

Page 9, line 17, delete "10 to 16" and insert "13 to 19"

Page 9, after line 22, insert:

"Sec. 21. [LAYOFFS.]

The commissioner of natural resources shall negotiate with bargaining units of affected employees when restructuring or reorganization of department operations is expected to result in involuntary layoffs. Any involuntary layoff of department employees under this provision must be negotiated with representatives of affected state employees pursuant to Minnesota Statutes, section 43A.045, before layoffs can occur. This provision applies to circumstances that arise from agency restructuring and reorganization and not from normal changes in employment caused by contractual layoff, termination for cause, unrequested leave of absence, or retrenchment."

Page 9, line 36, delete "and"

Page 10, line 2, delete the period and insert “; and

(4) the appropriation from the game and fish fund for payments to counties in lieu of taxes on acquired wildlife lands is reduced by \$874,000.”

Page 10, line 19, delete “10 to 16 and 20” and insert “13 to 19 and 24”

Page 10, line 21, delete “20” and insert “24”

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 7, after the semicolon, insert “requiring the commissioner of natural resources to negotiate with bargaining units prior to involuntary layoffs;”

Page 1, line 9, after the semicolon, insert “97A.061, subdivision 1;”

Page 1, line 11, after the semicolon, insert “97A.165;”

Page 1, line 14, after the first semicolon, insert “97A.061, subdivision 3;”

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Merriam from the Committee on Finance, to which was re-referred

S.F. No. 2072: A bill for an act relating to commerce; agriculture; adding labeling requirements for salvaged food; adding licensing and permit requirements for salvaged food distributors; adding record keeping requirements; requiring salvaged food served for compensation to be identified; providing for labeling of Canadian wild rice; amending Minnesota Statutes 1992, sections 30.49, subdivision 2; and 31.495, subdivisions 1, 2, and 5, and by adding subdivisions.

Reports the same back with the recommendation that the bill be amended as follows:

Page 3, delete lines 33 to 36

Page 4, delete line 1

Page 4, line 2, delete “(d)” and insert “(c)”

Page 6, after line 18, insert:

“Sec. 8. [APPROPRIATION.]

\$35,000 is appropriated from the general fund to the commissioner of agriculture for salvaged food regulation as provided for by this act.”

Amend the title as follows:

Page 1, line 7, after the semicolon, insert “appropriating money;”

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Merriam from the Committee on Finance, to which was re-referred

H.F. No. 1921: A bill for an act relating to retirement; increasing employee contribution rates and benefit computation formulas for the teachers retire-

ment fund; amending Minnesota Statutes 1992, sections 354.42, subdivision 2; and 354.44, subdivision 6.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Merriam from the Committee on Finance, to which was re-referred

S.F. No. 1956: A bill for an act relating to water resources; authorizing planning, design, and engineering work on the proposed Lewis and Clark rural water system; designating a lead state agency to negotiate with federal authorities; appropriating money.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Merriam from the Committee on Finance, to which was re-referred

S.F. No. 2720: A bill for an act relating to human development; appropriating money for preliminary planning and programming for a human development center.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Merriam from the Committee on Finance, to which was re-referred

S.F. No. 2669: A bill for an act relating to public employment; establishing a public employees insurance cooperative task force; appropriating money.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, delete line 24

Page 1, line 25, before the period, insert “; and

(13) the educational cooperative service units under Minnesota Statutes, section 123.58”

Page 2, line 22, delete “\$......” and insert “\$20,000”

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Merriam from the Committee on Finance, to which was re-referred

S.F. No. 2194: A bill for an act relating to legislative audit commission; appropriating money for the legislative auditor to perform best practices review audits; amending Minnesota Statutes 1992, sections 3.97, subdivision 11; and 3.971, by adding a subdivision.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 23, delete “\$300,000” and insert “\$100,000”

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Merriam from the Committee on Finance, to which was re-referred

S.F. No. 1909: A bill for an act relating to pollution; prohibiting issuance of certain building permits unless pollution control agency rules regarding individual sewage treatment systems are complied with; requiring disclosure by sellers of property of the existence and status of individual sewage treatment systems; requiring the agency to license sewage treatment professionals; requiring rulemaking; setting a fee; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 115.

Reports the same back with the recommendation that the bill be amended as follows:

Page 6, line 15, delete “; REIMBURSEMENT”

Page 6, line 16, delete “(a)” and delete “general” and insert “environmental”

Page 6, delete lines 20 to 25

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Merriam from the Committee on Finance, to which was re-referred

S.F. No. 2475: A bill for an act relating to workers' compensation; regulating insurance; limiting long-term benefits; adjusting supplemental benefits; providing coverage for independent contractors; strengthening fraud prevention; adjusting permanent partial benefits; providing for safety programs; appropriating money; amending Minnesota Statutes 1992, sections 79.085; 176.041, subdivision 1; 176.101, subdivisions 3b and 5; 176.132, subdivisions 2 and 3; 176.178; 176.185, subdivision 1; and 176.232; Minnesota Statutes 1993 Supplement, section 176.041, subdivision 1a; proposing coding for new law in Minnesota Statutes, chapters 79; 176; and 182; repealing Minnesota Statutes 1992, sections 79.01, subdivisions 7 and 8; 79.074, subdivision 2; 79.50; 79.51, as amended; 79.52; 79.53; 79.54; 79.55; 79.56; 79.57; 79.58; 79.59; 79.60; 79.61; and 79.62; Minnesota Statutes 1993 Supplement, section 79.211; subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Page 22, line 2, delete “\$.....” and insert “\$350,000”

Page 22, line 4, delete “The complement of the”

Page 22, delete lines 5 and 6

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 2624 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
2624	2358				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 2624 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2624 and insert the language after the enacting clause of S.F. No. 2358, the second engrossment; further, delete the title of H.F. No. 2624 and insert the title of S.F. No. 2358, the second engrossment.

And when so amended H.F. No. 2624 will be identical to S.F. No. 2358, and further recommends that H.F. No. 2624 be given its second reading and substituted for S.F. No. 2358, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

SECOND READING OF SENATE BILLS

S.F. Nos. 2445, 2072, 1956, 2720, 2669, 2194, 1909 and 2475 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 1921 and 2624 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Merriam moved that the name of Mr. Frederickson be added as a co-author to S.F. No. 2866. The motion prevailed.

S.F. No. 760 and the Conference Committee Report thereon were reported to the Senate.

CONFERENCE COMMITTEE REPORT ON S.F. NO. 760

A bill for an act relating to natural resources; granting power to the commissioner of natural resources to give nominal gifts, acknowledge contributions, and sell advertising; appropriating money; amending Minnesota Statutes 1992, section 84.027, by adding a subdivision.

April 12, 1994

The Honorable Allan H. Spear
President of the Senate

The Honorable Irv Anderson
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 760, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that S.F. No. 760 be further amended as follows:

Page 1, line 15, after the period insert "*The total value of items given to the public under this paragraph may not exceed \$25,000 per year.*"

Page 1, delete lines 16 to 21 and insert:

"(b) The commissioner may recognize the contribution of money or in-kind services on plaques, signs, publications, audio-visual materials, and media advertisements by allowing the organization's contribution to be acknowledged in print of readable size."

We request adoption of this report and repassage of the bill.

Senate Conferees: (Signed) Leonard R. Price, Steven Morse, Gene Merriam

House Conferees: (Signed) Ken Wolf, Loren Jennings, John Dorn

Mr. Price moved that the foregoing recommendations and Conference Committee Report on S.F. No. 760 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

S.F. No. 760 was read the third time, as amended by the Conference Committee, and placed on its repassage.

The question was taken on the repassage of the bill, as amended by the Conference Committee.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Finn	Krentz	Mondale	Reichgott Junge
Anderson	Flynn	Kroening	Morse	Riveness
Belanger	Frederickson	Laidig	Murphy	Robertson
Benson, D.D.	Hanson	Langseth	Neuville	Runbeck
Benson, J.E.	Hottinger	Larson	Novak	Sams
Berg	Janezich	Lesewski	Oliver	Samuelson
Bertram	Johnson, D.E.	Lessard	Olson	Spear
Betzold	Johnson, D.J.	Luther	Pappas	Stevens
Chandler	Johnson, J.B.	Marty	Pariseau	Stumpf
Chmielewski	Johnston	McGowan	Piper	Vickerman
Cohen	Kelly	Merriam	Pogemiller	Wiener
Day	Kiscaden	Metzen	Price	
Dille	Knutson	Moe, R.D.	Ranum	

So the bill, as amended by the Conference Committee, was repassed and its title was agreed to.

MOTIONS AND RESOLUTIONS – CONTINUED

S.F. No. 1912 and the Conference Committee Report thereon were reported to the Senate.

CONFERENCE COMMITTEE REPORT ON S.F. NO. 1912

A bill for an act relating to insurance; accident and health; permitting short-term coverage; amending Minnesota Statutes 1993 Supplement, section 62A.65, by adding a subdivision.

April 13, 1994

The Honorable Allan H. Spear
President of the Senate

The Honorable Irv Anderson
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 1912, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate concur in the House amendment.

We request adoption of this report and repassage of the bill.

Senate Conferees: (Signed) Jim Vickerman, Cal Larson, Kevin M. Chandler

House Conferees: (Signed) Roger Cooper, Gregory M. Davids, Becky Lourey

Mr. Vickerman moved that the foregoing recommendations and Conference Committee Report on S.F. No. 1912 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

S.F. No. 1912 was read the third time, as amended by the Conference Committee, and placed on its repassage.

The question was taken on the repassage of the bill, as amended by the Conference Committee.

The roll was called, and there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Flynn	Kroening	Morse	Robertson
Anderson	Frederickson	Laidig	Neuville	Runbeck
Belanger	Hanson	Langseth	Novak	Sams
Benson, D.D.	Hottinger	Larson	Oliver	Samuelson
Benson, J.E.	Janezich	Lesewski	Olson	Spear
Berg	Johnson, D.E.	Lessard	Pappas	Stevens
Bertram	Johnson, D.J.	Luther	Pariseau	Stumpf
Betzold	Johnson, J.B.	Marty	Piper	Vickerman
Chandler	Johnston	McGowan	Pogemiller	Wiener
Cohen	Kelly	Merriam	Price	
Day	Kiscaden	Metzen	Ranum	
Dille	Knutson	Moe, R.D.	Reichgott Junge	
Finn	Krentz	Mondale	Riveness	

So the bill, as amended by the Conference Committee, was repassed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

S.F. No. 1744 and the Conference Committee Report thereon were reported to the Senate.

CONFERENCE COMMITTEE REPORT ON S.F. NO. 1744

A bill for an act relating to the city of Lakefield; allowing the city of Lakefield to expand its public utilities commission to five members.

April 14, 1994

The Honorable Allan H. Spear
President of the Senate

The Honorable Irv Anderson
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 1744, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate concur in the House amendment.

We request adoption of this report and repassage of the bill.

Senate Conferees: (Signed) Jim Vickerman, Steve L. Murphy, Florian Chmielewski

House Conferees: (Signed) Katy Olson, Ted Winter, Jim Girard

Mr. Vickerman moved that the foregoing recommendations and Conference Committee Report on S.F. No. 1744 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

S.F. No. 1744 was read the third time, as amended by the Conference Committee, and placed on its repassage.

The question was taken on the repassage of the bill, as amended by the Conference Committee.

The roll was called, and there were yeas 59 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dille	Kiscaden	Moe, R.D.	Reichgott Junge
Anderson	Finn	Knutson	Mondale	Riveness
Belanger	Flynn	Kroening	Morse	Robertson
Benson, D.D.	Frederickson	Laidig	Novak	Runbeck
Benson, J.E.	Hanson	Langseth	Oliver	Sams
Berg	Hottinger	Larson	Olson	Samuelson
Beitram	Janezich	Lessard	Pappas	Spear
Betzold	Johnson, D.E.	Luther	Pariseau	Stevens
Chandler	Johnson, D.J.	Marty	Piper	Stumpf
Chmielewski	Johnson, J.B.	McGowan	Pogemiller	Vickerman
Cohen	Johnston	Merriam	Price	Wiener
Day	Kelly	Metzen	Ranum	

So the bill, as amended by the Conference Committee, was repassed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

Ms. Hanson moved that H.F. No. 2135 be taken from the table. The motion prevailed.

H.F. No. 2135: A bill for an act relating to manufactured home parks; prohibiting manufactured home parks from prohibiting senior citizens from keeping house pet dogs, cats, and birds on the park premises; amending Minnesota Statutes 1992, section 327.27, by adding a subdivision.

Ms. Hanson moved that H.F. No. 2135 be laid on the table. The motion prevailed.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated the General Orders Calendar a Special Orders Calendar to be heard immediately.

SPECIAL ORDER

H.F. No. 2893: A bill for an act relating to unemployment compensation;

extending benefits for certain employees; providing for a shared work plan; requiring a study; amending Minnesota Statutes 1992, section 268.073, subdivisions 1, 5, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 268; repealing Minnesota Statutes 1992, section 268.073, subdivision 6.

Mr. Janezich moved that the amendment made to H.F. No. 2893 by the Committee on Rules and Administration in the report adopted April 15, 1994, pursuant to Rule 49, be stricken. The motion prevailed. So the amendment was stricken.

H.F. No. 2893 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Finn	Krentz	Mondale	Riveness
Anderson	Flynn	Kroening	Morse	Robertson
Belanger	Frederickson	Laidig	Neuville	Runbeck
Benson, D.D.	Hanson	Langseth	Novak	Sams
Benson, J.E.	Hottinger	Larson	Oliver	Samuelson
Berg	Janezich	Lesewski	Olson	Solon
Bertram	Johnson, D.E.	Lessard	Pappas	Spear
Betzold	Johnson, D.J.	Luther	Pariseau	Stevens
Chandler	Johnson, J.B.	Marty	Piper	Stumpf
Chmielewski	Johnston	McGowan	Pogemiller	Vickerman
Cohen	Kelly	Merriam	Price	Wiener
Day	Kiscaden	Metzen	Ranum	
Dille	Knutson	Moe, R.D.	Reichgott Junge	

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 2858: A bill for an act relating to counties; Hennepin; changing the personnel system to a human resources system; making other changes to the system; amending Minnesota Statutes 1992, sections 383B.26; 383B.27; 383B.28; 383B.29; 383B.31; 383B.32, subdivisions 2, 3, and 4; 383B.34, subdivision 2; 383B.37, subdivision 1; 383B.38, subdivision 1; 383B.39; and 383B.41; repealing Minnesota Statutes 1992, sections 383B.33, subdivision 1; 383B.38, subdivisions 2, 3, and 4; and 383B.40.

Ms. Flynn moved to amend S.F. No. 2858 as follows:

Page 3, lines 25 and 26, delete “, notwithstanding section 197.46”

Page 3, line 28, delete the comma

Page 3, line 29, delete “notwithstanding section 197.46”

Page 3, line 34, delete “, notwithstanding section 197.46”

Page 16, line 9, delete “175.39” and insert “179.39”

Page 16, line 11, delete from “Notwithstanding” through page 16, line 12, to “contrary,”

Page 17, line 9, delete from “, notwithstanding” through page 17, line 10, to “197.46”

Page 17, line 27, strike "197.45" and insert "197.447"

The motion prevailed. So the amendment was adopted.

S.F. No. 2858 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

The roll was called, and there were yeas 54 and nays 5, as follows:

Those who voted in the affirmative were:

Adkins	Finn	Langseth	Morse	Riveness
Anderson	Flynn	Larson	Neuville	Runbeck
Belanger	Hanson	Lesewski	Oliver	Sams
Benson, D.D.	Hottinger	Lessard	Olson	Samuelson
Berg	Johnson, D.E.	Luther	Pappas	Solon
Bertram	Johnson, D.J.	Marty	Pariseau	Spear
Betzold	Johnson, J.B.	McGowan	Piper	Stevens
Chandler	Kelly	Merriam	Pogemiller	Stumpf
Cohen	Krentz	Metzen	Price	Vickerman
Day	Kroening	Moe, R.D.	Ranum	Wiener
Dille	Laidig	Mondale	Reichgott Junge	

Those who voted in the negative were:

Benson, J.E.	Johnston	Kiscaden	Knutson	Robertson
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So the bill, as amended, was passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 423: A bill for an act relating to health; clean indoor air act; adding common areas of apartments to public places where smoking is prohibited; amending Minnesota Statutes 1992, section 144.413, subdivision 2.

Ms. Anderson moved to amend H.F. No. 423, the unofficial engrossment, as follows:

Page 1, after line 18, insert:

"Sec. 2. [461.16] [INSPECTIONS; REPORTS.]

Subdivision 1. [COMPLIANCE CHECKS.] Each city, or in the case of an unincorporated area, each county shall coordinate annual, random, unannounced inspections at all locations where tobacco products are sold to test compliance with section 609.685, and to conform with the requirements of federal law. The inspections shall be performed by local units of government. A person no younger than 15 and no older than 17 shall assist in the tests of compliance under the supervision of a law officer or an employee of the city or county. Each city or county which performs compliance checks shall report results including the number of tobacco vendors, the number of inspections conducted, and the number of violations to the commissioner of human services by January 15 of each year. The commissioner shall annually submit the report required by United States Code, title 14, section 300x-26, with a copy to the legislature, and otherwise ensure the state's compliance with that law and any regulations adopted to implement it.

Subd. 2. [EFFECT ON LOCAL ORDINANCE.] This section does not preempt a local ordinance which provides for more restrictive regulations of retail tobacco sales."

Amend the title accordingly

Ms. Robertson questioned whether the amendment was germane.

The President ruled that the amendment was not germane.

H.F. No. 423 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dille	Knutson	Moe, R.D.	Reichgott Junge
Anderson	Finn	Krentz	Mondale	Riveness
Belanger	Flynn	Kroening	Morse	Robertson
Benson, D.D.	Frederickson	Laidig	Neuville	Runbeck
Benson, J.E.	Hanson	Langseth	Oliver	Sams
Berg	Hottinger	Larson	Olson	Samuelson
Bertram	Johnson, D.E.	Lessard	Pappas	Solon
Betzold	Johnson, D.J.	Luther	Pariseau	Spear
Chandler	Johnson, J.B.	Marty	Piper	Stevens
Chmielewski	Johnston	McGowan	Pogemiller	Stumpf
Cohen	Kelly	Merriam	Price	Vickerman
Day	Kiscaden	Metzen	Ranum	Wiener

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 2429: A bill for an act relating to natural resources; modifying the list of protected game birds; authorizing nonresident multiple zone antlered deer licenses; purchase of archery deer licenses after the firearms season opens; administration of contraceptive chemicals to wild animals; taking big game by handgun in a shotgun deer zone; possession of firearms in muzzle-loader only deer zones; undesirable exotic aquatic plants and wild animals; clarifying the requirement to wear blaze orange clothing during deer season; allowing released game birds to be recaptured without a license; defining tip-up to include certain mechanical devices for hooking fish; allowing nonresidents to take rough fish by harpooning; requiring the department of natural resources to share in the expense of partition fences; abolishing the nonresident bear guide license; amending Minnesota Statutes 1992, sections 18.317, subdivisions 1, 1a, 2, 3, 4, and 5; 84.966, subdivision 1; 84.967; 84.968, subdivision 2; 84.9691; 86B.401, subdivision 11; 97A.015, subdivision 24; 97A.115, subdivision 2; 97A.475, subdivision 3; 97A.485, subdivision 9; 97A.501, by adding a subdivision; 97B.031, subdivision 2; 97B.701, by adding a subdivision; 97B.711, subdivision 1; 97C.321, subdivision 2; 97C.381; and 344.03, subdivision 1; Minnesota Statutes 1993 Supplement, sections 18.317, subdivision 3a; 84.9692, subdivisions 1 and 2; 97B.041; 97B.071; and 97B.711, subdivision 2; repealing Minnesota Statutes 1992, section 97A.475, subdivision 17.

Mr. Lessard moved to amend S.F. No. 2429 as follows:

Page 10, after line 12, insert:

“Sec. 23. Minnesota Statutes 1992, section 97B.211, subdivision 2, is amended to read:

Subd. 2. [ARROWHEAD REQUIREMENTS.] Arrowheads used for taking big game must be sharp, have a minimum of two metal cutting edges, be of

a barbless broadhead design, and must have a diameter of at least seven-eighths inch. *The commissioner may allow retractable broadhead arrowheads that meet the other requirements of this subdivision.*"

Renumber the sections in sequence and correct the internal references

Amend the title as follows:

Page 1, line 12, after the semicolon, insert "allowing use of retractable broadhead arrows in taking big game;"

Page 1, line 24, after the second semicolon, insert "97B.211, subdivision 2,"

The motion prevailed. So the amendment was adopted.

Mr. Stumpf moved to amend S.F. No. 2429 as follows:

Page 12, after line 5, insert:

"Sec. 29. Laws 1993, chapter 273, section 1, is amended to read:

Section 1. [AUTHORIZATION TO TAKE TWO DEER IN CERTAIN COUNTIES.]

Notwithstanding Minnesota Statutes, section 97B.301, subdivision 2, during the 1993 and 1994 and 1995 hunting seasons, in Kittson, Lake of the Woods, Marshall, Pennington, and Roseau counties a person may obtain one firearms deer license and one archery deer license in the same license year and may take one deer under each license."

Renumber the sections in sequence and correct the internal references

Amend the title as follows:

Page 1, line 17, after the first semicolon, insert "allowing the taking of two deer in designated counties during the 1994 and 1995 hunting seasons;"

Page 1, line 30, before "repealing" insert "Laws 1993, chapter 273, section 1,"

The motion prevailed. So the amendment was adopted.

Mr. Morse moved to amend S.F. No. 2429 as follows:

Page 9, line 36, before "A" insert "(a) Except as provided in paragraph (b),"

Page 10, after line 12, insert:

"(b) The commissioner may, by rule, prescribe an alternative color in cases where paragraph (a) would violate the Religious Freedom Restoration Act of 1993, public law number 103-141."

The motion prevailed. So the amendment was adopted.

Mr. Laidig moved to amend S.F. No. 2429 as follows:

Page 3, after line 35, insert:

"Sec. 8. Minnesota Statutes 1993 Supplement, section 84.872, is amended to read:

84.872 [YOUTHFUL SNOWMOBILE OPERATORS; PROHIBITIONS.]

Subdivision 1. [RESTRICTIONS ON OPERATION.] Notwithstanding anything in section 84.87 to the contrary, no person under 14 years of age shall make a direct crossing of a trunk, county state-aid, or county highway as the operator of a snowmobile, or operate a snowmobile upon a street or highway within a municipality. A person 14 years of age or older, but less than 18 years of age, may make a direct crossing of a trunk, county state-aid, or county highway only if the person has in immediate possession a valid snowmobile safety certificate issued by the commissioner or a valid motor vehicle operator's license issued by the commissioner of public safety or the drivers license authority of another state. No person under the age of 14 years shall operate a snowmobile on any public land or water ~~under the jurisdiction of the commissioner or grant-in-aid trail~~ unless accompanied by one of the following listed persons on the same or an accompanying snowmobile, or on a device towed by the same or an accompanying snowmobile: the person's parent, legal guardian, or other person 18 years of age or older. However, a person 12 years of age or older may operate a snowmobile on public lands and waters ~~under the jurisdiction of the commissioner or a grant-in-aid trail~~ if the person has in immediate possession a valid snowmobile safety certificate issued by the commissioner.

Subd. 2. [OWNER'S DUTIES.] It is unlawful for any person who is *the owner or* in lawful control of a snowmobile to permit the snowmobile to be operated contrary to the provisions of this section.

Subd. 3. [REPORTING CONVICTIONS; SUSPENSIONS.] When the judge of a juvenile court, or any of its duly authorized agents, shall determine that any person, while less than 18 years of age, has violated the provisions of sections 84.81 to 84.88, or any other state or local law or ordinance regulating the operation of snowmobiles, the judge, or duly authorized agent, shall immediately report ~~such~~ *this* determination to the commissioner and may recommend the suspension of the person's snowmobile safety certificate. The commissioner is hereby authorized to suspend the certificate, without a hearing."

Renumber the sections in sequence and correct the internal references

Amend the title as follows:

Page 1, line 9, after the semicolon, insert "modifying restrictions on operation of snowmobiles by minors;"

Page 1, line 28, after the first semicolon, insert "84.872;"

The motion prevailed. So the amendment was adopted.

Mr. Finn moved to amend S.F. No. 2429 as follows:

Page 10, after line 12, insert:

"Sec. 23. [97B.667] [REMOVAL OF BEAVER DAMS AND LODGES BY ROAD AUTHORITIES.]

When a drainage watercourse is impaired by a beaver dam and the water damages or threatens to damage a public road, the road authority, as defined in section 160.02, subdivision 9, may remove the impairment and any associated beaver lodge within 300 feet of the road, if the commissioner approves."

Renumber the sections in sequence and correct the internal references

Amend the title as follows:

Page 1, line 11, after the semicolon, insert "allowing local road authorities to remove beaver dams and lodges near public roads;"

Page 1, line 29, after the third semicolon, insert "proposing coding for new law in Minnesota Statutes, chapter 97B;"

The motion prevailed. So the amendment was adopted.

Mr. Merriam moved to amend S.F. No. 2429 as follows:

Page 7, after line 21, insert:

"Sec. 16. Minnesota Statutes 1992, section 97A.015, subdivision 52, is amended to read:

Subd. 52. [UNPROTECTED BIRDS.] "Unprotected birds" means English sparrow, blackbird, starling, magpie, cormorant, common pigeon, *chukar partridge*, *quail other than bob-white quail*, and great horned owl."

Page 10, line 1, after "firearms" insert "*under applicable laws and ordinances*"

Page 10, line 16, after the period, insert "*In Houston, Fillmore, and Winona counties, this subdivision applies only to birds that are banded or otherwise marked.*"

Page 11, delete section 27

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Dille moved to amend S.F. No. 2429 as follows:

Page 6, after line 35, insert:

"Sec. 14. Minnesota Statutes 1993 Supplement, section 84.9695, subdivision 1, is amended to read:

Subdivision 1. [DEFINITIONS.] (a) The definitions in this subdivision apply to this section.

(b) "Commissioner" means the commissioner of ~~natural resources~~ *agriculture*.

(c) "Restricted species" means Eurasian wild pigs and their hybrids (*Sus scrofa* subspecies and *Sus scrofa* hybrids), excluding domestic hogs (*S. scrofa domesticus*).

(d) "Release" means an intentional introduction or escape of a species from the control of the owner or responsible party.

Sec. 15. Minnesota Statutes 1993 Supplement, section 84.9695, subdivision 8, is amended to read:

Subd. 8. [CONTAINMENT.] The commissioner, *in consultation with the commissioner of natural resources*, shall develop criteria for approved containment measures for restricted species with the assistance of producers of restricted species.

Sec. 16. Minnesota Statutes 1993 Supplement, section 84.9695, subdivision 10, is amended to read:

Subd. 10. [FEE.] The commissioner shall impose a fee for permits in an amount sufficient to cover the costs of issuing the permits and for facility inspections. The fee may not exceed \$50. Fee receipts must be deposited in the state treasury and credited to the ~~game and fish~~ *special revenue* fund and are appropriated to the commissioner for the purposes of this section."

Page 12, after line 5, insert:

"Sec. 32. Laws of Minnesota 1993, chapter 129, section 4, subdivision 4, is amended to read:

Subd. 4. [REPORT.] The task force shall submit a written report containing its recommendations and findings to the legislature by January 1, ~~1994~~ 1995.

Sec. 33. [INSTRUCTION TO REVISOR.]

In the next and subsequent editions of Minnesota Statutes, the revisor of statutes shall renumber section 84.9695 as section 17.457."

Renumber the sections in sequence and correct the internal references

Amend the title as follows:

Page 1, line 10, after the semicolon, insert "Eurasian wild pigs;"

Page 1, line 28, after the second semicolon, insert "84.9695, subdivisions 1, 8, and 10;"

Page 1, line 29, after the third semicolon, insert "Laws 1993, chapter 129, section 4, subdivision 4;"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 35 and nays 25, as follows:

Those who voted in the affirmative were:

Benson, D.D.	Frederickson	Kroening	Metzen	Robertson
Benson, J.E.	Janezich	Laidig	Morse	Runbeck
Berg	Johnson, D.E.	Langseth	Neuville	Solon
Bertram	Johnston	Larson	Oliver	Spear
Chmielewski	Kelly	Lesewski	Olson	Stevens
Day	Kiscaden	Lessard	Pariseau	Stumpf
Dille	Knutson	McGowan	Riveness	Wiener

Those who voted in the negative were:

Adkins	Chandler	Johnson, D.J.	Merriam	Ranum
Anderson	Cohen	Johnson, J.B.	Mondale	Reichgott Junge
Belanger	Finn	Krentz	Piper	Sams
Berglin	Flynn	Luther	Pogemiller	Samuelson
Betzold	Hottinger	Marty	Price	Vickerman

The motion prevailed. So the amendment was adopted.

Mr. Berg moved to amend S.F. No. 2429 as follows:

Page 7, after line 21, insert:

"Sec. 16. Minnesota Statutes 1992, section 97A.015, subdivision 45, is amended to read:

Subd. 45. [SMALL GAME.] "Small game" means game birds, gray

squirrel, fox squirrel, cottontail rabbit, snowshoe hare, jack rabbit, raccoon, lynx, bobcat, ~~red fox~~ and gray fox, fisher, pine marten, opossum, badger, cougar, wolverine, muskrat, mink, otter, and beaver.

Sec. 17. Minnesota Statutes 1992, section 97A.105, subdivision 6, is amended to read:

Subd. 6. [FOX AND MINK.] *Gray* fox and mink may not be bought or sold for breeding or propagating unless they have been pen-bred for at least two generations."

Page 8, line 5, before "fox" insert "*gray*"

Page 10, after line 12, insert:

"Sec. 25. Minnesota Statutes 1992, section 97B.601, subdivision 3, is amended to read:

Subd. 3. [NONRESIDENTS: RACCOON, BOBCAT, *GRAY FOX*, COYOTE, CANADA LYNX.] A nonresident may not take raccoon, bobcat, *gray* fox, coyote, or Canada lynx without a separate license to take that animal in addition to a small game license.

Sec. 26. Minnesota Statutes 1992, section 97B.605, is amended to read:

97B.605 [COMMISSIONER MAY RESTRICT TAKING OF CERTAIN SMALL GAME ANIMALS.]

The commissioner may prescribe restrictions on and designate areas where *gray* and fox squirrels, cottontail and jack rabbits, snowshoe hare, raccoon, lynx, bobcat, ~~red fox~~ and *gray* fox, fisher, pine marten, opossum, and badger may be taken and possessed.

Sec. 27. Minnesota Statutes 1992; section 97B.631, is amended to read:

97B.631 [*GRAY FOX*.]

Subdivision 1. [RESTRICTIONS ON TAKING.] A person may not remove a *gray* fox from a den or trap *gray* fox within 300 feet of a fox den from April 1 to August 31.

Subd. 2. [PERMIT REQUIRED TO SNARE.] A person may not use a snare to take *gray* fox except under a permit from the commissioner.

Sec. 28. Minnesota Statutes 1992, section 97B.655, subdivision 1, is amended to read:

Subdivision 1. [OWNERS AND OCCUPANTS MAY TAKE CERTAIN ANIMALS.] A person may take mink, squirrel, rabbit, hare, raccoon, lynx, bobcat, *gray* fox, muskrat, or beaver on land owned or occupied by the person where the animal is causing damage. The person may take the animal without a license and in any manner except by poison, or artificial lights in the closed season. Raccoons may be taken under this subdivision with artificial lights during open season. A person that kills mink, raccoon, lynx, bobcat, *gray* fox, muskrat, or beaver under this subdivision must bring the entire animal to a conservation officer or employee of the division within 24 hours after the animal is killed."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 34 and nays 28, as follows:

Those who voted in the affirmative were:

Adkins	Frederickson	Kelly	Lesewski	Runbeck
Benson, D.D.	Hanson	Kiscaden	Lessard	Sams
Berg	Hottinger	Knutson	McGowan	Solon
Bertram	Janezich	Kroening	Morse	Stevens
Chmielewski	Johnson, D.E.	Laidig	Neuville	Stumpf
Day	Johnson, D.J.	Langseth	Oliver	Vickerman
Dille	Johnston	Larson	Pariseau	

Those who voted in the negative were:

Anderson	Cohen	Marty	Olson	Riveness
Belanger	Finn	Merriam	Pappas	Robertson
Benson, J.E.	Flynn	Metzen	Piper	Spear
Berglin	Johnson, J.B.	Moe, R.D.	Price	Wiener
Betzold	Krentz	Mondale	Ranum	
Chandler	Luther	Novak	Reichgott Junge	

The motion prevailed. So the amendment was adopted.

Mr. Dille moved to amend S.F. No. 2429 as follows:

Page 7, after line 31, insert:

“Sec. 17. Minnesota Statutes 1992, section 97A.441, is amended by adding a subdivision to read:

Subd. 6a. [TAKING SMALL GAME; DISABLED VETERANS.] A person authorized to issue licenses must issue, without a fee, a license to take small game to a resident who is a veteran, as defined in section 197.447, and who has a 100 percent service connected disability as defined by the United States Veterans Administration upon being furnished satisfactory evidence.”

Renumber the sections in sequence and correct the internal references

Amend the title as follows:

Page 1, line 9, after the semicolon, insert “providing for free small game licenses for disabled veterans;”

The motion prevailed. So the amendment was adopted.

S.F. No. 2429 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

The roll was called, and there were yeas 58 and nays 3, as follows:

Those who voted in the affirmative were:

Adkins	Finn	Krentz	Mondale	Reichgott Junge
Anderson	Flynn	Kroening	Morse	Robertson
Belanger	Frederickson	Laidig	Neuville	Runbeck
Benson, D.D.	Hanson	Langseth	Novak	Sams
Benson, J.E.	Hottinger	Larson	Oliver	Samuelson
Berg	Janezich	Lesewski	Olson	Solon
Bertram	Johnson, D.E.	Lessard	Pappas	Stevens
Betzold	Johnson, J.B.	Luther	Pariseau	Stumpf
Chandler	Johnston	Marty	Piper	Vickerman
Cohen	Kelly	McGowan	Pogemiller	Wiener
Day	Kiscaden	Merriam	Price	
Dille	Knutson	Moe, R.D.	Ranum	

Ms. Berglin, Messrs. Riveness and Spear voted in the negative.

So the bill, as amended, was passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 609: A bill for an act relating to retirement; the Minneapolis teachers retirement fund association; providing for purchase of allowable service credit for public school employment outside the state of Minnesota; proposing coding for new law in Minnesota Statutes, chapter 354A.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 55 and nays 2, as follows:

Those who voted in the affirmative were:

Adkins	Dille	Kiscaden	Merriam	Price
Anderson	Finn	Knutson	Metzen	Reichgott Junge
Belanger	Flynn	Krentz	Moe, R.D.	Riveness
Benson, D.D.	Frederickson	Kroening	Morse	Runbeck
Berg	Hanson	Laidig	Neuville	Sams
Berglin	Hottinger	Langseth	Novak	Samuelson
Bertram	Janezich	Larson	Oliver	Spear
Betzold	Johnson, D.E.	Lessard	Olson	Stevens
Chandler	Johnson, J.B.	Luther	Pariseau	Stumpf
Chmielewski	Johnston	Marty	Piper	Vickerman
Day	Kelly	McGowan	Pogemiller	Wiener

Mrs. Benson, J.E. and Ms. Robertson voted in the negative.

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 664: A bill for an act relating to education; modifying certain teacher retirement programs to encourage experienced teachers to participate in job sharing; amending Minnesota Statutes 1992, sections 354.66, subdivisions 2 and 4; and 354A.094, subdivisions 3 and 4.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 50 and nays 12, as follows:

Those who voted in the affirmative were:

Adkins	Day	Kelly	Metzen	Price
Anderson	Dille	Krentz	Moe, R.D.	Ranum
Benson, D.D.	Finn	Kroening	Mondale	Reichgott Junge
Benson, J.E.	Flynn	Laidig	Morse	Riveness
Berglin	Frederickson	Langseth	Neuville	Sams
Bertram	Hanson	Larson	Novak	Solon
Betzold	Hottinger	Lessard	Olson	Spear
Chandler	Janezich	Luther	Pappas	Stumpf
Chmielewski	Johnson, D.E.	Marty	Piper	Vickerman
Cohen	Johnson, D.J.	McGowan	Pogemiller	Wiener

Those who voted in the negative were:

Belanger	Kiscaden	Merriam	Robertson	Stevens
Berg	Knutson	Oliver	Runbeck	
Johnston	Lesewski	Pariseau		

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 1726: A bill for an act relating to traffic regulations; authorizing peace officers to stop drivers and issue citations for seat belt violations without first observing a moving violation; amending Minnesota Statutes 1993 Supplement, section 169.686, subdivision 1.

Ms. Berglin moved that S.F. No. 1726, on Special Orders, be stricken and returned to its author. The motion prevailed.

SPECIAL ORDER

S.F. No. 1863: A bill for an act relating to crime; imposing felony penalties for refusing to return a child to a parent or lawful custodian, residing with a minor, or contributing to a minor being a runaway; imposing a gross misdemeanor penalty for contributing to a minor being a habitual truant; amending Minnesota Statutes 1992, section 609.26, subdivisions 1 and 6.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 55 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Day	Krentz	Metzen	Price
Anderson	Finn	Kroening	Moe, R.D.	Ranum
Benson, D.D.	Flynn	Laidig	Mondale	Riveness
Benson, J.E.	Frederickson	Langseth	Morse	Robertson
Berg	Hanson	Larson	Neuville	Runbeck
Berglin	Hottinger	Lesewski	Oliver	Solon
Bertram	Janezich	Lessard	Olson	Spear
Betzold	Johnson, D.J.	Luther	Pappas	Stevens
Chandler	Johnston	Marty	Pariseau	Stumpf
Chmielewski	Kelly	McGowan	Piper	Vickerman
Cohen	Kiscaden	Merriam	Pogemiller	Wiener

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 1961: A bill for an act relating to driving while intoxicated; imposing increased penalties on persons who operate a snowmobile or motorboat while intoxicated and who have previously been convicted of driving a motor vehicle while intoxicated; extending maximum length for multiple gross misdemeanor sentences and combined gross misdemeanor and misdemeanor sentences; extending maximum length of a stayed gross misdemeanor DWI sentence and certain felony sentences; authorizing consecutive sentences for multiple crimes committed by repeat DWI offenders; authorizing certain cities to transfer responsibility for petty misdemeanor and misdemeanor offenses to the county attorney; clarifying prosecution authority for certain offenses; amending Minnesota Statutes 1992, sections 84.91, subdivision 5; 86B.331, subdivision 5; 169.797, subdivision 4; Minnesota Statutes 1993 Supplement, sections 169.121, subdivisions 3 and 3a; 171.24; 487.25, subdivision 10; 609.035; 609.135, subdivision 2; and 609.15, subdivision 2.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 58 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dille	Krentz	Mondale	Riveness
Anderson	Finn	Kroening	Morse	Robertson
Belanger	Flynn	Laidig	Neuville	Runbeck
Benson, J.E.	Frederickson	Langseth	Novak	Sams
Berg	Hanson	Larson	Oliver	Solon
Berglin	Hottinger	Lesewski	Pappas	Spear
Bertram	Janezich	Lessard	Pariseau	Stevens
Betzold	Johnson, D.J.	Luther	Piper	Stumpf
Chandler	Johnson, J.B.	Marty	Pogemiller	Vickerman
Chmielewski	Johnston	McGowan	Price	Wiener
Cohen	Kiscaden	Merriam	Ranum	
Day	Knutson	Metzen	Reichgott Junge	

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 2036: A bill for an act relating to human services; modifying the conduct of state agency hearings; modifying certain requirements for prior authorization of services under medical assistance; amending Minnesota Statutes 1992, section 256.045, subdivisions 3, 4, and 5.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 59 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Day	Knutson	Moe, R.D.	Reichgott Junge
Anderson	Dille	Krentz	Mondale	Riveness
Belanger	Finn	Kroening	Morse	Robertson
Benson, D.D.	Flynn	Laidig	Neuville	Runbeck
Benson, J.E.	Frederickson	Langseth	Novak	Sams
Berg	Hanson	Larson	Oliver	Solon
Berglin	Hottinger	Lessard	Pappas	Spear
Bertram	Johnson, D.J.	Luther	Pariseau	Stevens
Betzold	Johnson, J.B.	Marty	Piper	Stumpf
Chandler	Johnston	McGowan	Pogemiller	Vickerman
Chmielewski	Kelly	Merriam	Price	Wiener
Cohen	Kiscaden	Metzen	Ranum	

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 2371: A bill for an act relating to health; requiring the commissioner of health to carry out appropriate education, prevention, and outreach activities in communities that traditionally engage in female genital mutilation.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 59 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Finn	Krentz	Mondale	Reichgott Junge
Anderson	Flynn	Kroening	Morse	Rivness
Belanger	Frederickson	Langseth	Neuville	Robertson
Benson, J.E.	Hanson	Larson	Novak	Runbeck
Berglin	Hottinger	Lesewski	Oliver	Sams
Bertram	Johnson, D.E.	Lessard	Olson	Solon
Betzold	Johnson, D.J.	Luther	Pappas	Spear
Chandler	Johnson, J.B.	Marty	Pariseau	Stevens
Chmielewski	Johnston	McGowan	Piper	Stumpf
Cohen	Kelly	Merriam	Pogemiller	Vickerman
Day	Kiscaden	Metzen	Price	Wiener
Dille	Knutson	Moe, R.D.	Ranum	

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 2623: A bill for an act relating to state lands; authorizing sale of certain tax-forfeited land that borders public water in Itasca county.

Mr. Finn moved to amend H.F. No. 2623, as amended pursuant to Rule 49, adopted by the Senate April 6, 1994, as follows:

(The text of the amended House File is identical to S.F. No. 2562.)

Page 4, after line 27, insert:

“Sec. 4. [PRIVATE SALE OF TAX-FORFEITED LAND TO BOIS FORTE RESERVATION TRIBAL COUNCIL.]

(a) *Notwithstanding the public sale provisions of Minnesota Statutes, chapter 282, St. Louis county may convey by private sale to the Bois Forte reservation tribal council the tax-forfeited land described in paragraph (c), under the remaining provisions of Minnesota Statutes, chapter 282.*

(b) *The conveyance must be in a form approved by the attorney general.*

(c) *The land that may be conveyed is located in St. Louis county and is described as:*

(1) *SW 1/4 of NW 1/4, Section 27, Township 62, Range 16W (387-10-2830), consisting of 40 acres;*

(2) *NE 1/4 of NE 1/4, except two acres at the NE corner, Section 19, Township 65, Range 21W (760-40-470), consisting of 38 acres; and*

(3) *beginning at NE corner of the NE 1/4 of NE 1/4, thence running west 490 feet, thence south 178 feet, thence east 490 feet, thence north 178 feet to the point of beginning, Section 19, Township 65, Range 21W (760-40-480), consisting of 2 acres.*

(d) *The land to be conveyed is located within the Bois Forte reservation. The Bois Forte reservation tribal council plans to use the land for economic development and for construction of sewage treatment facilities.”*

Page 4, line 28, delete “4” and insert “5”

Page 4, line 29, delete “3” and insert “4”

Amend the title as follows:

Page 1, line 6, after the semicolon, insert "authorizing private sale of tax-forfeited land in St. Louis county;"

The motion prevailed. So the amendment was adopted.

Mr. Johnson, D.J. moved to amend H.F. No. 2623, as amended pursuant to Rule 49, adopted by the Senate April 6, 1994, as follows:

(The text of the amended House File is identical to S.F. No. 2562.)

Page 4, after line 27, insert:

"Sec. 4. [SALE OF CERTAIN LAND IN ST. LOUIS COUNTY.]

Notwithstanding any other law to the contrary, St. Louis county, on behalf of the state, shall convey by private sale the state-owned land described in this section.

The land described shall be sold by private sale to Gerald Lawson. The conveyance must be in a form approved by the attorney general for a consideration equal to the delinquent taxes, penalties, and interest remaining unpaid on the property.

The land to be sold is located in St. Louis county, and is described as lots 19, 20, and 21, block 5, of the altered plat of the London Park addition to Duluth.

The property was previously owned by Mr. Lawson, having been conveyed to him by his mother. While Mr. Lawson had entered into a repurchase agreement under Minnesota Statutes, sections 282.241 to 282.324, after the property had forfeited to the state for nonpayment of property taxes, he defaulted on a payment required under that law, and the repurchase was canceled."

Page 4, line 29, delete "3" and insert "4"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

H.F. No. 2623 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

The roll was called, and there were yeas 55 and nays 6, as follows:

Those who voted in the affirmative were:

Adkins	Dille	Knutson	Morse	Ranum
Anderson	Finn	Krentz	Murphy	Reichgott Junge
Belanger	Frederickson	Laidig	Neuville	Riveness
Benson, D.D.	Hottinger	Larson	Novak	Runbeck
Berg	Janezich	Lesewski	Oliver	Sams
Berglin	Johnson, D.E.	Lessard	Olson	Solon
Bertram	Johnson, D.J.	Luther	Pappas	Spear
Betzold	Johnson, J.B.	McGowan	Pariseau	Stevens
Chmielewski	Johnston	Metzen	Piper	Stumpf
Cohen	Kelly	Moe, R.D.	Pogemiller	Vickerman
Day	Kiscaden	Mondale	Price	Wiener

Those who voted in the negative were:

Benson, J.E.	Flynn	Marty	Merriam	Robertson
Chandler				

So the bill, as amended, was passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 2033: A bill for an act relating to local government; authorizing the board of county commissioners of Benton county to establish an economic development authority.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 48 and nays 3, as follows:

Those who voted in the affirmative were:

Adkins	Chmielewski	Knutson	Murphy	Riveness
Anderson	Cohen	Krentz	Neuville	Robertson
Belanger	Day	Lesewski	Novak	Runbeck
Benson, D.D.	Dille	Luther	Oliver	Sams
Benson, J.E.	Finn	Marty	Olson	Spear
Berg	Frederickson	McGowan	Pariseau	Stevens
Berglin	Hottinger	Metzen	Piper	Vickerman
Bertram	Johnson, J.B.	Moe, R.D.	Pogemiller	Wiener
Betzold	Johnston	Mondale	Price	
Chandler	Kelly	Morse	Ranum	

Mses. Flynn, Kiscaden and Mr. Merriam voted in the negative.

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 2704: A bill for an act relating to taxation; property; expanding open space valuation to include certain lawn bowling or croquet green property; amending Minnesota Statutes 1993 Supplement, section 273.112, subdivision 3.

Mr. Spear moved that S.F. No. 2704, on Special Orders, be stricken and re-referred to the Committee on Taxes and Tax Laws. The motion prevailed.

SPECIAL ORDER

H.F. No. 1901: A bill for an act relating to local government; permitting the city of Hutchinson to incur debt for certain improvements; authorizing a reverse referendum on the issuance of city bonds.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 51 and nays 7, as follows:

Those who voted in the affirmative were:

Adkins	Benson, J.E.	Betzold	Frederickson	Johnson, D.J.
Anderson	Berg	Chmielewski	Hanson	Johnson, J.B.
Belanger	Berglin	Cohen	Hottinger	Johnston
Benson, D.D.	Bertram	Dille	Johnson, D.E.	Kiscaden

Knutson	Marty	Novak	Price	Spear
Kroening	McGowan	Oliver	Reichgott Junge	Stevens
Laidig	Metzen	Olson	Riveness	Vickerman
Langseth	Moe, R.D.	Pappas	Robertson	
Lesewski	Mondale	Pariseau	Runbeck	
Lessard	Murphy	Piper	Sams	
Luther	Neuville	Pogemiller	Solon	

Those who voted in the negative were:

Chandler	Flynn	Meriam	Morse	Ranum
Finn	Krentz			

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 2175: A bill for an act relating to the city of Saint Paul; authorizing a program for the replacement of lead pipes and the charging or assessment of costs for the program and the issuance of general or special obligations to pay the costs of the program.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Finn	Kroening	Morse	Riveness
Anderson	Flynn	Laidig	Murphy	Robertson
Belanger	Frederickson	Langseth	Neuville	Runbeck
Benson, D.D.	Hanson	Larson	Novak	Sams
Benson, J.E.	Hottinger	Lesewski	Oliver	Solon
Berglin	Johnson, D.E.	Lessard	Olson	Spear
Bertram	Johnson, D.J.	Luther	Pappas	Stevens
Betzold	Johnson, J.B.	Marty	Pariseau	Stumpf
Chandler	Johnston	McGowan	Piper	Vickerman
Chmielewski	Kelly	Merriam	Pogemiller	Wiener
Cohen	Kiscaden	Metzen	Price	
Day	Knutson	Moe, R.D.	Ranum	
Dille	Krentz	Mondale	Reichgott Junge	

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 1915: A bill for an act relating to employment; establishing a disaster volunteer leave program in the state civil service; proposing coding for new law in Minnesota Statutes, chapter 43A.

Ms. Reichgott Junge moved to amend H.F. No. 1915, as amended pursuant to Rule 49, adopted by the Senate March 31, 1994, as follows:

(The text of the amended House File is identical to S.F. No. 1734.)

Page 1, line 21, after the first comma, insert "*pension*,"

The motion prevailed. So the amendment was adopted.

Ms. Reichgott Junge moved that H.F. No. 1915 be laid on the table. The motion prevailed.

MOTIONS AND RESOLUTIONS - CONTINUED

Without objection, remaining on the Order of Business of Motions and

Resolutions, the Senate reverted to the Orders of Business of Messages From the House, First Reading of House Bills, Reports of Committees and Second Reading of Senate Bills.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the adoption by the House of the following House Concurrent Resolution, herewith transmitted:

House Concurrent Resolution No. 4: A House concurrent resolution providing for a joint convention of the Senate and the House of Representatives to elect a member of the Board of Regents of the University of Minnesota.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 19, 1994

Mr. Moe, R.D. moved that House Concurrent Resolution No. 4 be laid on the table. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 3209:

H.F. No. 3209: A bill for an act relating to the financing and operation of state and local government; conforming with changes in the federal income tax law; changing tax brackets, rates, bases, exemptions, withholding, payments, and refunds; allowing tax credits; providing aids to local governments; changing the calculation of property tax refunds; modifying property tax provisions relating to petitions, procedures, valuation, levies, classifications, homesteads, credits, and exemptions; abolishing limited market value; changing certain tax return or report requirements; changing operation of the local government trust fund; authorizing special assessments; authorizing local taxes; enacting provisions relating to certain cities, counties, special taxing districts, and towns; changing certain redemption provisions; reforming state budget procedures; changing the deposit of certain revenues; changing certain bonding provisions and authorizing bonding; modifying tax increment financing requirements; requiring certain permits and permit fees; requiring certain disclosures; requiring studies; transferring and appropriating money and limiting appropriations; amending Minnesota Statutes 1992, sections 16A.711, subdivisions 4 and 5; 60A.15, by adding a subdivision; 124.196; 271.06, subdivision 7; 272.121, subdivision 1; 273.111, subdivision 11; 273.1398, by adding a subdivision; 273.1399, by adding a subdivision; 273.165, subdivision 1; 278.05, subdivision 6; 289A.02, by adding a subdivision; 289A.25, subdivision 5; 290.01, subdivision 19d, and by adding a subdivision; 290.05, subdivision 3, and by adding a subdivision; 290.06, subdivisions 2c and 2d; 290.067, subdivision 1; 290.068, subdivision 2; 290.0802, subdivisions 1 and 2; 290.0921, subdivision 2; 290.35, by adding a subdivision; 290A.04, subdivisions 2 and 2a; 296.16, subdivision 1; 297.01, by adding a subdivision; 297A.01, by adding a subdivision; 297A.02, subdivision 2, and by adding a subdivision; 297A.021, by adding a subdivi-

sion; 297A.135, subdivision 1; 297A.15, subdivision 5; 297A.25, subdivision 9, and by adding subdivisions; 297A.256; 297A.44, subdivision 4; 297C.03, subdivision 6; 297C.13, subdivision 1; 298.017, subdivision 2; 298.26; 340A.311; 360.036, subdivisions 2 and 3; 360.037, subdivision 2; 360.042, subdivision 10; 469.004, subdivision 1a; 469.175, subdivisions 3, 4, and by adding a subdivision; 469.1761, subdivisions 1, 2, and 3; 469.177, subdivision 1a; 473.341; 473H.05, by adding a subdivision; 473H.18; and 580.23, as amended; Minnesota Statutes 1993 Supplement, sections 16A.712; 84.794, subdivision 1; 84.803, subdivision 1; 270.78; 273.11, subdivisions 5, 16, and by adding a subdivision; 273.121; 273.124, subdivision 1; 273.13, subdivisions 23 and 24; 275.065, subdivision 3; 276.04, subdivision 2; 278.01, subdivision 1; 289A.11, subdivision 1; 289A.26, subdivision 7; 289A.60, subdivision 21; 290.01, subdivision 19; 290.091, subdivision 2; 290A.03, subdivision 3; 290A.04, subdivisions 2h, as amended, and 6; 290A.23, subdivision 1; 296.02, subdivision 1a; 296.025, subdivision 1a; 297A.01, subdivision 16; 297B.03; 469.176, subdivisions 1b and 4c; and 477A.03, subdivision 1; Laws 1969, chapter 499, section 2; Laws 1993, chapter 375, article 9, section 51; proposing coding for new law in Minnesota Statutes, chapters 16A; 275; 296; 297A; 297B; 462C; 469; and 473; repealing Minnesota Statutes 1992, sections 290.05, subdivision 6; and 290.067, subdivision 6; Minnesota Statutes 1993 Supplement, sections 82.19, subdivision 9; 273.11, subdivision 1a; and 289A.25, subdivision 5a.

The House respectfully requests that a Conference Committee of 5 members be appointed thereon.

Rest, Jacobs, Rukavina, Dawkins and Goodno have been appointed as such committee on the part of the House.

House File No. 3209 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 19, 1994

Mr. Johnson, D.J. moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 3209, and that a Conference Committee of 5 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on Senate File No. 760, and repassed said bill in accordance with the report of the Committee, so adopted.

S.F. No. 760: A bill for an act relating to natural resources; granting power to the commissioner of natural resources to give nominal gifts, acknowledge contributions, and sell advertising; appropriating money; amending Minnesota Statutes 1992, section 84.027, by adding a subdivision.

Senate File No. 760 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 19, 1994

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on Senate File No. 1744, and repassed said bill in accordance with the report of the Committee, so adopted.

S.F. No. 1744: A bill for an act relating to the city of Lakefield; allowing the city of Lakefield to expand its public utilities commission to five members.

Senate File No. 1744 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 19, 1994

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on Senate File No. 1912, and repassed said bill in accordance with the report of the Committee, so adopted.

S.F. No. 1912: A bill for an act relating to insurance; accident and health; permitting short-term coverage; amending Minnesota Statutes 1993 Supplement, section 62A.65, by adding a subdivision.

Senate File No. 1912 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 19, 1994

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of 5 members of the House, on the amendments adopted by the House to the following Senate File:

S.F. No. 2913: A bill for an act relating to state government; supplementing appropriations for public safety; the environment and natural resources; the general legislative, judicial, and administrative expenses of state government; community development; and human services; fixing and limiting the amount of fees, penalties, and other costs to be collected in certain cases; transferring certain duties and functions; amending Minnesota Statutes 1992, sections 3.737, subdivisions 1 and 4; 16A.124, subdivisions 2 and 7; 16A.127, as amended; 16A.15, subdivision 3; 16B.01, subdivision 4; 16B.05, subdivision 2; 16B.06, subdivisions 1 and 2; 41A.09, subdivisions 2 and 5; 43A.37, subdivision 1; 60K.06; 60K.19, subdivision 8; 62A.046; 62A.048; 62A.27; 62D.102; 82.20, subdivisions 7 and 8; 82.21, by adding a subdivision; 82B.08, subdivisions 4 and 5; 82B.09, subdivision 1; 82B.19, subdivision 1; 83.25; 84.0887, by adding subdivisions; 84A.32, subdivision 1; 85A.02, subdivision 17; 144.804, subdivision 1; 144A.47; 171.06, subdivision 3; 176.102, subdivisions 3a and 14; 176.611, subdivision 6a; 204B.27, by adding a subdivision; 221.041, by adding a subdivision; 221.171, subdivision 2; 245.97, subdivision 1; 246.18, by adding a subdivision; 252.025, by adding a subdivision; 256.74, by adding a subdivision; 256.9365, subdivisions 1 and 3; 256B.056, by adding a subdivision; 256B.0625, subdivision 25, and by adding a subdivision;

256B.0641, subdivision 1; 256B.431, subdivision 17; 256H.05, subdivision 6; 257.62, subdivisions 1, 5, and 6; 257.64, subdivision 3; 257.69, subdivisions 1 and 2; 296.02, subdivision 7; 354.06, subdivision 1; 462A.05, by adding a subdivision; 477A.12; 504.33, subdivision 4; 504.35; 518.171, subdivision 5; and 518.613, subdivision 7; Minnesota Statutes 1993 Supplement, sections 15.50, subdivision 2; 41A.09, subdivision 3; 62A.045; 82.21, subdivision 1; 82.22, subdivisions 6 and 13; 82.34, subdivision 3; 97A.028, subdivisions 1 and 3; 116J.966, subdivision 1; 138.763, subdivision 1; 144A.071, subdivisions 3 and 4a; 239.785, subdivision 2, and by adding a subdivision; 245.97, subdivision 6; 246.18, subdivision 4; 252.46, subdivision 6, and by adding a subdivision; 256.969, subdivision 24; 256B.431, subdivision 24; 256I.04, subdivision 3; 257.55, subdivision 1; 257.57, subdivision 2; 268.98, subdivision 1; 477A.13; 477A.14; 504.33, subdivision 7; 518.171, subdivisions 1, 3, 4, 7, and 8; 518.611, subdivisions 2 and 4; 518.613, subdivision 2; and 518.615, subdivision 3; Laws 1993, chapter 369, section 5, subdivision 4; proposing coding for new law in Minnesota Statutes, chapters 62A; 145; 148; 268; and 518; repealing Minnesota Statutes 1992, sections 16A.06, subdivision 8; 16A.124, subdivision 6; 43A.21, subdivision 5; 62C.141; 62C.143; 62D.106; 62E.04, subdivisions 9 and 10; 268.32; 268.551; 268.552; 355.04; and 355.06; Laws 1985, First Special Session chapter 12, article 11, section 19.

There has been appointed as such committee on the part of the House:

Krueger, Battaglia, Rice, Greenfield and Anderson, R.

Senate File No. 2913 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 19, 1994

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of 5 members of the House, on the amendments adopted by the House to the following Senate File:

S.F. No. 2900: A bill for an act relating to education; appropriating money for education and related purposes to the state board of technical colleges, higher education board, state university board, and board of regents of the University of Minnesota, with certain conditions; modifying the award of grants for faculty exchange and temporary assignment programs; designating community colleges; establishing the mission of Fond du Lac campus; changing certain financial aid grants; modifying the child care grant program; clarifying an exemption to private, business, trade, and correspondence school licensing; providing for appointments; permitting rulemaking; adopting a post-secondary funding formula; permitting the higher education board to establish tuition rates for the 1995-1996 academic year; postponing mandated planning; amending Minnesota Statutes 1992, sections 135A.01; 135A.03, subdivisions 1a, and by adding subdivisions; 135A.04; 136.60, subdivisions 1 and 3; 136A.101, subdivision 5; 136A.121, subdivisions 5, 17, and by adding subdivisions; 136A.125, subdivisions 2, 4, and by adding a subdivision; 136A.15, subdivision 6; and 141.35; Minnesota Statutes 1993 Supplement, sections 125.138, subdivisions 1, 6, and 8; and 135A.05; 136A.121, subdivi-

sion 6; Laws 1993, First Special Session chapter 2, article 5, section 2; proposing coding for new law in Minnesota Statutes, chapters 135A; and 136; repealing Minnesota Statutes 1992, sections 135A.02; 135A.03, subdivisions 1, 2, 3, 4, 5, and 6; 136.60, subdivision 4; and 136C.36.

There has been appointed as such committee on the part of the House:

Pelowski, Carlson, Kinkel, Dorn and Morrison.

Senate File No. 2900 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 19, 1994

Mr. President:

I have the honor to announce the passage by the House of the following House File, herewith transmitted: H.F. No. 3122.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 19, 1994

FIRST READING OF HOUSE BILLS

The following bill was read the first time and referred to the committee indicated.

H.F. No. 3122: A bill for an act relating to public finance; changing procedures for allocating bonding authority; amending Minnesota Statutes 1992, sections 474A.02, subdivisions 8a, 13a, and 23a; 474A.03, subdivision 1; 474A.04, subdivision 1a; 474A.061, subdivision 4; 474A.091, subdivisions 3 and 5; and 474A.131, subdivision 3, and by adding a subdivision; Minnesota Statutes 1993 Supplement, sections 474A.047, subdivision 1; and 474A.061, subdivision 2a.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2836, now on General Orders.

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

Mr. Merriam from the Committee on Finance, to which was re-referred

S.F. No. 2177: A bill for an act relating to children; modifying liability provisions for child abuse investigations; providing for attorney fees in certain actions; providing for the establishment of protocols for investigations; prohibiting certain conflicts of interest; providing for access to data regarding determinations of maltreatment; amending Minnesota Statutes 1992, section 626.556, subdivisions 4, 10e, and by adding subdivisions; Minnesota Statutes 1993 Supplement, section 626.556, subdivision 11.

Reports the same back with the recommendation that the bill be amended as follows:

Page 3, line 1, delete "a"

Page 3, line 2, delete "multidisciplinary task force consisting of"

Page 3, line 6, delete "task force must also"

Page 3, line 7, delete "include" and insert "commissioner shall also consult with"

Page 6, after line 5, insert:

"Sec. 8. [APPROPRIATION.]

\$65,000 is appropriated from the general fund to the commissioner of human services to develop the protocol for abuse and neglect assessments required by section 3. This appropriation must not be included in the budget base for the 1996-1997 biennium."

Amend the title as follows:

Page 1, line 8, after the semicolon, insert "appropriating money;"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Merriam from the Committee on Finance, to which was re-referred

S.F. No. 2685: A bill for an act relating to lawful gambling; regulating the conduct of lawful gambling; adjusting the base of the tax on pull-tabs and tipboards; creating an advisory council on gambling; appropriating money; amending Minnesota Statutes 1992, sections 299L.02, subdivision 5, and by adding a subdivision; 349.12, subdivision 18; 349.13; 349.151, subdivision 4; 349.16, by adding a subdivision; 349.18, subdivision 1; 349.19, subdivision 10; 349.211, subdivision 2a; 349.212, by adding a subdivision; and 541.21; Minnesota Statutes 1993 Supplement, section 349.12, subdivision 25; proposing coding for new law in Minnesota Statutes, chapter 349.

Reports the same back with the recommendation that the bill be amended as follows:

Page 12, delete section 15 and insert:

"Sec. 15. [APPROPRIATIONS.]

Subdivision 1. [COMPULSIVE GAMBLING.] For the fiscal year ending June 30, 1995, for every dollar spent by the state lottery board on advertising, the board shall deposit 25 cents in the general fund for use by the commissioner of human services to pay for compulsive gambling services. The amount deposited is appropriated to the commissioner of human services for this purpose. No more than 12 percent of the amount appropriated for compulsive gambling services under this section may be used to pay administrative costs of the department of human services. The deposit in this section is in addition to the reimbursement required by Laws 1993, chapter 146, article 3, section 4.

Subd. 2. [GAMBLING CONTROL BOARD.] \$40,000 is appropriated from the general fund to the gambling control board for increased duties imposed by section 7."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Merriam from the Committee on Finance, to which was re-referred

S.F. No. 2367: A bill for an act relating to education; defining higher education board authority for bargaining with certain employees; designating certain higher education board employees as unclassified; clarifying transfer provisions for the merger of community colleges, state universities, and technical colleges; transferring bonding authority for the state universities to the higher education board; clarifying the calculation of instructional appropriations; establishing the higher education board as the sole state agency for federal funding for vocational education; providing for appointments of additional student members on the higher education board; authorizing the higher education board to supervise and control construction, improvement, and repair of its facilities; amending Minnesota Statutes 1992, sections 43A.06, subdivision 1; 43A.08, subdivision 1; 43A.18, by adding a subdivision; 135A.03, subdivision 1; 136.31; 136.32; 136.33; 136.34; 136.35; 136.36; 136.37; 136.38; 136.41, by adding a subdivision; 136C.06; 136E.01, subdivisions 1 and 2; 136E.02, subdivision 1; and 179A.10, subdivision 1; Minnesota Statutes 1993 Supplement, sections 43A.18, subdivision 4; 136.41, subdivision 8; and 136E.03; Laws 1991, chapter 356, article 9, sections 8, subdivision 1; 9; 12; and 13; proposing coding for new law in Minnesota Statutes, chapter 136E; repealing Minnesota Statutes 1992, sections 136.31, subdivision 6; 136.40; 136.41, subdivisions 1, 2, 3, 4, 5, 6, and 7; and 136.42.

Reports the same back with the recommendation that the bill be amended as follows:

Page 5, line 11, after "*unclassified*" insert "*managerial*"

Page 5, line 14, after the period, insert "*Before submitting a compensation plan to the legislature and the legislative commission on employee relations, the higher education board must submit the plan to the commissioner of employee relations for review and comment. The commissioner must complete the review within 14 days of its receipt.*"

Page 5, line 16, after "*relations*" insert "*under section 3.855*"

Page 6, after line 14, insert:

"Sec. 6. [REIMBURSEMENT.]

In fiscal year 1995, the higher education board shall reimburse the commissioner of employee relations for staffing and other costs of services associated with negotiating the 1995-1997 collective bargaining agreements for the state universities, community colleges, and technical colleges faculty bargaining units, and the state university administrative service faculty bargaining unit. The amounts reimbursed are appropriated to the commissioner of employee relations to pay for these costs. Before July 1, 1994, the higher education board and the commissioner of employee relations shall confer and agree on the costs and services to be reimbursed. In the absence of an agreement, the higher education board and the commissioner of employee relations shall report to the higher education finance divisions of the legislature by July 1, 1994."

Renumber the sections of article 1 in sequence

Page 6, line 29, delete "board" and insert "commissioner of employee relations"

Page 7, after line 12, insert:

"Effective July 1, 1995, school boards, intermediate school boards, and joint vocational technical boards shall transfer to the higher education board all real property, personal property, and improvements and attachments thereto related to technical colleges as determined by the higher education board, and shall convey all interests in the property. The school boards, intermediate school boards, and joint vocational technical boards shall not receive compensation for the conveyance of the interests. All debt service payments on the transferred property that have a due date on or after July 1, 1995, become the responsibility of the higher education board."

Page 7, line 13, after the second comma, insert "all other"

Page 10, line 22, strike "with the higher education board" and insert "under section 43A.06"

Amend the title as follows:

Page 1, line 16, after the semicolon, insert "permitting reimbursement for certain costs and services relating to collective bargaining;"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Merriam from the Committee on Finance, to which was re-referred

S.F. No. 1133: A bill for an act relating to the environment; establishing a cleanup program for closed landfills; establishing an advisory committee; authorizing rulemaking; providing penalties; providing a voluntary buy-out option for insurance companies; authorizing the sale of state bonds; appropriating money; amending Minnesota Statutes 1992, section 115B.04, by adding a subdivision; Minnesota Statutes 1993 Supplement, sections 115B.42, subdivision 2; 116.07, subdivision 10; proposing coding for new law in Minnesota Statutes, chapter 115B.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 23, delete "5" and insert "7"

Page 2, line 13, after "equipment" insert "and liners"

Page 2, after line 19, insert:

"Subd. 4. [CONTINGENCY ACTION.] "Contingency action" means organized, planned, or coordinated courses of action to be followed in case of fire, explosion, or release of solid waste, waste by-products, or leachate that could threaten human health or the environment.

Subd. 5. [CORRECTIVE ACTION.] "Corrective action" means steps taken to repair facility structures including liners, monitoring wells, separation equipment, covers, and aeration devices and to bring the facility into compliance with design, construction, groundwater, surface water, and air emission standards."

Page 2, line 20, delete "4" and insert "6"

Page 2, line 23, delete "5" and insert "7"

Page 2, after line 26, insert:

"Subd. 8. [ENVIRONMENTAL RESPONSE ACTION.] "Environmental response action" means response action at an eligible facility, including corrective action, closure, postclosure care; contingency action; environmental studies, including remedial investigations and feasibility studies; engineering, including remedial design; removal; remedial action; site construction; and other similar cleanup-related activities.

Subd. 9. [ENVIRONMENTAL RESPONSE COSTS.] "Environmental response costs" means:

(1) costs of environmental response action, not including legal or administrative expenses; and

(2) costs required to be paid to the federal government under section 107(a) of the Federal Superfund Act, as amended."

Page 2, line 27, delete "6" and insert "10"

Page 2, line 30, delete "7" and insert "11"

Page 2, delete lines 34 to 36

Page 3, delete line 1

Page 4, line 5, delete "assign all" and insert "enter into a binding agreement with the commissioner to assign, after May 1, 1996, and by July 1, 1996, only those" and after "policies" insert "for claims covered by subdivision 7, paragraph (c),"

Page 4, after line 19, insert:

"(d) A person or group of persons undertaking actions under paragraph (b) may apply to the commissioner for acceptance of the eligible facility. The application must be in writing and must contain sufficient information to allow the commissioner to determine that the requirements of paragraph (a) have been completed or are otherwise not applicable. The application may not be made later than January 1, 1995."

Page 5, delete line 13

Page 5, line 14, delete "January" and insert "other facilities by June"

Page 7, delete line 15 and insert "estimate environmental response costs"

Page 8, line 14, delete everything after "response" and insert "action that created the liability."

Page 8, delete line 15

Page 8, line 16, delete "subdivision" and insert "paragraph"

Page 8, line 31, delete "or" and insert "and"

Page 9, line 4, after "(c)" insert "Except as provided in paragraph (a),"

Page 9, line 6, after "for" insert "environmental"

Page 9, line 9, delete everything after the first comma

Page 15, after line 12, insert:

"The plans must take into account any restrictions on the disposition of property resulting from the use of bond proceeds to pay for response actions on the property."

Page 16, line 19, delete "and"

Page 16, line 20, before the period, insert "; and"

(10) indemnify responsible persons under section 115B.383, subdivision 7, paragraph (b), except that no more than five percent of the revenue credited to the account in a fiscal year may be used for this purpose"

Page 16, line 22, after "(a)" insert "Environmental" and delete "action"

Page 16, line 23, after "that" insert "are otherwise eligible for reimbursement under subdivision 3 and that"

Page 16, line 26, after "(b)" insert "Environmental" and delete "action"

Page 16, line 31, before "The" insert "(a) Except as provided in paragraph (b)."

Page 16, line 34, delete "owners or operators" and insert "those"

Page 16, line 36, delete "future" and delete everything after "claims" and insert "covered by section 115B.383, subdivision 7, paragraph (a)."

Page 17, delete line 1

Page 17, line 4, before "response" insert "environmental" and delete "action"

Page 17, delete line 6

Page 17, line 7, delete "Act of 1980" and insert "Federal Superfund Act"

Page 17, line 8, after "order" insert "or decree, or other settlement agreement" and after "have" insert "agreed to"

Page 17, delete lines 9 to 15 and insert:

"(i) reimburse, on a proportionate basis from each reimbursement payment received, each person that has contributed funds towards reimbursable costs; and

(ii) waive all claims covered by section 115B.383, subdivision 7, paragraph (a), related to the facility and all other eligible facilities, against all other persons.

(b) A person is not eligible for reimbursement under this section for environmental response costs at a facility if the person's actions relating to a release or threatened release at the facility were in violation of federal or state hazardous waste management laws in effect at the time of those actions."

Page 17, line 16, after "(a)" insert "Environmental" and delete "action" and insert "costs"

Page 17, line 17, delete "expenses"

Page 17, delete lines 23 to 36 and insert:

“(b) For owners or operators, the following costs are not reimbursable:

(1) costs attributable to normal operations of the facility or to activities required under the facility permit or applicable solid waste rules, including corrective action, closure, postclosure, and contingency action; and

(2) the acquisition of real property if required of the owner or operator in order to carry out requirements of the facility permit or applicable solid waste rules.”

Page 18, delete lines 1 to 3

Page 18, lines 5 and 15, delete “1995” and insert “1996”

Page 18, after line 24, insert:

“Sec. 14. [EFFECTIVE DATE.]

Section 4, subdivision 13, is effective May 1, 1996. Section 4, subdivision 14, is effective January 1, 1998.”

Page 18, line 30, after the second comma, insert *“relating to releases that occurred during calendar year 1970, 1971, 1972, or 1973,”*

Page 18, line 34, delete everything after the second *“the”* and insert *“protection afforded by section 115B.383, subdivision 7, paragraph (c), except that no liability protection exists under that provision until the commissioner has received buyout commitments totaling \$75,000,000.”*

Page 18, line 35, delete everything before *“Any”*

Page 19, delete section 2

Page 19, line 6, delete “115B.47” and insert “115B.46”

Page 19, line 13, delete “1985” and insert “1973”

Page 19, lines 16 and 33, delete *“through 1985”* and insert *“and 1973”*

Page 19, lines 26 and 27, delete *“and any credits under subdivision 5”*

Page 20, lines 7 and 10, delete “1985” and insert “1973”

Page 20, line 18, delete “PRELIMINARY” and insert “FINAL” and delete *“The calculation of”*

Page 20, line 19, delete *“preliminary”* and delete *“must be”* and insert *“is”*

Page 20, line 20, delete *“an”* and insert *“the”* and delete the second *“the”* and insert *“\$75,000,000.”*

Page 20, delete lines 21 to 36

Page 21, delete lines 1 and 2

Page 21, line 3, delete everything before *“The”*

Page 21, line 6, delete “7” and insert “5”

Page 21, line 9, delete “8” and insert “6”

Page 21, line 11, after *“reconsider”* insert a period

Page 21, line 14, delete "6" and insert "4"

Page 21, line 19, delete "9" and insert "7"

Page 21, line 20, delete "\$100,000" and insert "\$250,000"

Page 21, line 21, delete "10" and insert "8"

Page 22, lines 13 and 22, delete "27" and insert "28"

Page 22, line 26, after the period, insert "*This paragraph does not apply to a person who transports industrial waste generated by that person to a facility owned and operated by that person.*"

Page 23, lines 12 and 13, delete "*and for reimbursement of expenses under section 3*"

Re-number the sections of article 2 in sequence

Page 23, after line 34, insert:

"ARTICLE 3

ENVIRONMENTAL IMPACT STATEMENT

Section 1. [116G.151] [REQUIRED ENVIRONMENTAL IMPACT STATEMENT; FACILITIES IN MISSISSIPPI RIVER AREA.]

Until completion of an environmental impact statement that is found adequate under chapter 116D, a state or local agency may not issue a permit for construction or operation of a radioactive waste management facility or a metal materials processing project with a processing capacity in excess of 10,000 tons per month that would be located in or adjacent to the Mississippi river critical area, as described in Minnesota Statutes 1992, section 116G.15, or, if a radioactive waste management facility, within a mile of the Mississippi river south of the Mississippi's confluence with the St. Croix river.

This section applies to a radioactive waste management facility notwithstanding legislative ratification or approval of a prior environmental impact statement.

The pollution control agency is the responsible government unit for preparation of an environmental impact statement required under this section.

Amend the title as follows:

Page 1, line 2, after the semicolon, insert "requiring an environmental impact statement for certain operations in critical areas;"

Page 1, line 12, delete "chapter 115B" and insert "chapters 115B; and 116G"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Merriam from the Committee on Finance, to which was re-referred

S.F. No. 1969: A bill for an act relating to state government; administrative rulemaking; revising the procedures for the adoption and review of rules by state agencies; appropriating money; amending Minnesota Statutes 1992,

sections 3.842, subdivisions 2, 4, and by adding subdivisions; 14.04; 14.05, subdivision 2, and by adding a subdivision; 14.06; 14.08; 14.09; 14.131; 14.14, subdivision 1a; 14.15, subdivisions 3 and 4; 14.16, subdivision 1; 14.18, subdivision 1; 14.19; 14.22, subdivision 1; 14.23; 14.24; 14.25; 14.26; 14.365; 14.48; 14.51; 17.84; 43A.04, by adding a subdivision; 84.027, by adding a subdivision; Minnesota Statutes 1993 Supplement, sections 3.841; 3.984, subdivision 2; and 16A.1285, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 4; and 14; repealing Minnesota Statutes 1992, sections 3.846; 14.11; 14.115; 14.12; 14.1311; 14.235; 14.29; 14.30; 14.305; 14.31; 14.32; 14.33; 14.34; 14.35; 14.36; and 17.83; Minnesota Statutes 1993 Supplement, section 14.10.

Reports the same back with the recommendation that the bill be amended as follows:

Page 3, line 25, delete the comma and insert "and"

Page 3, line 26, delete ", and the administrative rules counsel"

Page 5, delete lines 31 to 35

Page 7, lines 29 to 31, delete the new language

Page 11, line 22, delete "(a)"

Page 12, lines 5 and 6, delete the new language

Page 12, delete lines 17 to 26

Page 14, delete section 21

Page 16, line 2, delete the new language

Page 18, lines 9 and 10, delete the new language

Page 25, line 2, delete "or"

Page 25, line 4, before the period, insert "; or

(15) uniform conveyancing forms adopted by the commissioner of commerce under section 507.09"

Page 26, line 4, delete "or"

Page 26, line 6, before the period, insert "; or

(15) uniform conveyancing forms adopted by the commissioner of commerce under section 507.09"

Page 30, line 2, delete "the administrative rules counsel,"

Page 30, after line 6, insert:

"The commissioner may charge agency staff a registration fee for attending this training. The fee must be set at a level that permits the commissioner to recover the costs, excluding costs of staff time for staff positions funded through general fund appropriations, of providing this training.

The office of administrative hearings, the administrative rules counsel, the attorney general, and the revisor of statutes shall not assess the commissioner for the cost of staff time to conduct the training provided under this subdivision.

Sec. 37. Minnesota Statutes 1993 Supplement, section 62N.05, is amended by adding a subdivision to read:

Subd. 5. [RECOVERY OF COSTS.] The provisions of section 16A.1285, subdivision 2, limiting recovery of costs to the two fiscal years immediately preceding the setting, adjustment, or authorization of fees do not apply to fees charged to entities licensed under this chapter. This subdivision expires June 30, 1999."

Page 30, line 10, delete "Minnesota Statutes 1992,"

Page 30, line 11, delete "14.29 to 14.36," and insert "39 to 47"

Page 31, after line 27, insert:

"Sec. 39. [97A.0451] [AUTHORITY FOR USE OF EMERGENCY RULES PROCEDURE; EXPIRATION OF AUTHORITY.]

Subdivision 1. [WHEN TO USE EMERGENCY RULEMAKING.] When the commissioner is directed by statute, federal law, or court order to adopt, amend, suspend, or repeal a rule in a manner that does not allow for compliance with sections 14.14 to 14.28, or if the commissioner is expressly required or authorized by statute to adopt emergency rules, the commissioner shall adopt emergency rules in accordance with sections 97A.0451 to 97A.0459.

Subd. 2. [180-DAY TIME LIMIT.] Unless the commissioner is directed by federal law or court order to adopt, amend, suspend, or repeal a rule in a manner that does not allow for compliance with sections 97A.0451 to 97A.0459, the commissioner may not adopt an emergency rule later than 180 days after the effective date of the statutory authority, except as provided in section 84.027, subdivision 12. If emergency rules are not adopted within the time allowed, the authority for the rules expires. The time limit of this section does not include any days used for review by the attorney general. If the 180-day period expires while the attorney general is reviewing the rule and the attorney general disapproves the rule, the commissioner may resubmit the rule to the attorney general after taking corrective action. The resubmission must occur within five working days after the commissioner receives written notice of disapproval. If the rule is again disapproved by the attorney general, it is withdrawn.

Sec. 40. [97A.0452] [NOTICE OF PROPOSED ADOPTION OF EMERGENCY RULE.]

The proposed emergency rule must be published with a notice of intent to adopt emergency rules in the State Register, and the same notice must be mailed to all persons registered with the commissioner to receive notice of any rulemaking proceedings. The notice must include a statement advising the public that a free copy of the proposed rule is available on request from the commissioner and that notice of the date of submission of the proposed emergency rule to the attorney general will be mailed to any person requesting to receive the notice. For at least 25 days after publication the commissioner shall afford all interested persons an opportunity to submit data and views on the proposed emergency rule in writing. The notice must also include the date on which the 25-day comment period ends.

Sec. 41. [97A.0453] [NOTICE TO COMMITTEES FOR FEES FIXED BY RULE.]

Before the commissioner submits notice to the State Register of intent to adopt emergency rules that establish or adjust fees, the commissioner shall comply with section 16A.128, subdivision 2a.

Sec. 42. [97A.0454] [MODIFICATIONS OF PROPOSED EMERGENCY RULE.]

The proposed emergency rule may be modified if the modifications are supported by the data and views submitted to the commissioner.

Sec. 43. [97A.0455] [SUBMISSION OF PROPOSED EMERGENCY RULE TO ATTORNEY GENERAL.]

Subdivision 1. [SUBMISSION.] The commissioner shall submit to the attorney general the proposed emergency rule as published, with any modifications. On the same day that it is submitted, the commissioner shall mail notice of the submission to all persons who requested to be informed that the proposed emergency rule has been submitted to the attorney general. If the proposed emergency rule has been modified, the notice must state that fact, and must state that a free copy of the proposed emergency rule, as modified, is available upon request from the commissioner.

Subd. 2. [REVIEW.] The attorney general shall review the proposed emergency rule as to its legality, review its form to the extent the form relates to legality, and shall approve or disapprove the proposed emergency rule and any modifications on the tenth working day following the date of receipt of the proposed emergency rule from the commissioner. The attorney general shall send a statement of reasons for disapproval of the rule to the commissioner, the chief administrative law judge, the legislative commission to review administrative rules, and to the revisor of statutes.

The attorney general shall disregard any error or defect in the proceeding due to the commissioner's failure to satisfy any procedural requirement imposed by law or rule if the attorney general finds:

(1) that the failure did not deprive any person or entity of an opportunity to participate meaningfully in the rulemaking process; or

(2) that the commissioner has taken corrective action to cure the error or defect so that the failure did not deprive any person or entity of an opportunity to participate meaningfully in the rulemaking process.

Subd. 3. [COSTS.] The attorney general shall assess the commissioner for the actual cost of processing rules under this section. The commissioner shall include in the department's budget money to pay the attorney general's assessment. Receipts from the assessment must be deposited in the state treasury and credited to the general fund.

Sec. 44. [97A.0456] [EFFECTIVE DATE OF EMERGENCY RULE.]

The emergency rule takes effect five working days after approval by the attorney general. The attorney general shall file two copies of the approved emergency rule with the secretary of state. The secretary of state shall forward one copy of each approved and filed emergency rule to the revisor of statutes. Failure of the attorney general to approve or disapprove a proposed emergency rule within ten working days is approval.

Sec. 45. [97A.0457] [PUBLICATION OF APPROVAL.]

As soon as practicable, notice of the attorney general's decision must be published in the State Register and the adopted rule must be published in the manner as provided for adopted rules in section 14.18.

Sec. 46. [97A.0458] [EFFECTIVE PERIOD OF EMERGENCY RULE.]

Emergency rules adopted under sections 97A.0451 to 97A.0459 shall be effective for the period stated in the notice of intent to adopt emergency rules which may not be longer than 180 days. The emergency rules may be continued in effect for an additional period of up to 180 days if the commissioner gives notice of continuation by publishing notice in the State Register and mailing the same notice to all persons registered with the commissioner to receive notice of any rulemaking proceedings. The continuation is not effective until these notices have been mailed. No emergency rule may remain in effect on a date 361 days after its original effective date. The emergency rules may not be continued in effect after 360 days without following the procedure of sections 14.14 to 14.28.

Sec. 47. [97A.0459] [APPROVAL OF FORM OF EMERGENCY RULE.]

No approved emergency rule shall be filed with the secretary of state or published in the State Register unless the revisor of statutes has certified that the emergency rule's form is approved."

Page 31, line 31, delete "40" and insert "49"

Page 32, line 2, delete "\$....." and insert "\$78,000"

Page 33, line 4, delete "27" and insert "26"

Page 33, line 5, delete "35,"

Page 33, line 5, delete "31, 35, 36, 42" and insert "30, 35, 51"

Page 33, line 6, delete "30 and 34" and insert "29 and 33"

Page 33, line 9, after the period, insert "Section 34 is effective for costs incurred after June 30, 1994." and delete "39" and insert "48"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 10, delete "14.18, subdivision 1;"

Page 1, line 15, delete "and" and after the semicolon, insert "and 62N.05, by adding a subdivision;"

Page 1, line 16, delete "and" and after the second semicolon, insert "and 97A;"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Merriam from the Committee on Finance, to which was referred

S.F. No. 2707: A bill for an act relating to the attorney general; changing procedures for charging fees; amending Minnesota Statutes 1992, section 8.06; Minnesota Statutes 1993 Supplement, section 8.15.

Reports the same back with the recommendation that the bill be amended as follows:

Page 4, after line 1, insert:

“Sec. 3. [REPORT.]

The attorney general shall report to the chairs of the senate committee on finance and the house of representatives committee on ways and means by November 1, 1998, on the operation of the system for charging for attorney general services provided for by this act, including any recommendations for legislative changes to the system.”

Page 4, line 2, delete “3” and insert “4”

Page 4, line 3, delete “Sections 1 and 2 are” and insert “This act is”

Amend the title as follows:

Page 1, line 3, after the semicolon, insert “appropriating money;”

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Merriam from the Committee on Finance, to which was re-referred

S.F. No. 1944: A bill for an act relating to employment; restoring the purchasing power of a minimum wage salary; amending Minnesota Statutes 1992, section 177.24, subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, after line 7, insert:

“Sec. 2. [APPROPRIATION.]

\$714,000 is appropriated from the public employees insurance reserve holding account established by Minnesota Statutes, section 353.65, subdivision 7, to the commissioner of human services to pay increased medical assistance grants required by this act.”

Page 2, line 8, delete “2” and insert “3”

Page 2, line 9, delete “Section 1” and insert “This act”

Amend the title as follows:

Page 1, line 3, after the semicolon, insert “appropriating money;”

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Merriam from the Committee on Finance, to which was re-referred

S.F. No. 1858: A bill for an act relating to natural resources; authorizing the commissioner of administration to sell lands in the Gordy Yaeger wildlife management area in Olmsted county; appropriating money.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Merriam from the Committee on Finance, to which was re-referred

S.F. No. 2313: A bill for an act relating to the environment; establishing an environmental cleanup program for landfills; expanding the authority of the commissioner of the pollution control agency to issue determinations regarding liability for releases of hazardous substances and petroleum; authorizing the sale of state bonds; appropriating money; amending Minnesota Statutes 1992, sections 115B.04, by adding a subdivision; and 115C.03, subdivision 9; Minnesota Statutes 1993 Supplement, sections 115B.178, subdivision 1; 115B.42, subdivision 2; and 116.07, subdivision 10; proposing coding for new law in Minnesota Statutes, chapter 115B.

Reports the same back with the recommendation that the bill be amended as follows:

Pages 1 to 22, delete articles 1 and 2

Page 22, delete lines 21 and 22

Amend the title as follows:

Page 1, lines 2 and 3, delete "establishing an environmental cleanup program for landfills;"

Page 1, lines 7 and 8, delete "authorizing the sale of state bonds; appropriating money;"

Page 1, delete line 9 and insert "section"

Page 1, line 11, delete "sections" and insert "section" and delete "115B.42," and insert a period

Page 1, delete lines 12 and 13

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Merriam from the Committee on Finance, to which was re-referred

S.F. No. 2090: A bill for an act relating to family law; modifying provisions dealing with the computation, administration, and enforcement of child support; modifying service provisions; providing for certain custody determinations; amending Minnesota Statutes 1992, sections 518.11; 518.17, subdivision 1; 518B.01, subdivision 8; and 548.091, subdivision 2a; Minnesota Statutes 1993 Supplement, sections 13.46, subdivision 2; 256.87, subdivision 5; 518.14; 518.171, subdivisions 1 and 6; 518.551, subdivision 5; 518.64, subdivision 2; and 518.68, subdivisions 1, 2, and 3; proposing coding for new law in Minnesota Statutes, chapters 8; and 518; repealing Minnesota Statutes 1993 Supplement, section 518.551, subdivision 10.

Reports the same back with the recommendation that the bill be amended as follows:

Page 8, line 22, delete "shall" and insert ", in consultation with the commissioner of human services, may"

Pages 8 to 11, delete section 2

Pages 21 and 22, delete section 8

Page 31, delete section 15 and insert:

"Sec. 13. [APPROPRIATION.]

\$150,000 is appropriated from the general fund to the commissioner of human services to plan and design the child support assurance program provided for by section 12, to be available until June 30, 1995."

Page 31, delete line 21

Page 31, line 22, delete "4" and insert "3" and delete "apply" and insert "applies"

Page 31, line 25, delete "6" and insert "5"

Renumber the sections of article 2 in sequence

Amend the title as follows:

Page 1, line 5, after the semicolon, insert "appropriating money;"

Page 1, line 9, delete "13.46, subdivision 2;"

And when so amended the bill do pass. Amendments adopted. Report adopted.

SECOND READING OF SENATE BILLS

S.F. Nos. 2177, 2685, 2367, 1133, 1969, 2707, 1944, 1858, 2313 and 2090 were read the second time.

MOTIONS AND RESOLUTIONS - CONTINUED

RECESS

Mr. Moe, R.D. moved that the Senate do now recess subject to the call of the President. The motion prevailed.

After a brief recess, the President called the Senate to order.

APPOINTMENTS

Mr. Moe, R.D. from the Subcommittee on Committees recommends that the following Senators be and they hereby are appointed as a Conference Committee on:

S.F. No. 2393: Messrs. Larson, Metzen, Ms. Johnston, Messrs. Vickerman and Riveness.

S.F. No. 1712: Messrs. Johnson, D.E.; Riveness and Hottinger.

H.F. No. 2411: Messrs. Lessard, Finn and Mrs. Pariseau.

H.F. No. 2617: Messrs. Solon, Metzen and Day.

S.F. No. 2709: Messrs. Berg, Larson and Sams.

H.F. No. 3209: Mr. Johnson, D.J.; Meses. Flynn, Reichgott Junge, Messrs. Hottinger and Belanger

Mr. Moe, R.D. moved that the foregoing appointments be approved. The motion prevailed.

MEMBERS EXCUSED

Messrs. Beckman and Terwilliger were excused from the Session of today.

Ms. Berglin was excused from the Session of today from 8:00 to 10:30 a.m.
Mr. Pogemiller was excused from the Session of today from 8:00 to 8:45 a.m.
Mr. Chandler was excused from the Session of today from 9:30 to 10:00 a.m.
Mr. Murphy was excused from the Session of today from 9:15 a.m. to 12:05 p.m.
Mr. Novak was excused from the Session of today from 9:30 to 10:45 a.m.
Ms. Johnson, J.B. was excused from the Session of today from 11:30 to 11:45 a.m.
Ms. Ranum was excused from the Session of today from 11:30 to 11:40 a.m.
Mr. Samuelson was excused from the Session of today at 11:15 a.m.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 8:30 a.m., Wednesday, April 20, 1994. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

NINETY-FOURTH DAY

St. Paul, Minnesota, Wednesday, April 20, 1994.

The Senate met at 8:30 a.m. and was called to order by the President.

CALL OF THE SENATE

Mr. Moe, R.D. imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

Prayer was offered by the Chaplain, Rev. Paul A. Anderson.

The roll was called, and the following Senators answered to their names:

Adkins	Dille	Knutson	Moe, R.D.	Reichgott Junge
Anderson	Finn	Krentz	Morse	Riveness
Belanger	Flynn	Kroening	Murphy	Robertson
Benson, D.D.	Frederickson	Laidig	Neuville	Runbeck
Benson, J.E.	Hanson	Langseth	Novak	Sams
Berg	Hottinger	Larson	Oliver	Samuelson
Berglin	Janezich	Lesewski	Olson	Solon
Bertram	Johnson, D.E.	Lessard	Pappas	Spear
Betzold	Johnson, D.J.	Luther	Pariseau	Stevens
Chandler	Johnson, J.B.	Marty	Piper	Stumpf
Chmielewski	Johnston	McGowan	Pogemiller	Terwilliger
Cohen	Kelly	Merriam	Price	Vickerman
Day	Kiscaden	Metzen	Ranum	Wiener

The President declared a quorum present.

The reading of the Journal was dispensed with and the Journal, as printed and corrected, was approved.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communications were received and referred to the committees indicated.

September 30, 1993

The Honorable Allan H. Spear
President of the Senate

Dear Sir:

The following appointments are hereby respectfully submitted to the Senate for confirmation as required by law:

MINNESOTA RURAL FINANCE AUTHORITY

Christopher J. Skaalen, 235 W. Center St., Harmony, Fillmore County, has been appointed by me, effective October 4, 1993, for a term expiring on the first Monday in January, 1997.

Andrew Walters, R.R. 2, Balaton, Lyon County, has been appointed by me, effective October 4, 1993, for a term expiring on the first Monday in January, 1997.

(Referred to the Committee on Agriculture and Rural Development.)

March 7, 1994

The Honorable Allan H. Spear
President of the Senate

Dear Sir:

The following appointments are hereby respectfully submitted to the Senate for confirmation as required by law:

STATE UNIVERSITY BOARD

Tom Forsythe, 6424 Maloney Ave., Edina, Hennepin County, has been appointed by me, effective March 9, 1994, for a term expiring on the first Monday in January, 1996.

Roger Knauss, 561 Othmar Ln., Rockville, Stearns County, has been appointed by me, effective March 9, 1994, for a term expiring on the first Monday in January, 1998.

Elizabeth Pegues, 27 Nord Cir., North Oaks, Ramsey County, has been appointed by me, effective March 9, 1994, for a term expiring on the first Monday in January, 1998.

(Referred to the Committee on Education.)

April 15, 1994

The Honorable Allan H. Spear
President of the Senate

Dear Sir:

The following appointments are hereby respectfully submitted to the Senate for confirmation as required by law:

BOARD ON JUDICIAL STANDARDS

Robert W. Johnson, 2006 - 1st Ave. N., Suite 201, Anoka, Anoka County, has been appointed by me, effective April 20, 1994, for a term expiring on the first Monday in January, 1998.

Verna Kelly, 900 - 13th Ave. S.W., Willmar, Kandiyohi County, has been appointed by me, effective April 20, 1994, for a term expiring on the first Monday in January, 1998.

(Referred to the Committee on Judiciary.)

Warmest regards,
Arne H. Carlson, Governor

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of 5 members of the House, on the amendments adopted by the House to the following Senate File:

S.F. No. 1662: A bill for an act relating to family; adopting the uniform interstate family support act; repealing the revised uniform reciprocal enforcement of support act; proposing coding for new law in Minnesota Statutes, chapter 518C; repealing Minnesota Statutes 1992, sections 518C.01 to 518C.36.

There has been appointed as such committee on the part of the House:

Wejzman, Farrell, Garcia, Rukavina and Swenson.

Senate File No. 1662 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 19, 1994

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S.F. No. 584: A bill for an act relating to free speech; protecting citizens and organizations from civil lawsuits for exercising their rights of public participation in government; proposing coding for new law as Minnesota Statutes, chapter 554.

Senate File No. 584 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 19, 1994

Ms. Krentz moved that the Senate do not concur in the amendments by the House to S.F. No. 584, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S.F. No. 2303: A bill for an act relating to highway safety; requiring persons age 55 or over to complete a refresher course in accident prevention in order to remain eligible for a reduction in private passenger vehicle insurance rates; amending Minnesota Statutes 1992, section 65B.28.

Senate File No. 2303 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 19, 1994

Ms. Pappas moved that the Senate do not concur in the amendments by the House to S.F. No. 2303, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S.F. No. 2009: A bill for an act relating to public safety; increasing membership of emergency response commission by one representative of emergency managers; amending Minnesota Statutes 1992, section 299K.03, subdivision 3.

Senate File No. 2009 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 19, 1994

Mr. Moe, R.D. moved that S.F. No. 2009 be laid on the table. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 3051, 2028 and 3193.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 19, 1994

FIRST READING OF HOUSE BILLS

The following bills were read the first time and referred to the committees indicated.

H.F. No. 3051: A bill for an act relating to local government; providing for creation of water and sewer district and Cross Lake area water and sanitary sewer board to administer the district; providing for collection, treatment, and disposal of sewage in the Cross Lake area; amending Laws 1993, chapter 55, section 1.

Referred to the Committee on Taxes and Tax Laws:

H.F. No. 2028: A bill for an act relating to data practices; classifying data as private, confidential, or nonpublic; providing for access to certain law enforcement and court services data on juveniles; providing law enforcement access to certain welfare and patient directory information; providing for treatment of customer data by videotape sellers and service providers; providing for data access to conduct fetal, infant, and maternal death studies; extending a provision for conduct of medical research absent prior patient consent; amending Minnesota Statutes 1992, sections 13.03, subdivision 4; 13.38, by adding a subdivision; 13.39, by adding a subdivision; 13.41, subdivision 2, and by adding a subdivision; 13.57; 13.71, by adding subdivisions; 13.76, by adding a subdivision; 13.82, by adding a subdivision; 13.99, subdivisions 7, 39, 45, 53, 60, 71, 79, and by adding subdivisions; 144.581, subdivision 5; 171.12, subdivision 7; 260.161, by adding a subdivision; 471.705; Minnesota Statutes 1993 Supplement, sections 13.43, subdivision 2; 13.46, subdivision 2; 13.643, by adding a subdivision; 13.82, subdivision 4; 121.8355, by adding a subdivision; 144.335, subdivision 3a; 144.651, subdivisions 2, 21, and 26; 168.346; 245.493, by adding a subdivision; 253B.03, subdivisions 3 and 4; 260.161, subdivisions 1 and 3; proposing coding for new law in Minnesota Statutes, chapters 144; 145; proposing coding for new law as Minnesota Statutes, chapter 325I.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2079, now on General Orders.

H.F. No. 3193: A bill for an act relating to public finance; providing conditions and requirements for the issuance of debt; authorizing the use of revenue recapture by certain housing agencies; clarifying a property tax exemption; allowing school districts to make and levy for certain contract or lease purchases; changing contract requirements for certain projects; changing certain debt service fund requirements; authorizing use of special assessments for on-site water contamination improvements; authorizing an increase in the membership of county housing and redevelopment authorities; amending Minnesota Statutes 1992, sections 270A.03, subdivision 2; 383.06, subdivision 2; 429.011, by adding a subdivision; 429.031, subdivision 3; 469.006, subdivision 1; 469.015, subdivision 4; 469.158; 469.184, by adding a subdivision; 471.56, subdivision 5; 471.562, subdivision 3, and by adding a subdivision; 475.52, subdivision 1; 475.53, subdivision 5; 475.54, subdivision 16; 475.66, subdivision 1; and 475.79; Minnesota Statutes 1993 Supplement, sections 124.91, subdivision 3; 272.02, subdivision 1; and 469.033, subdivision 6; proposing coding for new law in Minnesota Statutes, chapter 469.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2884.

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 2046 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
2046	1922				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 2046 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2046 and insert the language after the enacting clause of S.F. No. 1922, the first engrossment; further, delete the title of H.F. No. 2046 and insert the title of S.F. No. 1922, the first engrossment.

And when so amended H.F. No. 2046 will be identical to S.F. No. 1922, and further recommends that H.F. No. 2046 be given its second reading and substituted for S.F. No. 1922, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 3136 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
3136	2291				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 3136 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 3136 and insert the language after the enacting clause of S.F. No. 2291; further, delete the title of H.F. No. 3136 and insert the title of S.F. No. 2291.

And when so amended H.F. No. 3136 will be identical to S.F. No. 2291, and further recommends that H.F. No. 3136 be given its second reading and substituted for S.F. No. 2291, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 2485 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
2485	2220				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 2485 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2485 and insert the language after the enacting clause of S.F. No. 2220, the second engrossment; further, delete the title of H.F. No. 2485 and insert the title of S.F. No. 2220, the second engrossment.

And when so amended H.F. No. 2485 will be identical to S.F. No. 2220, and further recommends that H.F. No. 2485 be given its second reading and substituted for S.F. No. 2220, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 1919 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1919	1984				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1919 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1919 and insert the language after the enacting clause of S.F. No. 1984, the first engrossment; further, delete the title of H.F. No. 1919 and insert the title of S.F. No. 1984, the first engrossment.

And when so amended H.F. No. 1919 will be identical to S.F. No. 1984, and further recommends that H.F. No. 1919 be given its second reading and substituted for S.F. No. 1984, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Merriam from the Committee on Finance, to which was re-referred

S.F. No. 2498: A bill for an act relating to retirement; offering options of

coverage for employees of the higher education board upon merger of the state university system, community college board, and technical college board; amending Minnesota Statutes 1992, sections 136E.04, by adding a subdivision; 354.66, subdivision 2; 354B.07, subdivision 1; and 354B.08; Minnesota Statutes 1993 Supplement, sections 352.01, subdivision 2b; 353.01, subdivision 2a; 354B.02, subdivision 3c; and 354B.05, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 136C; and 136E.

Reports the same back with the recommendation that the bill be amended as follows:

Page 3, line 19, after the second "*colleges,*" insert "*and the restructuring of the higher education coordinating board,*"

Page 3, line 20, after "*of*" insert "*the higher education coordinating board,*"

Page 3, line 24, after "*merger*" insert "*and restructuring*"

Page 3, line 25, delete "*system*" and insert "*board or the executive director of the higher education coordinating board*"

Page 3, line 28, after "*board*" insert "*and the higher education coordinating board*"

Page 3, line 30, after "*merger*" insert "*or restructuring*"

Page 3, line 35, after "*of*" insert "*the higher education coordinating board,*"

Page 4, line 15, delete "*system*" and insert "*board or the executive director of the higher education coordinating board*"

Page 4, line 21, after "*board*" insert "*, the higher education coordinating board,*"

Page 4, line 26, before the period, insert "*or the higher education coordinating board*"

Page 4, line 29, delete "*three-month*" and insert "*six-month*"

Page 4, line 30, after "*board*" insert "*or the higher education coordinating board*"

Page 5, line 12, delete "*either of*" and before the colon, insert "*instead of the incentive in paragraph (d)*"

Page 5, line 13, delete "*at*" and insert "*to*"

Page 5, line 27, delete "*or*" and insert "*and*"

Page 5, lines 30 and 31, delete "*five*" and insert "*two*"

Page 5, delete lines 35 and 36

Page 6, delete lines 1 to 32 and insert:

"(i) Eligible employees may have the additional payment made on the basis of the employee's base salary in the year of separation as denoted in the salary schedule in the applicable employer personnel policy and at the rate and in the manner specified in section 352.04, 353.27, 354.42, or 354A.12, whichever applies. The employee payment must include interest at the rate of 8.5

percent. The employer shall make the required employer contribution and employer additional contribution to the retirement fund as specified in section 352.04, 353.27, 354.42, or 354A.12, whichever applies for an employee who elects this option. Both the required employee and employer payments must be made to the fund before the employee's date of retirement or separation, whichever is earlier."

And when so amended the bill do pass. Amendments adopted. Report adopted.

SECOND READING OF SENATE BILLS

S.F. No. 2498 was read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 2046, 3136, 2485 and 1919 were read the second time.

MOTIONS AND RESOLUTIONS

Messrs. Terwilliger and Stumpf introduced—

Senate Resolution No. 84: A Senate resolution congratulating John Harris, Edina, Minnesota on his performance in golf competition.

Referred to the Committee on Rules and Administration.

Messrs. Stumpf, Larson, Lessard and Moe, R.D. introduced—

Senate Resolution No. 85: A Senate resolution congratulating Polaris Industries, L.P., of Roseau, Minnesota, for 40 years of operation.

Referred to the Committee on Rules and Administration.

Mr. Moe, R.D. moved that House Concurrent Resolution No. 4 be taken from the table. The motion prevailed.

House Concurrent Resolution No. 4: A House concurrent resolution providing for a joint convention of the Senate and the House of Representatives, to elect a member 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 Thursday, April 21, 1994, at 9:00 a.m., in the chamber of the House of Representatives to elect a member to the Board of Regents of the University of Minnesota.

Mr. Moe, R.D. moved the adoption of the foregoing resolution. The motion prevailed. So the resolution was adopted.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated H.F. No. 2275 a Special Order to be heard immediately.

SPECIAL ORDER

H.F. No. 2275: A bill for an act relating to taxes; making tax policy, collections, and administrative changes; amending Minnesota Statutes 1992, sections 168.011, subdivision 8; 168.012, subdivision 9; 239.05, subdivision 10a; 239.761, subdivision 3; 270.052; 270.0605; 270.10, by adding a subdivision; 270.60, subdivisions 1 and 2; 270.69, subdivision 4, and by adding a subdivision; 270.70, subdivision 2; 270.72, subdivision 1; 270B.02, subdivisions 3 and 5; 270B.03, subdivision 1; 270B.12, subdivision 3, and by adding a subdivision; 270B.14, by adding a subdivision; 273.12; 289A.37, subdivision 1; 289A.60, by adding subdivisions; 290.01, subdivision 3a; 290A.08; 290A.18, subdivision 2; 296.01, subdivisions 14, 18, 19, 20, 32, 34, and by adding subdivisions; 296.02, subdivision 1; 296.025, subdivision 1, and by adding a subdivision; 296.06, subdivision 2; 296.12, subdivisions 1, 2, 3, 4, 5, 8, 10, and 11; 296.15, subdivisions 2, 4, 5, and 6; 296.16, subdivision 2; 296.165, subdivision 1; 296.25, subdivision 1, and by adding a subdivision; 297.03, subdivision 7; 297A.25, subdivision 9; and 297C.13, subdivision 1; Minnesota Statutes 1993 Supplement, sections 116.07, subdivision 10; 270.06; 270.41, subdivision 5; 270B.01, subdivision 8; 272.115, subdivision 1; 273.124, subdivision 13; 275.065, subdivision 6; 289A.18, subdivision 4; 289A.20, subdivision 4; 290.01, subdivision 19; 297A.01, subdivision 15; 297A.07, subdivision 1; and 297A.25, subdivision 11; proposing coding for new law in Minnesota Statutes, chapters 270; 296; 297; 384; and 385; repealing Minnesota Statutes 1992, sections 270.0604, subdivision 6; 272.09; 272.46, subdivision 1; 272.47; 296.03; 296.14; 296.15, subdivision 3; and 297A.07, subdivision 2.

Ms. Flynn moved that the amendment made to H.F. No. 2275 by the Committee on Rules and Administration in the report adopted April 6, 1994, pursuant to Rule 49, be stricken. The motion prevailed. So the amendment was stricken.

H.F. No. 2275 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Day	Kiscaden	Metzen	Reichgott Junge
Anderson	Dille	Knutson	Moe, R.D.	Riveness
Belanger	Finn	Krentz	Morse	Robertson
Benson, D.D.	Flynn	Kroening	Murphy	Runbeck
Benson, J.E.	Frederickson	Laidig	Neuville	Sams
Berg	Hanson	Langseth	Novak	Samuelson
Berglin	Hottinger	Larson	Oliver	Spear
Bertram	Janczich	Lesewski	Olson	Stevens
Betzold	Johnson, D.E.	Lessard	Pappas	Stumpf
Chandler	Johnson, D.J.	Luther	Pariseau	Terwilliger
Chmielewski	Johnson, J.B.	Marty	Piper	Vickerman
Cohen	Johnston	Merriam	Price	Wiener

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 2367 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 2367: A bill for an act relating to education; defining higher education board authority for bargaining with certain employees; designating certain higher education board employees as unclassified; clarifying transfer provisions for the merger of community colleges, state universities, and technical colleges; transferring bonding authority for the state universities to the higher education board; clarifying the calculation of instructional appropriations; establishing the higher education board as the sole state agency for federal funding for vocational education; providing for appointments of additional student members on the higher education board; authorizing the higher education board to supervise and control construction, improvement, and repair of its facilities; permitting reimbursement for certain costs and services relating to collective bargaining; amending Minnesota Statutes 1992, sections 43A.06, subdivision 1; 43A.08, subdivision 1; 43A.18, by adding a subdivision; 135A.03, subdivision 1; 136.31; 136.32; 136.33; 136.34; 136.35; 136.36; 136.37; 136.38; 136.41, by adding a subdivision; 136C.06; 136E.01, subdivisions 1 and 2; 136E.02, subdivision 1; and 179A.10, subdivision 1; Minnesota Statutes 1993 Supplement, sections 43A.18, subdivision 4; 136.41, subdivision 8; and 136E.03; Laws 1991, chapter 356, article 9, sections 8, subdivision 1; 9; 12; and 13; proposing coding for new law in Minnesota Statutes, chapter 136E; repealing Minnesota Statutes 1992, sections 136.31, subdivision 6; 136.40; 136.41, subdivisions 1, 2, 3, 4, 5, 6, and 7; and 136.42.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 58 and nays 5, as follows:

Those who voted in the affirmative were:

Adkins	Day	Kiscaden	Metzen	Robertson
Anderson	Dille	Knutson	Moe, R.D.	Sams
Belanger	Finn	Krentz	Morse	Samuelson
Benson, D.D.	Flynn	Kroening	Murphy	Solon
Benson, J.E.	Frederickson	Laidig	Neuville	Spear
Berg	Hanson	Langseth	Novak	Stevens
Berglin	Hottinger	Larson	Pappas	Stumpf
Bertram	Janezich	Lessard	Piper	Terwilliger
Betzold	Johnson, D.E.	Luther	Price	Vickerman
Chandler	Johnson, D.J.	Marty	Ranum	Wiener
Chmielewski	Johnson, J.B.	McGowan	Reichgott Junge	
Cohen	Johnston	Merriam	Riveness	

Those who voted in the negative were:

Lesewski	Oliver	Olson	Pariseau	Runbeck
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So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

SUSPENSION OF RULES

Mr. Moe, R.D. moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota, with respect to S.F. No. 2498 and that the rules of the Senate be so far suspended as to give S.F. No. 2498, now on General Orders, its third reading and place it on its final passage. The motion prevailed.

S.F. No. 2498: A bill for an act relating to retirement; offering options of

coverage for employees of the higher education board upon merger of the state university system, community college board, and technical college board; amending Minnesota Statutes 1992, sections 136E.04, by adding a subdivision; 354.66, subdivision 2; 354B.07, subdivision 1; and 354B.08; Minnesota Statutes 1993 Supplement, sections 352.01, subdivision 2b; 353.01, subdivision 2a; 354B.02, subdivision 3c; and 354B.05, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 136C; and 136E.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Day	Krentz	Moe, R.D.	Riveness
Anderson	Finn	Kroening	Morse	Robertson
Belanger	Flynn	Laidig	Neuville	Runbeck
Benson, D.D.	Frederickson	Langseth	Oliver	Sams
Benson, J.E.	Hanson	Larson	Olson	Samuelson
Berg	Hottinger	Lesewski	Pappas	Solon
Berglin	Janezich	Lessard	Pariseau	Spear
Bertram	Johnson, D.E.	Luther	Piper	Stevens
Betzold	Johnson, J.B.	Marty	Pogemiller	Stumpf
Chandler	Johnston	McGowan	Price	Terwilliger
Chmielewski	Kiscaden	Merriam	Ranum	Vickerman
Cohen	Knutson	Metzen	Reichgott Junge	Wiener

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Moe, R.D. moved that H.F. No. 2351 be taken from the table: The motion prevailed.

H.F. No. 2351: A bill for an act relating to crime and crime prevention; appropriating money for the attorney general, department of administration, public defense, courts, corrections, criminal justice, and crime prevention and education programs; increasing penalties for a variety of violent crimes; increasing regulation of and penalties for unlawful possession or use of firearms and other dangerous weapons; providing for access to and sharing of government data relating to criminal investigations; improving law enforcement investigations of reports of missing and endangered children; enhancing 911 telephone service; providing a number of new investigative tools for law enforcement agencies; regulating explosives and blasting agents; modifying programs in state and local correctional facilities; increasing crime victim rights and protections; increasing court witness fees; requiring a study of civil commitment laws; completing the state takeover of public defender services; authorizing a variety of crime prevention programs; making it a crime to engage in behavior that transmits the HIV virus; requiring dangerous repeat offenders to serve mandatory minimum terms; requiring inmates to contribute to costs of confinement; providing mandatory minimum sentences for certain criminal sexual conduct offenses; providing that certain sex offenders shall serve indeterminate sentences; making it a crime to possess a dangerous weapon in any courthouse and certain state public buildings; mandating that parents are responsible for providing health care to children; amending Minnesota Statutes 1992, sections 2.722, subdivision 1; 8.06; 13.99, subdivision 79; 84.9691; 123.3514, subdivision 3, and by adding a subdivision; 126.02, subdivision 1; 144.125; 145A.05, by adding a subdivision; 152.01, by

adding a subdivision; 152.021, subdivision 1; 152.024, subdivision 1; 169.89, subdivision 2; 171.18, subdivision 1; 171.22, subdivision 2; 241.26, subdivision 7; 243.05, subdivision 1, and by adding subdivisions; 243.166, subdivision 5; 243.18, subdivision 1; 243.23, subdivision 2; 243.24, subdivision 1; 244.09, by adding a subdivision; 244.12, subdivisions 1 and 2; 244.15, subdivision 4; 253B.19, subdivision 2; 260.161, by adding a subdivision; 299A.31; 299A.32, subdivision 3; 299A.38, subdivision 3; 299C.065, as amended; 299C.11; 299C.14; 299C.52, subdivision 1; 299C.53, subdivision 1, and by adding a subdivision; 299D.07; 299F.71; 299F.72, subdivision 2, and by adding subdivisions; 299F.73; 299F.74; 299F.75; 299F.77; 299F.78, subdivision 1; 299F.79; 299F.80; 299F.82; 299F.83; 352.91, by adding subdivisions; 352.92, subdivision 2; 357.22; 357.241; 357.242; 383B.225, subdivision 6; 388.051, by adding a subdivision; 403.02, by adding a subdivision; 403.11, subdivisions 1 and 4; 477A.012, by adding a subdivision; 480.09, by adding a subdivision; 485.06; 494.05; 508.11; 600.23, subdivision 1; 609.0331; 609.0332; 609.152, by adding a subdivision; 609.165, by adding a subdivision; 609.185; 609.2231, subdivision 2; 609.224, by adding a subdivision; 609.245; 609.25, subdivision 2; 609.321, subdivision 12; 609.3241; 609.325, subdivision 2; 609.341, subdivisions 11, 12, and by adding subdivisions; 609.342, subdivisions 1 and 2; 609.3451, subdivision 1; 609.377; 609.485, subdivisions 2 and 4; 609.497, subdivision 1, and by adding a subdivision; 609.506, by adding subdivisions; 609.52, subdivision 3; 609.5315, subdivision 3; 609.561, by adding a subdivision; 609.611; 609.66, subdivisions 1, 1b, 1c, and by adding a subdivision; 609.713, subdivision 3; 609.72, subdivision 1; 609.855; 609.87, by adding a subdivision; 609.88, subdivision 1; 609.89, subdivision 1; 611.21; 611.26, subdivisions 4 and 6; 611A.036; 611A.045, subdivision 3; 611A.19; 611A.53, subdivision 2; 617.23; 624.714, subdivision 3; 626.556, subdivisions 3a and 10e; 626.557, subdivisions 2, 10a, and 12; 626.76; 626.846, subdivision 6; 626A.05, subdivision 2; 629.471; 629.73; and 631.425, subdivision 6; Minnesota Statutes 1993 Supplement, sections 8.15; 13.46, subdivision 2; 13.82, subdivision 10; 144.651, subdivisions 2, 21, and 26; 152.022, subdivision 1; 152.023, subdivision 2; 171.24; 242.51; 243.166, subdivisions 1, 2, 3, 4, 6, and 9; 243.18, subdivision 2; 244.05, subdivisions 4 and 5; 244.101, by adding a subdivision; 244.14, subdivision 3; 253B.03, subdivisions 3 and 4; 260.161, subdivisions 1 and 3; 299C.10, subdivision 1; 299C.65, subdivision 1; 357.021, subdivision 2; 357.24; 388.23, subdivision 1; 401.13; 462A.202, by adding a subdivision; 473.407, subdivision 1; 480.30; 518B.01, subdivisions 2, 6, and 14; 593.48; 609.11, subdivisions 4, 5, 7, 8, and by adding a subdivision; 609.14, subdivision 1; 609.344, subdivision 1; 609.345, subdivision 1; 609.346, subdivision 2; 609.378, subdivision 1; 609.531, subdivision 1; 609.66, subdivision 1a; 609.685, subdivision 3; 609.713, subdivision 1; 609.748, subdivision 5; 609.902, subdivision 4; 611.17; 611.20, subdivision 2; 611.27, subdivision 4; 611A.04, subdivision 1; 611A.06, subdivision 1; 611A.52, subdivision 8; 624.712, subdivision 5; 624.713, subdivision 1; 624.7131, subdivision 1; 624.7132, subdivisions 1 and 12; 624.7181; 626.556, subdivision 2; and 626.861, subdivision 4; Laws 1993, chapter 146, article 2, section 32; proposing coding for new law in Minnesota Statutes, chapters 8; 16B; 116J; 126; 144; 241; 243; 245; 253B; 268; 299C; 299F; 403; 609; 611A; 626; and 629; repealing Minnesota Statutes 1992, sections 152.01, subdivision 17; 260.315; 299F.72, subdivisions 3 and 4; 299F.78, subdivision 2; 299F.815, as amended; 609.0332, subdivision 2; and 629.69; Minnesota Statutes 1993 Supplement, sections 243.18, subdivision 3; and 299F.811.

SUSPENSION OF RULES

Mr. Moe, R.D. moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota, with respect to H.F. No. 2351 and that the rules of the Senate be so far suspended as to give H.F. No. 2351 its second and third reading and place it on its final passage. The motion prevailed.

H.F. No. 2351 was read the second time.

Mr. Spear moved to amend H.F. No. 2351 as follows:

Delete everything after the enacting clause and insert:

“ARTICLE 1**Section 1. CRIMINAL JUSTICE; APPROPRIATIONS**

The sums shown in the column marked “APPROPRIATIONS” are appropriated from the general fund, or another fund named, to the agencies and for the purposes specified in this article, to be available for the fiscal years indicated for each purpose. They are added to the appropriations for the fiscal years ending June 30, 1994, and June 30, 1995, in Laws 1993, chapter 146, articles 2 and 3, or another named law.

SUMMARY BY FUND

	1994	1995	TOTAL
General	1,454,000	32,834,000	34,288,000
TOTAL	1,454,000	32,834,000	34,288,000

SUMMARY BY AGENCY

	1994	1995	TOTAL
CORRECTIONS	1,449,000	22,606,000	24,055,000
CORRECTIONS OMBUDSMAN	-0-	67,000	67,000
GAMBLING CONTROL BOARD	5,000	143,000	148,000
HUMAN SERVICES	-0-	100,000	100,000
PUBLIC SAFETY	-0-	500,000	500,000
COUNCIL ON AFFAIRS OF SPANISH-SPEAKING PEOPLE	-0-	50,000	50,000
HEALTH	-0-	200,000	200,000
JOBS AND TRAINING	-0-	950,000	950,000
BOARD OF PUBLIC DEFENSE	-0-	4,368,000	4,368,000
SUPREME COURT	-0-	175,000	175,000
DISTRICT COURTS	-0-	3,675,000	3,675,000

APPROPRIATIONS
Available for the Year
Ending June 30
1994 1995

	\$	\$
Sec. 2. CRIMINAL JUSTICE; SUPPLEMENTAL APPROPRIATIONS TOTAL	1,454,000	20,416,000
Subdivision 1. Corrections	1,449,000	20,206,000

These appropriations are to the commissioner of corrections for the purposes described in this subdivision.

(a) Correctional Institutions	1,449,000	19,906,000
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(1) To provide for additional operating expenses associated with the conversion of the Lino Lakes correctional facility to a central adult reception center and expansion of male bed capacity at the facility; and to provide for additional operating expenses associated with expansion of adult male bed capacity at the Faribault correctional facility upon the transfer of buildings from the department of human services to the department of corrections.	1,449,000	14,566,000
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Notwithstanding any law to the contrary, the commissioner of human services may transfer any building or buildings on the Faribault regional treatment center campus to the department of corrections upon a determination that the building or buildings are no longer needed for residential treatment services programs.

(2) To provide for special medical care costs for correctional inmates.	-0-	600,000
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(3) To fulfill salary obligations.	-0-	4,300,000
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(4) To provide residential chemical dependency services at the level of 230 beds.	-0-	440,000
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(b) Management Services	-0-	300,000
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(1) For grants to programs for juvenile female offenders as described in article 6, section 16.	-0-	100,000
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(2) For domestic abuse advocacy services in judicial assignment districts not currently receiving grants from the department.	-0-	200,000
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Subd. 2. Corrections Ombudsman	-0-	67,000
Subd. 3. Gambling Control Board	5,000	143,000

For administering the inspection activities necessary to assure the integrity of pull-tab dispensing devices in the state. These appropriations are contingent on passage of separate legislation authorizing pull-tab dispensing devices.

Sec. 3. OMNIBUS ANTI-CRIME PROVISIONS	-0-	4,200,000
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Subdivision 1. Corrections	-0-	2,400,000
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These appropriations are to the commissioner of corrections for the purposes described in this subdivision.

(a) \$500,000 is for the process of selecting and developing two work and learn sites, as described in article 8, section 1.

(b) \$1,000,000 is for probation services statewide.

(c) \$800,000 is for intensive transitional programming as described in article 6, section 17.

(d) \$100,000 is for a grant to the joint community corrections program of Dodge, Fillmore, and Olmsted counties to provide alternative programming for offenders who are presumptive commitments to state prison.

Subd. 2. Human Services	-0-	100,000
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This appropriation is to the commissioner of human services to implement the CHIPS-delinquents intervention demonstration project and prepare the report described in article 8, section 7.

\$50,000 is for the development and testing of an instrument to measure the outcome of out-of-home placements for juveniles. The commissioner shall consult with the commissioner of corrections on the design of the instrument and implementation of the study. The commissioner shall report to the chairs of the senate crime prevention committee and the house of representatives judiciary committee regarding the results of the development and testing by September 1, 1995.

Subd. 3. Public Safety

-0-

500,000

These appropriations are to the commissioner of public safety for the purposes described in this subdivision.

(a) \$100,000 is for the crime information reward fund and \$150,000 is for the witness and victim protection fund, as described in article 4, section 5, subdivisions 1a and 1b.

(b) \$25,000 is for a grant to the Nett Lake community crime and drug prevention program.

(c) \$50,000 is for a grant to the Region Nine development commission for grants to community-based early intervention and prevention projects.

(d) \$25,000 is for the study and report conducted by the chemical abuse and violence prevention council, as described in article 8, section 9. The council may use all or part of this appropriation to hire up to one staff position.

(e) \$50,000 is transferred from the insurance trust fund created in Minnesota Statutes, section 43A.316, subdivision 9, to the general fund for appropriation to the commissioner of public safety for a grant to fund the activities of a statewide youth safety initiative coordinated by the Minnesota student safety program.

(f) \$100,000 is for the crime victims ombudsman.

Subd. 4. Council on Affairs of Spanish-Speaking People

-0-

50,000

\$50,000 is appropriated from the general fund to the council on the affairs of Spanish-speaking people to interview school district officials, and identify and interview Chicano/Latino student drop-outs and their parents, by population subgroups in selected Minnesota school districts, to identify the causes and factors which lead Chicano/Latino students to leave school before completing the requirements to receive the diploma. The council shall make recommendations to the chairs of the senate crime prevention committee and the house of representa-

tives judiciary committee by January 15, 1995. The council must consult with the state board of education in conducting this study.

Subd. 5. Jobs and Training -0- 950,000

These appropriations are to the commissioner of jobs and training for the purposes described in this subdivision.

(a) \$900,000 is for summer youth employment, to be used to complement the federal Job Training Partnership Act in order to provide summer youth employment opportunities.

(b) \$50,000 is for a juvenile match, to be used to maximize the federal funds available for juvenile justice programs which target at-risk youth.

Subd. 6. Health -0- 200,000

(a) Pilot Projects 150,000

This appropriation is for the institute for child and adolescent sexual health to conduct pilot projects.

(b) Teen Pregnancy Reduction 50,000

This appropriation is to develop, in consultation with the commissioner of education and a representative from Minnesota planning, a program to reduce teen pregnancy modeled after the education now and babies later (ENABL) program in California.

Sec. 4. PUBLIC DEFENSE SERVICES -0- 4,368,000

This appropriation is to the board of public defense for the purposes described in article 9, for the period January 1, 1995, to June 30, 1995. This appropriation shall be annualized for the 1996-1997 biennium. This appropriation may be used to fund no more than one dispositional advisor in each judicial district.

Sec. 5. SUPREME COURT

(a) Court Interpreter Program 100,000

(b) Commitment Study 75,000

Sec. 6. DISTRICT COURTS

(a) Human Resources Enhancements 2,577,000

(b) Jury Service Enhancements	1,043,000
(c) New Judge Orientation	25,000
(d) Sexual Assault Cases	30,000

This appropriation is for the trial courts to conduct training for the judicial district coordinating councils on the dynamics of sexual assault and on model programs for handling sexual assault cases.

Sec. 7. [UNCODIFIED LANGUAGE.]

All uncodified language contained in this article expires on June 30, 1995, unless a different expiration is explicit.

Sec. 8. [REPEALER.]

Laws 1993, chapter 146, article 2, sections 15 and 18, are repealed.

ARTICLE 2

CRIMINAL PROVISIONS

Section 1. Minnesota Statutes 1992, section 169.89, subdivision 2, is amended to read:

Subd. 2. [PENALTY; JURY TRIAL.] A person charged with a petty misdemeanor is not entitled to a jury trial but shall be tried by a judge without a jury. If convicted, the person is not subject to imprisonment but shall be punished by a fine of not more than ~~\$100~~ \$200.

Sec. 2. Minnesota Statutes 1992, section 171.18, subdivision 1, is amended to read:

Subdivision 1. [OFFENSES.] The commissioner may suspend the license of 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;

(2) has been convicted by a court for violating a provision of chapter 169 or an ordinance regulating traffic and department records show that the violation contributed in causing an accident resulting in the death or personal injury of another, or serious property damage;

(3) is an habitually reckless or negligent driver of a motor vehicle;

(4) is an habitual violator of the traffic laws;

(5) is incompetent to drive a motor vehicle as determined in a judicial proceeding;

(6) has permitted an unlawful or fraudulent use of the license;

(7) has committed an offense in another state that, if committed in this state, would be grounds for suspension;

(8) has committed a violation of section 169.444, subdivision 2, paragraph (a);

(9) has committed a violation of section 171.22, *except that the commissioner may not suspend a person's driver's license based solely on the fact that the person possessed a fictitious or fraudulently altered Minnesota identification card;*

(10) has failed to appear in court as provided in section 169.92, subdivision 4; or

(11) has failed to report a medical condition that, if reported, would have resulted in cancellation of driving privileges.

However, an action taken by the commissioner under clause (2) or (5) must conform to the recommendation of the court when made in connection with the prosecution of the licensee.

Sec. 3. Minnesota Statutes 1993 Supplement, section 171.24, is amended to read:

171.24 [VIOLATIONS; DRIVING WITHOUT VALID LICENSE.]

~~(a)~~ *Subdivision 1. [DRIVING AFTER SUSPENSION.] Except as otherwise provided in paragraph ~~(e)~~ subdivision 5, any a person whose is guilty of a misdemeanor if:*

(1) the person's driver's license or driving privilege has been ~~canceled~~, suspended, or ~~revoked~~ and who;

(2) the person has been given notice of, or reasonably should know of the ~~revocation~~, suspension, or ~~cancellation~~; and who

(3) the person disobeys ~~such~~ the order by operating ~~anywhere~~ in this state any motor vehicle, the operation of which requires a driver's license, while ~~such~~ the person's license or privilege is ~~canceled~~, suspended, or ~~revoked~~ is guilty of a misdemeanor.

~~(b)~~ *Subd. 2. [DRIVING AFTER REVOCATION.] A person is guilty of a misdemeanor if:*

(1) the person's driver's license or driving privilege has been ~~revoked~~;

(2) the person has been given notice of or reasonably should know of the ~~revocation~~; and

(3) the person disobeys the order by operating in this state any motor vehicle, the operation of which requires a driver's license, while the person's license or privilege is ~~revoked~~.

Subd. 3. [DRIVING AFTER CANCELLATION.] A person is guilty of a misdemeanor if:

(1) the person's driver's license or driving privilege has been ~~canceled~~;

(2) the person has been given notice of or reasonably should know of the ~~cancellation~~; and

(3) the person disobeys the order by operating in this state any motor vehicle, the operation of which requires a driver's license, while the person's license or privilege is ~~canceled~~.

Subd. 4. [DRIVING AFTER DISQUALIFICATION.] ~~Any~~ A person who is guilty of a misdemeanor if the person:

(1) has been disqualified from holding a commercial driver's license or been denied the privilege to operate a commercial motor vehicle, ~~who~~;

(2) has been given notice of or reasonably should know of the disqualification; and ~~who~~

(3) disobeys the order by operating in this state a commercial motor vehicle while the person is disqualified to hold the license or privilege, ~~is guilty of a misdemeanor.~~

(e) *Subd. 5. [GROSS MISDEMEANOR.]* A person is guilty of a gross misdemeanor if:

(1) the person's driver's license or driving ~~privileges~~ *privilege* has been canceled *or denied* under section 171.04, subdivision 1, clause (8), and;

(2) the person has been given notice of or reasonably should know of the cancellation *or denial*; and

(2) (3) the person disobeys the order by operating in this state any motor vehicle, the operation of which requires a driver's license, while the person's license or privilege is canceled *or denied*.

Subd. 6. [SUFFICIENCY OF NOTICE.] (a) Notice of revocation, suspension, cancellation, or disqualification is sufficient if personally served, or if mailed by first class mail to the person's last known address or to the address listed on the person's driver's license. Notice is also sufficient if the person was informed that revocation, suspension, cancellation, or disqualification would be imposed upon a condition occurring or failing to occur, and where the condition has in fact occurred or failed to occur.

(b) It is not a defense that a person failed to file a change of address with the post office, or failed to notify the department of public safety of a change of name or address as required under section 171.11.

Sec. 4. Minnesota Statutes 1992, section 219.383, subdivision 4, is amended to read:

Subd. 4. [PENALTY.] A railway corporation violating this section is guilty of a misdemeanor and upon conviction is liable for a fine of ~~not less than \$25 nor more than \$200~~ \$700.

Sec. 5. Minnesota Statutes 1992, section 244.09, is amended by adding a subdivision to read:

Subd. 14. [REPORT ON MANDATORY MINIMUM SENTENCES.] The sentencing guidelines commission shall include in its annual report to the legislature a summary and analysis of reports received from county attorneys under section 10.

Sec. 6. Minnesota Statutes 1992, 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; *except that the examiner shall cause to be destroyed any firearm or other weapon that is not released to or claimed by a decedent's spouse or blood relative.* 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. 7. Minnesota Statutes 1993 Supplement, section 518B.01, subdivision 6, is amended to read:

Subd. 6. [RELIEF BY THE COURT.] (a) Upon notice and hearing, the court may provide relief as follows:

- (1) restrain the abusing party from committing acts of domestic abuse;
- (2) exclude the abusing party from the dwelling which the parties share or from the residence of the petitioner;
- (3) *exclude the abusing party from the area surrounding the dwelling or residence to a distance of 300 feet, or one city block, whichever distance is greater;*
- (4) award temporary custody or establish temporary visitation with regard to minor children of the parties on a basis which gives primary consideration to the safety of the victim and the children. Except for cases in which custody is contested, findings under section 257.025, 518.17, or 518.175 are not required. If the court finds that the safety of the victim or the children will be jeopardized by unsupervised or unrestricted visitation, the court shall condition or restrict visitation as to time, place, duration, or supervision, or deny visitation entirely, as needed to guard the safety of the victim and the children. The court's decision on custody and visitation shall in no way delay the issuance of an order for protection granting other reliefs provided for in this section;
- (4) (5) on the same basis as is provided in chapter 518, establish temporary support for minor children or a spouse, and order the withholding of support from the income of the person obligated to pay the support according to chapter 518;
- (5) (6) provide upon request of the petitioner counseling or other social services for the parties, if married, or if there are minor children;
- (6) (7) order the abusing party to participate in treatment or counseling services;
- (7) (8) award temporary use and possession of property and restrain one or both parties from transferring, encumbering, concealing, or disposing of property except in the usual course of business or for the necessities of life, and to account to the court for all such transfers, encumbrances, dispositions, and expenditures made after the order is served or communicated to the party restrained in open court;
- (8) (9) exclude the abusing party from the place of employment of the petitioner, or otherwise limit access to the petitioner by the abusing party at the petitioner's place of employment;

(9) (10) order the abusing party to pay restitution to the petitioner;

(10) (11) order the continuance of all currently available insurance coverage without change in coverage or beneficiary designation; and

(11) (12) order, in its discretion, other relief as it deems necessary for the protection of a family or household member, including orders or directives to the sheriff or constable, as provided by this section.

(b) Any relief granted by the order for protection shall be for a fixed period not to exceed one year, except when the court determines a longer fixed period is appropriate.

(c) An order granting the relief authorized in paragraph (a), clause (1), may not be vacated or modified in a proceeding for dissolution of marriage or legal separation, except that the court may hear a motion for modification of an order for protection concurrently with a proceeding for dissolution of marriage upon notice of motion and motion. The notice required by court rule shall not be waived. If the proceedings are consolidated and the motion to modify is granted, a separate order for modification of an order for protection shall be issued.

(d) An order granting the relief authorized in paragraph (a), clause (2), is not voided by the admittance of the abusing party into the dwelling from which the abusing party is excluded.

(e) If a proceeding for dissolution of marriage or legal separation is pending between the parties, the court shall provide a copy of the order for protection to the court with jurisdiction over the dissolution or separation proceeding for inclusion in its file.

(f) An order for restitution issued under this subdivision is enforceable as civil judgment.

Sec. 8. Minnesota Statutes 1992, section 609.0331, is amended to read:

609.0331 [INCREASED MAXIMUM PENALTIES FOR PETTY MISDEMEANORS.]

~~Except as provided in this section, A law of this state that provides, on or after August 1, 1987, for a maximum penalty of \$100 for a petty misdemeanor is considered to provide for a maximum fine of \$200. However, a petty misdemeanor under chapter 168 or 169 remains subject to a maximum fine of \$100, except that a violation of chapter 168 or 169 that was originally charged as a misdemeanor and is being treated as a petty misdemeanor under section 609.131 or the rules of criminal procedure is subject to a maximum fine of \$200.~~

Sec. 9. Minnesota Statutes 1992, section 609.0332, is amended to read:

609.0332 [INCREASED MAXIMUM PENALTY FOR PETTY MISDEMEANOR ORDINANCE VIOLATIONS.]

~~Subdivision 1. [INCREASED FINE.] From August 1, 1987, if a state law or municipal charter sets a limit of \$100 or less on the fines that a statutory or home rule charter city, town, county, or other political subdivision may prescribe for an ordinance violation that is defined as a petty misdemeanor, that law or charter is considered to provide that the political subdivision has~~

the power to prescribe a maximum fine of \$200 for the petty misdemeanor violation.

~~Subd. 2. [EXCEPTION.] Notwithstanding subdivision 1, no fine of more than \$100 may be imposed for a petty misdemeanor ordinance violation which conforms in substantial part to a petty misdemeanor provision contained in section 152.027, subdivision 4, or chapter 168 or 169.~~

Sec. 10. Minnesota Statutes 1993 Supplement, section 609.11, is amended by adding a subdivision to read:

Subd. 10. [REPORT ON CRIMINAL CASES INVOLVING A FIREARM.] Beginning on July 1, 1994, every county attorney shall collect and maintain the following information on criminal complaints and prosecutions within the county attorney's office in which the defendant is alleged to have committed an offense listed in subdivision 9 while possessing or using a firearm:

(1) whether the case was charged or dismissed;

(2) whether the defendant was convicted of the offense or a lesser offense; and

(3) whether the mandatory minimum sentence required under this section was imposed and executed or was waived by the prosecutor or court.

No later than July 1 of each year, beginning on July 1, 1995, the county attorney shall forward this information to the sentencing guidelines commission upon forms prescribed by the commission.

Sec. 11. Minnesota Statutes 1992, section 609.185, is amended to read:

609.185 [MURDER IN THE FIRST DEGREE.]

Whoever does any of the following is guilty of murder in the first degree and shall be sentenced to imprisonment for life:

(1) causes the death of a human being with premeditation and with intent to effect the death of the person or of another;

(2) causes the death of a human being while committing or attempting to commit criminal sexual conduct in the first or second degree with force or violence, either upon or affecting the person or another;

(3) causes the death of a human being with intent to effect the death of the person or another, while committing or attempting to commit burglary, aggravated robbery, kidnapping, arson in the first or second degree, tampering with a witness in the first degree, escape from custody, or any felony violation of chapter 152 involving the unlawful sale of a controlled substance;

(4) causes the death of a peace officer or a guard employed at a Minnesota state correctional facility, with intent to effect the death of that person or another, while the peace officer or guard is engaged in the performance of official duties;

(5) causes the death of a minor under circumstances other than those described in clause (1) or (2) while committing child abuse, when the perpetrator has engaged in a past pattern of child abuse upon the child and the death occurs under circumstances manifesting an extreme indifference to human life; or

(6) causes the death of a human being under circumstances other than those described in clause (1), (2), or (5) while committing domestic abuse, when the perpetrator has engaged in a past pattern of domestic abuse upon the victim and the death occurs under circumstances manifesting an extreme indifference to human life.

For purposes of clause (5), "child abuse" means an act committed against a minor victim that constitutes a violation of *the following laws of this state or any similar laws of the United States or any other state*: section 609.221; 609.222; 609.223; 609.224; 609.342; 609.343; 609.344; 609.345; 609.377; 609.378; or 609.713.

For purposes of clause (6), "domestic abuse" means an act that:

(1) constitutes a violation of section 609.221, 609.222, 609.223, 609.224, 609.342, 609.343, 609.344; 609.345, or 609.713, or any similar laws of the United States or any other state; and

(2) is committed against the victim who is a family or household member as defined in section 518B.01, subdivision 2, paragraph (b).

Sec. 12. Minnesota Statutes 1992, section 609.20, is amended to read:

609.20 [MANSLAUGHTER IN THE FIRST DEGREE.]

Whoever does any of the following is guilty of manslaughter in the first degree and may be sentenced to imprisonment for not more than 15 years or to payment of a fine of not more than \$30,000, or both:

(1) intentionally causes the death of another person in the heat of passion provoked by such words or acts of another as would provoke a person of ordinary self-control under like circumstances, provided that the crying of a child does not constitute provocation;

(2) causes the death of another in committing or attempting to commit a misdemeanor or gross misdemeanor offense with such force and violence that death of or great bodily harm to any person was reasonably foreseeable, and murder in the first or second degree was not committed thereby;

(3) intentionally causes the death of another person because the actor is coerced by threats made by someone other than the actor's coconspirator and which cause the actor reasonably to believe that the act performed by the actor is the only means of preventing imminent death to the actor or another; or

(4) proximately causes the death of another, without intent to cause death by, directly or indirectly, unlawfully selling, giving away, bartering, delivering, exchanging, distributing, or administering a controlled substance classified in schedule III, IV, or V; or

(5) intentionally causes the death of another person in the heat of passion provoked by a past pattern of domestic abuse, as defined in section 609.185, committed by the deceased against the actor.

Sec. 13. Minnesota Statutes 1992, section 609.223, is amended by adding a subdivision to read:

Subd. 3. [FELONY; VICTIM UNDER THREE.] Whoever assaults a victim under the age of three, and causes bodily harm to the child's head, eyes, or neck, or otherwise causes multiple bruises to the body, is guilty of a felony and

may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both.

Sec. 14. Minnesota Statutes 1992, section 609.245, is amended to read:

609.245 [AGGRAVATED ROBBERY.]

Subdivision 1. [FIRST DEGREE.] Whoever, while committing a robbery, is armed with a dangerous weapon or any article used or fashioned in a manner to lead the victim to reasonably believe it to be a dangerous weapon, or inflicts bodily harm upon another, is guilty of aggravated robbery *in the first degree* and may be sentenced to imprisonment for not more than 20 years or to payment of a fine of not more than \$35,000, or both.

Subd. 2. [SECOND DEGREE.] Whoever, while committing a robbery, implies, by word or act, possession of a dangerous weapon, is guilty of aggravated robbery *in the second degree* and may be sentenced to imprisonment for not more than 15 years or to payment of a fine of not more than \$30,000, or both.

Sec. 15. Minnesota Statutes 1992, section 609.28, is amended to read:

609.28 [INTERFERING WITH RELIGIOUS OBSERVANCE.]

Subdivision 1. [INTERFERENCE.] Whoever, by threats or violence, intentionally prevents another person from performing any lawful act enjoined upon or recommended to the person by the religion which the person professes is guilty of a misdemeanor.

Subd. 2. [PHYSICAL INTERFERENCE PROHIBITED.] A person is guilty of a gross misdemeanor who intentionally and physically obstructs any individual's access to or egress from a religious establishment. This subdivision does not apply to the exclusion of a person from the establishment at the request of an official of the religious organization.

Subd. 3. [DEFINITION.] For purposes of subdivision 2, a "religious establishment" is a building used for worship services by a religious organization and clearly identified as such by a posted sign or other means.

Sec. 16. Minnesota Statutes 1992, section 609.341, subdivision 4, is amended to read:

Subd. 4. (a) "Consent" means a ~~voluntary uncoerced manifestation of a present agreement to perform a particular sexual act with the actor~~ words or overt actions by a person indicating a freely given present agreement to perform a particular sexual act with the actor. Consent does not mean the existence of a prior or current social relationship between the actor and the complainant or that the complainant failed to resist a particular sexual act.

(b) A person who is mentally impaired, mentally incapacitated, or physically helpless as defined by this section cannot consent to a sexual act.

(c) Corroboration of the victim's testimony is not required to show lack of consent.

Sec. 17. Minnesota Statutes 1992, section 609.341, subdivision 7, is amended to read:

Subd. 7. "Mentally incapacitated" means:

(1) that a person under the influence of alcohol, a narcotic, anesthetic, or any other substance, administered to that person without the person's agreement, lacks the judgment to give a reasoned consent to sexual contact or sexual penetration; or

(2) that a person under 18 years of age and under the influence of alcohol, a narcotic, anesthetic, or any other substance, lacks the judgment to give a reasoned consent to sexual contact or sexual penetration when the actor is more than 48 months older than the person and the actor sells, barter, furnishes, or gives the alcohol, narcotic, anesthetic, or other substance to the person.

Sec. 18. Minnesota Statutes 1992, section 609.341, subdivision 11, is amended to read:

Subd. 11. (a) "Sexual contact," for the purposes of sections 609.343, subdivision 1, clauses (a) to (f), and 609.345, subdivision 1, clauses (a) to (e), and (h) to (k), includes any of the following acts committed without the complainant's consent, except in those cases where consent is not a defense, and committed with sexual or aggressive intent:

(i) the intentional touching by the actor of the complainant's intimate parts, or

(ii) the touching by the complainant of the actor's, the complainant's, or another's intimate parts effected by coercion or the use of a position of authority, or by inducement if the complainant is under 13 years of age or mentally impaired, or

(iii) the touching by another of the complainant's intimate parts effected by coercion or the use of a position of authority, or

(iv) in any of the cases above, the touching of the clothing covering the immediate area of the intimate parts.

(b) "Sexual contact," for the purposes of sections 609.343, subdivision 1, clauses (g) and (h), and 609.345, subdivision 1, clauses (f) and (g), includes any of the following acts committed with sexual or aggressive intent:

(i) the intentional touching by the actor of the complainant's intimate parts;

(ii) the touching by the complainant of the actor's, the complainant's, or another's intimate parts;

(iii) the touching by another of the complainant's intimate parts; or

(iv) in any of the cases listed above, touching of the clothing covering the immediate area of the intimate parts.

(c) "Sexual contact with a person under 13" means the intentional touching by the actor of the complainant's bare genitals or anal opening with sexual or aggressive intent or the touching by the complainant of the actor's or another's bare genitals or anal opening with sexual or aggressive intent.

Sec. 19. Minnesota Statutes 1992, section 609.341, subdivision 12, is amended to read:

Subd. 12. "Sexual penetration" means any of the following acts committed without the complainant's consent, except in those cases where consent is not a defense, whether or not emission of semen occurs:

(1) sexual intercourse, cunnilingus, fellatio, or anal intercourse; or

(2) any intrusion however slight into the genital or anal openings:

(i) of the complainant's body ~~of~~ by any part of the actor's body or any object used by the actor for this purpose, ~~where the act is committed without the complainant's consent, except in those cases where consent is not a defense. Emission of semen is not necessary;~~

(ii) of the complainant's body by any part of the body of the complainant, by any part of the body of another person, or by any object used by the complainant or another person for this purpose, when effected by coercion or the use of a position of authority, or by inducement if the child is under 13 years of age or mentally impaired; or

(iii) of the body of the actor or another person by any part of the body of the complainant or by any object used by the complainant for this purpose, when effected by coercion or the use of a position of authority, or by inducement if the child is under 13 years of age or mentally impaired.

Sec. 20. Minnesota Statutes 1992, section 609.342, subdivision 1, is amended to read:

Subdivision 1. [CRIME DEFINED.] A person who engages in sexual penetration with another person, or in sexual contact with a person under 13 as defined in section 18, paragraph (c), is guilty of criminal sexual conduct in the first degree if any of the following circumstances exists:

(a) the complainant is under 13 years of age and the actor is more than 36 months older than the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;

(b) the complainant is at least 13 but less than 16 years of age and the actor is more than 48 months older than the complainant and in a position of authority over the complainant, and uses this authority to cause the complainant to submit. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;

(c) circumstances existing at the time of the act cause the complainant to have a reasonable fear of imminent great bodily harm to the complainant or another;

(d) the actor is armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant to reasonably believe it to be a dangerous weapon and uses or threatens to use the weapon or article to cause the complainant to submit;

(e) the actor causes personal injury to the complainant, and either of the following circumstances exist:

(i) the actor uses force or coercion to accomplish sexual penetration; or

(ii) the actor knows or has reason to know that the complainant is mentally impaired, mentally incapacitated, or physically helpless;

(f) the actor is aided or abetted by one or more accomplices within the meaning of section 609.05, and either of the following circumstances exists:

(i) an accomplice uses force or coercion to cause the complainant to submit; or

(ii) an accomplice is armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant reasonably to believe it to be a dangerous weapon and uses or threatens to use the weapon or article to cause the complainant to submit;

(g) the actor has a significant relationship to the complainant and the complainant was under 16 years of age at the time of the sexual penetration. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense; or

(h) the actor has a significant relationship to the complainant, the complainant was under 16 years of age at the time of the sexual penetration, and:

(i) the actor or an accomplice used force or coercion to accomplish the penetration;

(ii) the complainant suffered personal injury; or

(iii) the sexual abuse involved multiple acts committed over an extended period of time.

Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense.

Sec. 21. Minnesota Statutes 1993 Supplement, section 609.345, subdivision 1, is amended to read:

Subdivision 1. [CRIME DEFINED.] A person who engages in sexual contact with another person is guilty of criminal sexual conduct in the fourth degree if any of the following circumstances exists:

(a) the complainant is under 13 years of age and the actor is no more than 36 months older than the complainant. Neither mistake as to the complainant's age or consent to the act by the complainant is a defense. In a prosecution under this clause, the state is not required to prove that the sexual contact was coerced;

(b) the complainant is at least 13 but less than 16 years of age and the actor is more than 48 months older than the complainant or in a position of authority over the complainant and uses this authority to cause the complainant to submit. *Consent by the complainant to the act is not a defense.* In any such case, it shall be an affirmative defense which must be proved by a preponderance of the evidence that the actor believes the complainant to be 16 years of age or older;

(c) the actor uses force or coercion to accomplish the sexual contact;

(d) the actor knows or has reason to know that the complainant is mentally impaired, mentally incapacitated, or physically helpless;

(e) the complainant is at least 16 but less than 18 years of age and the actor is more than 48 months older than the complainant and in a position of authority over the complainant, and uses this authority to cause the complainant to submit. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;

(f) the actor has a significant relationship to the complainant and the complainant was at least 16 but under 18 years of age at the time of the sexual contact. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;

(g) the actor has a significant relationship to the complainant, the complainant was at least 16 but under 18 years of age at the time of the sexual contact, and:

(i) the actor or an accomplice used force or coercion to accomplish the contact;

(ii) the complainant suffered personal injury; or

(iii) the sexual abuse involved multiple acts committed over an extended period of time.

Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;

(h) the actor is a psychotherapist and the complainant is a patient of the psychotherapist and the sexual contact occurred:

(i) during the psychotherapy session; or

(ii) outside the psychotherapy session if an ongoing psychotherapist-patient relationship exists.

Consent by the complainant is not a defense;

(i) the actor is a psychotherapist and the complainant is a former patient of the psychotherapist and the former patient is emotionally dependent upon the psychotherapist;

(j) the actor is a psychotherapist and the complainant is a patient or former patient and the sexual contact occurred by means of therapeutic deception. Consent by the complainant is not a defense;

(k) the actor accomplishes the sexual contact by means of deception or false representation that the contact is for a bona fide medical purpose. Consent by the complainant is not a defense; or

(l) the actor is or purports to be a member of the clergy, the complainant is not married to the actor, and:

(i) the sexual contact occurred during the course of a meeting in which the complainant sought or received religious or spiritual advice, aid, or comfort from the actor in private; or

(ii) the sexual contact occurred during a period of time in which the complainant was meeting on an ongoing basis with the actor to seek or receive religious or spiritual advice, aid, or comfort in private.

Consent by the complainant is not a defense.

Sec. 22. Minnesota Statutes 1992, section 609.377, is amended to read:

609.377 [MALICIOUS PUNISHMENT OF A CHILD.]

A parent, legal guardian, or caretaker who, by an intentional act or a series of intentional acts with respect to a child, evidences unreasonable force or cruel discipline that is excessive under the circumstances is guilty of malicious punishment of a child and may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both. If the punishment results in substantial bodily harm, that person may be sentenced to imprisonment for not more than five years or to payment of a fine of not

more than \$10,000, or both. If the punishment results in great bodily harm, that person may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than \$20,000, or both. *If the punishment is to a child under the age of three and causes bodily harm to the head, eyes, neck, or otherwise causes multiple bruises to the body, the person may be sentenced to imprisonment for not more than five years or to payment of a fine of \$10,000, or both.*

Sec. 23. Minnesota Statutes 1992, section 609.485, subdivision 4, is amended to read:

Subd. 4. [SENTENCE.] (a) Except as otherwise provided in subdivision 3a, whoever violates this section may be sentenced as follows:

(1) if the person who escapes is in lawful custody on a charge or conviction of a felony, to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both;

(2) if the person who escapes is in lawful custody after a finding of not guilty by reason of mental illness or mental deficiency of a crime against the person, as defined in section 253B.02, subdivision 4a, 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; or

(3) if such charge or conviction is for a gross misdemeanor or misdemeanor, or if the person who escapes is in lawful custody on an allegation or adjudication of a delinquent act while 18 years of age, to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both.

~~(4) If such charge or conviction is for a misdemeanor, to imprisonment for not more than 90 days or to payment of a fine of not more than \$700, or both.~~

~~(5) (b) If the escape was a violation of subdivision 2, clause (1), (2), or (3), and was effected by violence or threat of violence against a person, the sentence may be increased to not more than twice those permitted in paragraph (a), clauses (1), (3), and (4).~~

~~(6) (c) Unless a concurrent term is specified by the court, a sentence under this section shall be consecutive to any sentence previously imposed or which may be imposed for any crime or offense for which the person was in custody when the person escaped.~~

~~(7) (d) Notwithstanding clause (6) paragraph (c), if a person who was committed to the commissioner of corrections under section 260.185 escapes from the custody of the commissioner while 18 years of age, the person's sentence under this section shall commence on the person's 19th birthday or on the person's date of discharge by the commissioner of corrections, whichever occurs first. However, if the person described in this clause is convicted under this section after becoming 19 years old and after having been discharged by the commissioner, the person's sentence shall commence upon imposition by the sentencing court.~~

~~(8) (e) Notwithstanding clause (6) paragraph (c), if a person who is in lawful custody on an allegation or adjudication of a delinquent act while 18 years of age escapes from a local juvenile correctional facility, the person's sentence under this section begins on the person's 19th birthday or on the person's date of discharge from the jurisdiction of the juvenile court, whichever occurs first. However, if the person described in this clause~~

paragraph is convicted after becoming 19 years old and after discharge from the jurisdiction of the juvenile court, the person's sentence begins upon imposition by the sentencing court.

Sec. 24. Minnesota Statutes 1993 Supplement, section 609.531, subdivision 1, is amended to read:

Subdivision 1. [DEFINITIONS.] For the purpose of sections 609.531 to 609.5318, 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 *or possessed during the commission 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, the department of natural resources division of enforcement, the University of Minnesota police department, 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 325E.17; 325E.18; 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; 609.66, subdivision 1e; 609.671, subdivisions 3, 4, 5, 8, and 12; 609.687; 609.821; 609.825; 609.86; 609.88; 609.89; 609.893; 617.246; or a gross misdemeanor or felony violation of section 609.891 or 624.7181; or any violation of section 609.324.

(g) "Controlled substance" has the meaning given in section 152.01, subdivision 4.

Sec. 25. Minnesota Statutes 1993 Supplement, section 609.5315, subdivision 1, is amended to read:

Subdivision 1. [DISPOSITION.] If the court finds under section 609.5313, 609.5314, or 609.5318 that the property is subject to forfeiture, it shall order the appropriate agency to:

(1) *destroy all weapons used, firearms, ammunition, and firearm accessories that the agency decides not to use for law enforcement purposes under clause (6), unless the agency determines that there is good reason not to destroy a particular item;*

(2) *sell property that is not required to be destroyed by law and is not harmful to the public and distribute the proceeds under subdivision 5;*

~~(2)~~ (3) *take custody of the property and remove it for disposition in accordance with law;*

~~(3)~~ (4) *forward the property to the federal drug enforcement administration;*

~~(4)~~ (5) *disburse money as provided under subdivision 5; or*

~~(5)~~ (6) *keep property other than money for official use by the agency and the prosecuting agency.*

Sec. 26. Minnesota Statutes 1993 Supplement, section 609.5315, subdivision 2, is amended to read:

Subd. 2. [DISPOSITION OF ADMINISTRATIVELY FORFEITED PROPERTY.] *If property is forfeited administratively under section 609.5314 or 609.5318 and no demand for judicial determination is made, the appropriate agency may dispose of the property in any of the ways listed in subdivision 1, except that the agency must destroy all forfeited weapons used, firearms, ammunition, and firearm accessories that the agency decides not to use for law enforcement purposes under subdivision 1, clause (6).*

Sec. 27. Minnesota Statutes 1992, section 609.5315, is amended by adding a subdivision to read:

Subd. 7. [FIREARMS.] *The agency shall make best efforts for a period of 90 days after the seizure of an abandoned or stolen firearm to protect the firearm from harm and return it to the lawful owner.*

Sec. 28. Minnesota Statutes 1992, section 609.5316, subdivision 1, is amended to read:

Subdivision 1. [CONTRABAND.] *Except as otherwise provided in this subdivision, if the property is contraband, the property must be summarily forfeited and either destroyed or used by the appropriate agency for law enforcement purposes. Upon summary forfeiture, weapons used must be destroyed by the appropriate agency unless the agency decides to use the weapons for law enforcement purposes.*

Sec. 29. Minnesota Statutes 1992, section 609.746, subdivision 1, is amended to read:

Subdivision 1. [SURREPTITIOUS INTRUSION; OBSERVATION DEVICE.] (a) *A person is guilty of a misdemeanor who:*

(1) *enters upon another's property and;*

(2) *surreptitiously gazes, stares, or peeps in the window or any other aperture of a house or place of dwelling of another; and*

(3) *does so with intent to intrude upon or interfere with the privacy of a member of the household is guilty of a misdemeanor.*

(b) A person is guilty of a misdemeanor who:

(1) enters upon another's property;

(2) surreptitiously installs or uses any device for observing, photographing, recording, amplifying, or broadcasting sounds or events through the window or any other aperture of a house or place of dwelling of another; and

(3) does so with intent to intrude upon or interfere with the privacy of a member of the household.

(c) A person is guilty of a gross misdemeanor if the person violates this subdivision after a previous conviction under this subdivision or section 609.749.

(d) Paragraph (b) does not apply to law enforcement officers or corrections investigators, or to those acting under their direction, while engaged in the performance of their lawful duties.

Sec. 30. Minnesota Statutes 1992, section 609.855, is amended to read:

609.855 [CRIMES AGAINST INVOLVING TRANSIT PROVIDERS AND OPERATORS; SHOOTING AT TRANSIT VEHICLE.]

Subdivision 1. [UNLAWFULLY OBTAINING SERVICES; MISDEMEANOR.] ~~Whoever~~ A person is guilty of a misdemeanor who intentionally obtains or attempts to obtain service from a provider of ~~regular route public transit as defined in section 174.22, subdivision 2, service or from a public conveyance, without making paying the required fare deposit or otherwise obtaining the consent of the transit operator or other an authorized transit representative is guilty of unlawfully obtaining services and may be sentenced as provided in subdivision 4.~~

Subd. 2. [UNLAWFUL INTERFERENCE WITH TRANSIT OPERATOR.]

(a) Whoever intentionally commits an act that ~~unreasonably~~ interferes with or obstructs, or tends to interfere with or obstruct, the operation of a transit vehicle is guilty of unlawful interference with a transit operator and may be sentenced as provided in ~~subdivision 4 paragraph (c).~~

(b) An act that is committed on a transit vehicle that distracts the driver from the safe operation of the vehicle or that endangers passengers is a violation of this subdivision if an authorized transit representative has clearly warned the person once to stop the act.

(c) A person who violates this subdivision may be sentenced as follows:

(1) to imprisonment for not more than three years or to payment of a fine of not more than \$5,000, or both, if the violation was accompanied by force or violence or a communication of a threat of force or violence; 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 violation was not accompanied by force or violence or a communication of a threat of force or violence.

Subd. 3. [PROHIBITED ACTIVITIES; MISDEMEANOR.] (a) ~~Whoever~~ A person is guilty of a misdemeanor who, while riding in a vehicle providing ~~regular route public transit service:~~

(1) operates a radio, television, tape player, electronic musical instrument, or other electronic device, other than a watch, which amplifies music, unless the sound emanates only from earphones or headphones and except that vehicle operators may operate electronic equipment for official business;

- (2) smokes or carries lighted smoking paraphernalia;
- (3) consumes food or beverages, except when authorized by the operator or other official of the transit system;
- (4) throws or deposits litter; or
- (5) carries or is in control of an animal without the operator's consent; or
- (6) acts in any other manner which disturbs the peace and quiet of another person;

is guilty of disruptive behavior and may be sentenced as provided in subdivision 4.

(b) A person is guilty of a violation of this subdivision only if the person continues to act in violation of this subdivision after being warned once by an authorized transit representative to stop the conduct.

Subd. 4. [PENALTY.] Whoever violates subdivision 1, 2, or 3 may be sentenced as follows:

- (a) to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both, if the violation was accompanied by force or violence or a communication of a threat of force or violence; or
- (b) to imprisonment for not more than 90 days or to payment of a fine of not more than \$700, or both, if the violation was not accompanied by force or violence or a communication of a threat of force or violence.

Subd. 5. [SHOOTING AT PUBLIC TRANSIT VEHICLE OR FACILITY.] Whoever recklessly discharges a firearm at any portion of a public transit vehicle or facility is guilty of a felony and may be sentenced to imprisonment for not more than three years or to payment of a fine of not more than \$6,000, or both. If the transit vehicle or facility is occupied, the person may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both.

Sec. 31. Minnesota Statutes 1992, section 624.731, subdivision 8, is amended to read:

Subd 8. [PENALTIES.] (a) The following violations of this section shall be considered a felony:

(1) The possession or use of tear gas, a tear gas compound, an authorized tear gas compound, or an electronic incapacitation device by a person specified in subdivision 3, ~~clause paragraph~~ (b).

(2) Knowingly selling or furnishing of tear gas, a tear gas compound, an authorized tear gas compound, or an electronic incapacitation device to a person specified in subdivision 3, ~~clause paragraph~~ (b).

(3) The use of an inflammatory protection device containing capsicum or an electronic incapacitation device as prohibited in subdivision 4, ~~clause paragraph~~ (a).

(b) The following violation of this section shall be considered a gross misdemeanor and shall be punished by not less than 90 days in jail: the prohibited use of tear gas, a tear gas compound, or an authorized tear gas compound as specified in subdivision 4, ~~clause paragraph~~ (a), except as otherwise provided in paragraph (a), clause (3), of this subdivision.

(c) The following violations of this section shall be considered a misdemeanor:

(1) The possession or use of tear gas, a tear gas compound, an authorized tear gas compound, or an electronic incapacitation device which fails to meet the requirements of subdivision 2 by any person except as allowed by subdivision 6.

(2) The possession or use of an authorized tear gas compound or an electronic incapacitation device by a person specified in subdivision 3, clause (a) or (c).

(3) The use of tear gas, a tear gas compound, an authorized tear gas compound, or an electronic incapacitation device except as allowed by subdivision 2 or 6.

(4) Knowingly selling or furnishing an authorized tear gas compound or an electronic incapacitation device to a person specified in subdivision 3, clause (a) or (c).

(5) Selling or furnishing of tear gas or a tear gas compound other than an authorized tear gas compound to any person except as allowed by subdivision 6.

(6) Selling or furnishing of an authorized tear gas compound or an electronic incapacitation device on premises where intoxicating liquor is sold on an on-sale or off-sale basis or where 3.2 percent malt liquor is sold on an on-sale basis.

(7) Selling an authorized tear gas compound or an electronic incapacitation device in violation of local licensing requirements.

Sec. 32. Minnesota Statutes 1993 Supplement, section 626.556, subdivision 2, is amended to read:

Subd. 2. [DEFINITIONS.] As used in this section, the following terms have the meanings given them unless the specific content indicates otherwise:

(a) "Sexual abuse" means the subjection of a child by a person responsible for the child's care, *by a person who has a significant relationship to the child, as defined in section 609.341*, or by a person in a position of authority, as defined in section 609.341, subdivision 10, to any act which constitutes a violation of section 609.342, 609.343, 609.344, or 609.345. Sexual abuse also includes any act which involves a minor which constitutes a violation of sections 609.321 to 609.324 or 617.246. Sexual abuse includes threatened sexual abuse.

(b) "Person responsible for the child's care" means (1) an individual functioning within the family unit and having responsibilities for the care of the child such as a parent, guardian, or other person having similar care responsibilities, or (2) an individual functioning outside the family unit and having responsibilities for the care of the child such as a teacher, school administrator, or other lawful custodian of a child having either full-time or short-term care responsibilities including, but not limited to, day care, babysitting whether paid or unpaid, counseling, teaching, and coaching.

(c) "Neglect" means failure by a person responsible for a child's care to supply a child with necessary food, clothing, shelter or medical care when reasonably able to do so, failure to protect a child from conditions or actions

which imminently and seriously endanger the child's physical or mental health when reasonably able to do so, or failure to take steps to ensure that a child is educated in accordance with state law. Nothing in this section shall be construed to mean that a child is neglected solely because the child's parent, guardian, or other person responsible for the child's care in good faith selects and depends upon spiritual means or prayer for treatment or care of disease or remedial care of the child in lieu of medical care; except that there is a duty to report if a lack of medical care may cause imminent and serious danger to the child's health. This section does not impose upon persons, not otherwise legally responsible for providing a child with necessary food, clothing, shelter, education, or medical care, a duty to provide that care. Neglect includes prenatal exposure to a controlled substance, as defined in section 253B.02, subdivision 2, used by the mother for a nonmedical purpose, as evidenced by withdrawal symptoms in the child at birth, results of a toxicology test performed on the mother at delivery or the child at birth, or medical effects or developmental delays during the child's first year of life that medically indicate prenatal exposure to a controlled substance. Neglect also means "medical neglect" as defined in section 260.015, subdivision 2a, clause (5).

(d) "Physical abuse" means any physical or mental injury, or threatened injury, inflicted by a person responsible for the child's care on a child other than by accidental means, or any physical or mental injury that cannot reasonably be explained by the child's history of injuries, or any aversive and deprivation procedures that have not been authorized under section 245.825.

(e) "Report" means any report received by the local welfare agency, police department, or county sheriff pursuant to this section.

(f) "Facility" means a day care facility, residential facility, agency, hospital, sanitarium, or other facility or institution required to be licensed pursuant to sections 144.50 to 144.58, 241.021, or 245A.01 to 245A.16.

(g) "Operator" means an operator or agency as defined in section 245A.02.

(h) "Commissioner" means the commissioner of human services.

(i) "Assessment" includes authority to interview the child, the person or persons responsible for the child's care, the alleged perpetrator, and any other person with knowledge of the abuse or neglect for the purpose of gathering the facts, assessing the risk to the child, and formulating a plan.

(j) "Practice of social services," for the purposes of subdivision 3, includes but is not limited to employee assistance counseling and the provision of guardian ad litem services.

(k) "Mental injury" means an injury to the psychological capacity or emotional stability of a child as evidenced by an observable or substantial impairment in the child's ability to function within a normal range of performance and behavior with due regard to the child's culture.

(l) "Threatened injury" means a statement, overt act, condition, or status that represents a substantial risk of physical or sexual abuse or mental injury.

Sec. 33. Minnesota Statutes 1992, section 626A.05, subdivision 2, is amended to read:

Subd. 2. [OFFENSES FOR WHICH INTERCEPTION OF WIRE OR ORAL COMMUNICATION MAY BE AUTHORIZED.] A warrant authorizing interception of wire, electronic, or oral communications by investigative

or law enforcement officers may only be issued when the interception may provide evidence of the commission of, or of an attempt or conspiracy to commit, any of the following offenses:

(1) a felony offense involving murder, manslaughter, assault in the first, second, and third degrees, aggravated robbery, kidnapping, criminal sexual conduct in the first, second, and third degrees, prostitution, bribery, perjury, escape from custody, theft, receiving stolen property, embezzlement, burglary in the first, second, and third degrees, forgery, aggravated forgery, check forgery, or financial transaction card fraud, as punishable under sections 609.185, 609.19, 609.195, 609.20, 609.221, 609.222, 609.223, 609.2231, 609.245, 609.25, 609.321 to 609.324, 609.342, 609.343, 609.344, 609.42, 609.48, 609.485, subdivision 4, *paragraph (a)*, clause (1), 609.52, 609.53, 609.54, 609.582, 609.625, 609.63, 609.631, 609.821, and 609.825;

(2) an offense relating to gambling or controlled substances, as punishable under section 609.76 or chapter 152; or

(3) an offense relating to restraint of trade defined in section 325D.53, subdivision 1 or 2, as punishable under section 325D.56, subdivision 2.

Sec. 34. Minnesota Statutes 1993 Supplement, 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 three years after the offense was reported to law enforcement authorities.

(d) 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) 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.

(f) 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.

(g) 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.

(h) Indictments or complaints for violation of sections 609.561 to 609.563, shall be found or made and filed in the proper court within five years after the commission of the offense.

(i) 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.

(j) The limitations periods contained in this section shall exclude any period of time during which the defendant was not an inhabitant of or usually resident within this state.

(k) *The limitations periods contained in this section for an offense shall not include any period during which the alleged offender participated in a pretrial diversion program relating to that offense.*

Sec. 35. [REPEALER.]

Minnesota Statutes 1992, section 609.855, subdivision 4, is repealed.

Sec. 36. [EFFECTIVE DATE.]

Sections 1 to 4, 8, 9, 11 to 17, 19, 21 to 23, and 29 to 35 are effective August 1, 1994, and apply to crimes committed and violations occurring on or after that date. Sections 18 and 20 are effective August 1, 1995, and apply to crimes committed on or after that date.

Sections 24 to 28 are effective August 1, 1994, and apply to seizures occurring on or after that date.

ARTICLE 3

FIREARMS PROVISIONS

Section 1. Minnesota Statutes 1993 Supplement, section 260.221, subdivision 1, is amended to read:

Subdivision 1. [VOLUNTARY AND INVOLUNTARY.] The juvenile court may upon petition, terminate all rights of a parent to a child in the following cases:

(a) With the written consent of a parent who for good cause desires to terminate parental rights; or

(b) If it finds that one or more of the following conditions exist:

(1) That the parent has abandoned the child. Abandonment is presumed when:

(i) the parent has had no contact with the child on a regular basis and no demonstrated, consistent interest in the child's well-being for six months; and

(ii) the social service agency has made reasonable efforts to facilitate contact, unless the parent establishes that an extreme financial or physical hardship or treatment for mental disability or chemical dependency or other good cause prevented the parent from making contact with the child. This presumption does not apply to children whose custody has been determined under chapter 257 or 518. The court is not prohibited from finding abandonment in the absence of this presumption; ~~or~~

(2) That the parent has substantially, continuously, or repeatedly refused or neglected to comply with the duties imposed upon that parent by the parent

and child relationship, including but not limited to providing the child with necessary food, clothing, shelter, education, and other care and control necessary for the child's physical, mental, or emotional health and development, if the parent is physically and financially able, and reasonable efforts by the social service agency have failed to correct the conditions that formed the basis of the petition; or

(3) That a parent has been ordered to contribute to the support of the child or financially aid in the child's birth and has continuously failed to do so without good cause. This clause shall not be construed to state a grounds for termination of parental rights of a noncustodial parent if that parent has not been ordered to or cannot financially contribute to the support of the child or aid in the child's birth; or

(4) That a parent is palpably unfit to be a party to the parent and child relationship because of a consistent pattern of specific conduct before the child or of specific conditions directly relating to the parent and child relationship either of which are determined by the court to be of a duration or nature that renders the parent unable, for the reasonably foreseeable future, to care appropriately for the ongoing physical, mental, or emotional needs of the child. It is presumed that a parent is palpably unfit to be a party to the parent and child relationship upon a showing that:

(i) the child was adjudicated in need of protection or services due to circumstances described in section 260.015, subdivision 2a, clause (1), (2), (3), (5), or (8); and

(ii) within the three-year period immediately prior to that adjudication, the parent's parental rights to one or more other children were involuntarily terminated under clause (1), (2), (4), or (7) of this paragraph, or under clause (5) of this paragraph if the child was initially determined to be in need of protection or services due to circumstances described in section 260.015, subdivision 2a, clause (1), (2), (3), (5), or (8); or

(5) That following upon a determination of neglect or dependency, or of a child's need for protection or services, reasonable efforts, under the direction of the court, have failed to correct the conditions leading to the determination. It is presumed that reasonable efforts under this clause have failed upon a showing that:

(i) a child under the age of 12 has resided out of the parental home under court order for more than one year following an adjudication of dependency, neglect, need for protection or services under section 260.015, subdivision 2a, clause (1), (2), (6), (8), or (9), or neglected and in foster care, and an order for disposition under section 260.191, including adoption of the case plan required by section 257.071;

(ii) conditions leading to the determination will not be corrected within the reasonably foreseeable future; and

(iii) reasonable efforts have been made by the social service agency to rehabilitate the parent and reunite the family.

This clause does not prohibit the termination of parental rights prior to one year after a child has been placed out of the home.

It is also presumed that reasonable efforts have failed under this clause upon a showing that:

(i) the parent has been diagnosed as chemically dependent by a professional certified to make the diagnosis;

(ii) the parent has been required by a case plan to participate in a chemical dependency treatment program;

(iii) the treatment programs offered to the parent were culturally, linguistically, and clinically appropriate;

(iv) the parent has either failed two or more times to successfully complete a treatment program or has refused at two or more separate meetings with a caseworker to participate in a treatment program; and

(v) the parent continues to abuse chemicals.

Provided, that this presumption applies only to parents required by a case plan to participate in a chemical dependency treatment program on or after July 1, 1990; ~~or~~

(6) That the parent has been convicted of causing the death of another of the parent's children; ~~or~~

(7) That the parent has been convicted of assaulting a family or household member, as defined in section 518B.01, and that the parent used a dangerous weapon as defined in section 609.02, subdivision 6, during the commission of the assault;

(8) That in the case of a child born to a mother who was not married to the child's father when the child was conceived nor when the child was born the person is not entitled to notice of an adoption hearing under section 259.26 and either the person has not filed a notice of intent to retain parental rights under section 259.261 or that the notice has been successfully challenged; or

~~(8)~~ (9) That the child is neglected and in foster care.

In an action involving an American Indian child, sections 257.35 to 257.3579 and the Indian Child Welfare Act, United States Code, title 25, sections 1901 to 1923, control to the extent that the provisions of this section are inconsistent with those laws.

Sec. 2. Minnesota Statutes 1992, section 487.25, is amended by adding a subdivision to read:

Subd. 12. [ASSISTANCE OF ATTORNEY GENERAL.] An attorney for a statutory or home rule charter city in the metropolitan area, as defined in section 473.121, subdivision 2, may request, and the attorney general may provide, assistance in prosecuting nonfelony violations of section 609.66, subdivision 1; 609.666; 624.713, subdivision 2; 624.7131, subdivision 11; 624.7132, subdivision 15; 624.714, subdivision 1 or 10; 624.7162, subdivision 3; or 624.7181, subdivision 2.

Sec. 3. Minnesota Statutes 1993 Supplement, section 609.11, subdivision 8, is amended to read:

Subd. 8. [MOTION BY PROSECUTOR.] (a) Except as otherwise provided in paragraph (b), prior to the time of sentencing, the prosecutor may file a motion to have the defendant sentenced without regard to the mandatory minimum sentences established by this section. The motion shall be accompanied by a statement on the record of the reasons for it. When presented with

the motion and if it finds substantial mitigating factors exist, or on its own motion, the court shall may sentence the defendant without regard to the mandatory minimum sentences established by this section if the court finds substantial and compelling reasons to do so. A sentence imposed under this subdivision is a departure from the sentencing guidelines.

(b) The court may not, on its own motion or the prosecutor's motion, sentence a defendant without regard to the mandatory minimum sentences established by this section if the defendant previously has been convicted of an offense listed in subdivision 9.

Sec. 4. Minnesota Statutes 1993 Supplement, section 609.11, subdivision 9, is amended to read:

Subd. 9. [APPLICABLE OFFENSES.] The crimes for which mandatory minimum sentences shall be served as provided in this section are: murder in the first, second, or third degree; assault in the first, second, or third degree; burglary; kidnapping; false imprisonment; manslaughter in the first or second degree; aggravated robbery; simple robbery; criminal sexual conduct under the circumstances described in sections 609.342, subdivision 1, clauses (a) to (f); 609.343, subdivision 1, clauses (a) to (f); and 609.344, subdivision 1, clauses (a) to (e) and (h) to (j); escape from custody; arson in the first, second, or third degree; *drive-by shooting under section 609.66, subdivision 1e*; a felony violation of chapter 152; or any attempt to commit any of these offenses.

Sec. 5. Minnesota Statutes 1992, section 609.224, subdivision 3, is amended to read:

Subd. 3. [DOMESTIC ASSAULTS; FIREARMS.] (a) When a person is convicted of a violation of this section or section 609.221, 609.222, or 609.223, the court shall determine and make written findings on the record as to whether:

(1) the assault was committed against a family or household member, as defined in section 518B.01, subdivision 2;

(2) the defendant owns or possesses a firearm; and

(3) the firearm was used in any way during the commission of the assault.

(b) If the court determines that the assault was of a family or household member, and that the offender owns or possesses a firearm and used it in any way during the commission of the assault, it shall order the defendant to relinquish possession of that the firearm and give it to the local law enforcement agency. Notwithstanding section 609.531, subdivision 1, paragraph (f), clause (1), the court shall determine whether the firearm shall be summarily forfeited under section 609.5316, subdivision 3, or retained by the local law enforcement agency for a period of three years. If the owner has not been convicted of any crime of violence as defined in section 624.712, subdivision 5, or 609.224 against a family or household member within that period, the law enforcement agency shall return the firearm.

(c) A person who is convicted of assaulting a family or household member and who is determined by the court to have used a firearm in any way during commission of the assault is prohibited from possessing any type of firearm for the remainder of the person's life. A person who violates this firearm possession prohibition is guilty of a gross misdemeanor. At the time of the

conviction, the court shall inform the defendant that the defendant is permanently prohibited from possessing a firearm and that it is a gross misdemeanor to violate this prohibition. The failure of the court to provide this information to a defendant does not affect the applicability of the firearm possession prohibition or the gross misdemeanor penalty to that defendant.

(d) *Except as otherwise provided in paragraph (c), when a person is convicted of a violation of this section and the court determines that the victim was a family or household member, the court shall inform the defendant that the defendant is prohibited from possessing a pistol for a period of three years from the date of conviction and that it is a gross misdemeanor offense to violate this prohibition. The failure of the court to provide this information to a defendant does not affect the applicability of the pistol possession prohibition or the gross misdemeanor penalty to that defendant.*

~~(d)~~ (e) *Except as otherwise provided in paragraph (c), a person is not entitled to possess a pistol if:*

(1) the person has been convicted after August 1, 1992, of assault in the fifth degree if the offense was committed within three years of a previous conviction under sections 609.221 to 609.224; or

(2) the person has been convicted after August 1, 1992, of assault in the fifth degree under section 609.224 and the assault victim was a family or household member as defined in section 518B.01, subdivision 2, unless three years have elapsed from the date of conviction and, during that time, the person has not been convicted of any other violation of section 609.224. Property rights may not be abated but access may be restricted by the courts. A person who possesses a pistol in violation of this ~~subdivision~~ *paragraph* is guilty of a gross misdemeanor.

Sec. 6. Minnesota Statutes 1993 Supplement, section 609.531, subdivision 1, is amended to read:

Subdivision 1. [DEFINITIONS.] For the purpose of sections 609.531 to 609.5318, 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, the department of natural resources division of enforcement, the University of Minnesota police department, or a city or airport police department.

(f) "Designated offense" includes:

(1) for weapons used: any violation of this chapter, *chapter 152, or chapter 624*;

(2) for all other purposes: a felony violation of, or a felony-level attempt or conspiracy to violate, section 325E.17; 325E.18; 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; 609.66, subdivision 1e; 609.671, subdivisions 3, 4, 5, 8, and 12; 609.687; 609.821; 609.825; 609.86; 609.88; 609.89; 609.893; 617.246; or a gross misdemeanor or felony violation of section 609.891 or 624.7181; or any violation of section 609.324.

(g) "Controlled substance" has the meaning given in section 152.01, subdivision 4.

Sec. 7. Minnesota Statutes 1992, section 609.5315, subdivision 6, is amended to read:

Subd. 6. [REPORTING REQUIREMENT.] The appropriate agency shall provide a written record of each forfeiture incident to the state auditor. The record shall include the amount forfeited, date, and a brief description of the circumstances involved. *The record shall also list the number and types of firearms forfeited.* Reports shall be made on a monthly basis in a manner prescribed by the state auditor. The state auditor shall report annually to the legislature on the nature and extent of forfeitures.

Sec. 8. Minnesota Statutes 1992, section 609.5316, subdivision 3, is amended to read:

Subd. 3. [WEAPONS AND BULLET-RESISTANT VESTS.] Weapons used are contraband and must be summarily forfeited to the appropriate agency upon conviction of the weapon's owner or possessor for a controlled substance crime or for any offense of this chapter *or chapter 624*. Bullet-resistant vests, as defined in section 609.486, worn or possessed during the commission or attempted commission of a crime are contraband and must be summarily forfeited to the appropriate agency upon conviction of the owner or possessor for a controlled substance crime or for any offense of this chapter. Notwithstanding this subdivision, weapons used and bullet-resistant vests worn or possessed may be forfeited without a conviction under sections 609.531 to 609.5315.

Sec. 9. Minnesota Statutes 1992, section 609.66, subdivision 1b, is amended to read:

Subd. 1b. [FELONY; FURNISHING TO MINORS.] Whoever, in any municipality of this state, furnishes a minor under 18 years of age with a firearm, airgun, ammunition, or explosive without the prior consent of the minor's parent or guardian or of the police department of the municipality is guilty of a felony and may be sentenced to imprisonment for not more than ~~five~~ *ten* years or to payment of a fine of not more than ~~\$10,000~~ *\$20,000*, or both. Possession of written evidence of prior consent signed by the minor's parent or guardian is a complete defense to a charge under this subdivision.

Sec. 10. Minnesota Statutes 1992, section 609.66, subdivision 1c, is amended to read:

Subd. 1c. [FELONY; FURNISHING A DANGEROUS WEAPON.] Whoever recklessly furnishes a person with a dangerous weapon in conscious disregard of a known substantial risk that the object will be possessed or used in furtherance of a felony crime of violence is guilty of a felony and may be sentenced to imprisonment for not more than ~~five~~ *ten* years or to payment of a fine of not more than ~~\$10,000~~ \$20,000, or both.

Sec. 11. Minnesota Statutes 1993 Supplement, section 609.66, subdivision 1d, is amended to read:

Subd. 1d. [FELONY; POSSESSION ON SCHOOL PROPERTY.] (a) Whoever possesses, stores, or keeps a dangerous weapon as defined in section ~~609.02, subdivision 6,~~ on school property 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 \$5,000, or both.

(b) As used in this subdivision:

(1) "dangerous weapon" has the meaning given it in section 609.02, subdivision 6, except that the term also includes replica firearms, as defined in section 609.713; and

(2) "school property" means:

(1) a public or private elementary, middle, or secondary school building and its grounds, whether leased or owned by the school; and

(2) the area within a school bus when that bus is being used to transport one or more elementary, middle, or secondary school students.

(c) This subdivision does not apply to:

(1) licensed peace officers, military personnel, or students participating in military training, who are performing official duties;

(2) persons who carry pistols according to the terms of a permit;

(3) persons who keep or store in a motor vehicle pistols in accordance with sections 624.714 and 624.715 or other firearms in accordance with section 97B.045;

(4) firearm safety or marksmanship courses or activities conducted on school property;

(5) possession of dangerous weapons by a ceremonial color guard;

(6) a gun or knife show held on school property; or

(7) possession of dangerous weapons with written permission of the principal.

Sec. 12. Minnesota Statutes 1992, section 624.712, is amended by adding a subdivision to read:

Subd. 9. [BUSINESS DAY.] "Business day" means a day on which state offices are open for normal business and excludes weekends and legal holidays.

Sec. 13. Minnesota Statutes 1992, section 624.712, is amended by adding a subdivision to read:

Subd. 10. [CRIME PUNISHABLE BY IMPRISONMENT FOR A TERM EXCEEDING ONE YEAR.] "Crime punishable by imprisonment for a term exceeding one year" does not include:

(1) any federal or state offense pertaining to antitrust violations, unfair trade practices, restraints of trade, or other similar offenses relating to the regulation of business practices; or

(2) any state offense classified by the laws of this state or any other state as a misdemeanor and punishable by a term of imprisonment of two years or less.

What constitutes a conviction of a crime shall be determined in accordance with the law of the jurisdiction in which the proceedings were held. Any conviction which has been expunged, or set aside, or for which a person has been pardoned or has had civil rights restored shall not be considered a conviction for purposes of this definition, unless such pardon, expungement, or restoration of civil rights expressly provides that the person may not ship, transport, possess, or receive firearms.

Sec. 14. Minnesota Statutes 1993 Supplement, section 624.713, subdivision 1, is amended to read:

Subdivision 1. [INELIGIBLE PERSONS.] The following persons shall not be entitled to possess a pistol or semiautomatic military-style assault weapon:

(a) a person under the age of 18 years except that a person under 18 may carry or possess a pistol or semiautomatic military-style assault weapon (i) in the actual presence or under the direct supervision of the person's parent or guardian, (ii) for the purpose of military drill under the auspices of a legally recognized military organization and under competent supervision, (iii) for the purpose of instruction, competition, or target practice on a firing range approved by the chief of police or county sheriff in whose jurisdiction the range is located and under direct supervision; or (iv) if the person has successfully completed a course designed to teach marksmanship and safety with a pistol or semiautomatic military-style assault weapon and approved by the commissioner of natural resources;

(b) *except as otherwise provided in clause (i)*, a person who has been convicted in this state or elsewhere of a crime of violence unless ten years have elapsed since the person has been restored to civil rights or the sentence has expired, whichever occurs first, and during that time the person has not been convicted of any other crime of violence. For purposes of this section, crime of violence includes crimes in other states or jurisdictions which would have been crimes of violence as herein defined if they had been committed in this state;

(c) a person who is or has ever been confined ~~or committed~~ in Minnesota or elsewhere as a "mentally ill," "mentally retarded," or "mentally ill and dangerous to the public" person as defined in section 253B.02, to a treatment facility, unless the person possesses a certificate of a medical doctor or psychiatrist licensed in Minnesota, or other satisfactory proof that the person is no longer suffering from this disability;

(d) a person who has been convicted in Minnesota or elsewhere of a misdemeanor or gross misdemeanor violation of chapter 152, or a person who is or has ever been hospitalized or committed for treatment for the habitual use of a controlled substance or marijuana, as defined in sections 152.01 and 152.02, unless the person possesses a certificate of a medical doctor or psychiatrist licensed in Minnesota, or other satisfactory proof, that the person has not abused a controlled substance or marijuana during the previous two years;

(e) a person who has been confined or committed to a treatment facility in Minnesota or elsewhere as "chemically dependent" as defined in section 253B.02, unless the person has completed treatment. Property rights may not be abated but access may be restricted by the courts;

(f) a peace officer who is informally admitted to a treatment facility pursuant to section 253B.04 for chemical dependency, unless the officer possesses a certificate from the head of the treatment facility discharging or provisionally discharging the officer from the treatment facility. Property rights may not be abated but access may be restricted by the courts;

(g) a person who has been charged with committing a crime of violence and has been placed in a pretrial diversion program by the court before disposition, until the person has completed the diversion program and the charge of committing the crime of violence has been dismissed; ~~or~~

(h) *except as otherwise provided in clause (i)*, a person who has been convicted in another state of committing an offense similar to the offense described in section 609.224, subdivision 3, against a family or household member, unless three years have elapsed since the date of conviction and, during that time, the person has not been convicted of any other violation of section 609.224, subdivision 3, or a similar law of another state;

(i) a person who has been convicted in this state or elsewhere of assaulting a family or household member and who was found by the court to have used a firearm in any way during commission of the assault is prohibited from possessing any type of firearm for the remainder of the person's life; or

(j) a person who:

(1) has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year;

(2) is a fugitive from justice as a result of having fled from any state to avoid prosecution for a crime or to avoid giving testimony in any criminal proceeding;

(3) is an unlawful user of any controlled substance as defined in chapter 152;

(4) has been judicially committed to a treatment facility in Minnesota or elsewhere as a "mentally ill," "mentally retarded," or "mentally ill and dangerous to the public" person as defined in section 253B.02;

(5) is an alien who is illegally or unlawfully in the United States;

(6) has been discharged from the armed forces of the United States under dishonorable conditions; or

(7) *has renounced the person's citizenship having been a citizen of the United States.*

A person who issues a certificate pursuant to this subdivision in good faith is not liable for damages resulting or arising from the actions or misconduct with a firearm committed by the individual who is the subject of the certificate.

Sec. 15. Minnesota Statutes 1993 Supplement, section 624.713, is amended by adding a subdivision to read:

Subd. 1a. [INELIGIBLE TO RECEIVE, SHIP, TRANSPORT.] A person presently charged with a crime punishable by imprisonment for a term exceeding one year shall not be entitled to receive, ship, or transport any pistol or semiautomatic military-style assault weapon. A violation of this subdivision is a gross misdemeanor.

Sec. 16. Minnesota Statutes 1992, section 624.7131, subdivision 2, is amended to read:

Subd. 2. [INVESTIGATION.] The chief of police or sheriff shall check criminal histories, records and warrant information relating to the applicant through the Minnesota crime information system and the national criminal record repository and shall make a reasonable effort to check other available state and local record keeping systems.

Sec. 17. Minnesota Statutes 1992, section 624.7131, subdivision 3, is amended to read:

Subd. 3. [FORMS; FEES.] Chiefs of police and sheriffs shall make transferee permit application forms available throughout the community. There shall be no charge for forms, reports, investigations, notifications, waivers or any other act performed or materials provided by a government employee or agency in connection with application for or issuance of a transferee permit. However, a chief of police or a sheriff may charge a fee to cover the cost of conducting a background check, not to exceed \$10.

Sec. 18. Minnesota Statutes 1993 Supplement, section 624.7131, subdivision 10, is amended to read:

Subd. 10. [TRANSFER REPORT NOT REQUIRED.] A person who transfers a pistol or semiautomatic military-style assault weapon to a licensed peace officer, as defined in section 626.84, subdivision 1, exhibiting a valid peace officer identification, or to a person exhibiting a valid transferee permit issued pursuant to this section or a valid permit to carry issued pursuant to section 624.714 is not required to file a transfer report pursuant to section 624.7132, subdivision 1.

Sec. 19. Minnesota Statutes 1993 Supplement, section 624.7132, subdivision 1, is amended to read:

Subdivision 1. [REQUIRED INFORMATION.] Except as provided in this section and section 624.7131, every person who agrees to transfer a pistol or semiautomatic military-style assault weapon shall report the following information in writing to the chief of police of the organized full-time police department of the municipality where the agreement is made proposed transferee resides or to the appropriate county sheriff if there is no such local chief of police:

(a) the name, residence, telephone number and driver's license number or nonqualification certificate number, if any, of the proposed transferee;

(b) the sex, date of birth, height, weight and color of eyes, and distinguishing physical characteristics, if any, of the proposed transferee;

(c) a statement by the proposed transferee that the transferee is not prohibited by section 624.713 from possessing a pistol or semiautomatic military-style assault weapon; and

(d) the address of the place of business of the transferor.

The report shall be signed by the transferor and the proposed transferee. The report shall be delivered by the transferor to the chief of police or sheriff no later than three days after the date of the agreement to transfer, excluding weekends and legal holidays.

Sec. 20. Minnesota Statutes 1993 Supplement, section 624.7132, subdivision 2, is amended to read:

Subd. 2. [INVESTIGATION.] Upon receipt of a transfer report, the chief of police or sheriff shall check criminal histories, records and warrant information relating to the proposed transferee through the Minnesota crime information system *and the national criminal record repository and shall make a reasonable effort to check other available state and local record keeping systems.*

Sec. 21. Minnesota Statutes 1993 Supplement, section 624.7132, subdivision 4, is amended to read:

Subd. 4. [DELIVERY.] Except as otherwise provided in subdivision 7 or 8, no person shall deliver a pistol or semiautomatic military-style assault weapon to a proposed transferee until ~~seven~~ *five business days* after the date of the agreement to transfer ~~as stated on the report is delivered~~ to a chief of police or sheriff in accordance with subdivision 1 unless the chief of police or sheriff waives all or a portion of the seven day waiting period. *The chief of police or sheriff may waive all or a portion of the five business day waiting period in writing if the chief of police or sheriff finds that the transferee requires access to a pistol or semiautomatic military-style assault weapon because of a threat to the life of the transferee or of any member of the household of the transferee.*

No person shall deliver a pistol or semiautomatic military-style assault weapon to a proposed transferee after receiving a written notification that the chief of police or sheriff has determined that the proposed transferee is prohibited by section 624.713 from possessing a pistol or semiautomatic military-style assault weapon.

If the transferor makes a report of transfer and receives no written notification of disqualification of the proposed transferee within ~~seven~~ *five business days of the date after delivery* of the agreement to transfer, the pistol or semiautomatic military-style assault weapon may be delivered to the transferee.

Sec. 22. Minnesota Statutes 1993 Supplement, section 624.7132, subdivision 8, is amended to read:

Subd. 8. [REPORT NOT REQUIRED.] (H) If the proposed transferee presents a valid transferee permit issued under section 624.7131 or a valid

permit to carry issued under section 624.714, or if the transferee is a licensed peace officer, as defined in section 626.84, subdivision 1, ~~who presents a valid peace officer photo identification and badge, the transferor need not file a transfer report.~~

(2) ~~If the transferor makes a report of transfer and receives no written notification of disqualification of the proposed transferee within seven days of the date of the agreement to transfer, no report or investigation shall be required under this section for any additional transfers between that transferor and that transferee which are made within 30 days of the date on which delivery of the first pistol or semiautomatic military-style assault weapon may be made under subdivision 4.~~

Sec. 23. Minnesota Statutes 1993 Supplement, section 624.7132, subdivision 11, is amended to read:

Subd. 11. [FORMS; ~~COST FEES.~~] Chiefs of police and sheriffs shall make transfer report forms available throughout the community. There shall be no charge for forms, reports, ~~investigations,~~ notifications, waivers or any other act performed or materials provided by a government employee or agency in connection with a transfer. *However, a chief of police or a sheriff may charge a fee to cover the cost of processing the transfer report form, not to exceed \$10.*

Sec. 24. Minnesota Statutes 1993 Supplement, section 624.7132, subdivision 14, is amended to read:

Subd. 14. [TRANSFER TO UNKNOWN PARTY.] (a) No person shall transfer a pistol or semiautomatic military-style assault weapon to another who is not personally known to the transferor unless the proposed transferee presents evidence of identity to the transferor. ~~A person who transfers a pistol or semiautomatic military-style assault weapon in violation of this clause is guilty of a misdemeanor.~~

(b) No person who is not personally known to the transferor shall become a transferee of a pistol or semiautomatic military-style assault weapon unless the person presents evidence of identity to the transferor.

(c) The evidence of identity shall contain the name, residence address, date of birth, and photograph of the proposed transferee; must be made or issued by or under the authority of the United States government, a state, a political subdivision of a state, a foreign government, a political subdivision of a foreign government, an international governmental or an international quasi-governmental organization; and must be of a type commonly accepted for the purpose of identification of individuals.

(d) A person who becomes a transferee of a pistol or semiautomatic military-style assault weapon in violation of this ~~clause~~ subdivision is guilty of a misdemeanor.

Sec. 25. Minnesota Statutes 1992, section 624.714, subdivision 6, is amended to read:

Subd. 6. [FAILURE TO GRANT PERMITS.] Failure of the chief police officer or the county sheriff to deny the application or issue a permit to carry a pistol within 21 days of the date of application shall be deemed to be a grant thereof. The local police authority shall provide an applicant with written notification of a denial and the specific reason for the denial. ~~The permits and~~

~~their renewal shall be granted free of charge. A chief of police or a sheriff may charge a fee to cover the cost of conducting a background check, not to exceed \$10. The permit shall specify the activities for which it shall be valid.~~

Sec. 26. [REPEALER.]

Minnesota Statutes 1993 Supplement, section 624.7132, subdivisions 7 and 10, are repealed.

Sec. 27. [EFFECTIVE DATE.]

Sections 3 to 26 are effective August 1, 1994, and apply to crimes committed on or after that date.

ARTICLE 4

LAW ENFORCEMENT AND PROSECUTION

Section 1. Minnesota Statutes 1992, section 260.132, is amended by adding a subdivision to read:

Subd. 4. [TRUANT.] When a peace officer or probation officer has probable cause to believe that a child is currently under age 16 and absent from school without lawful excuse, the officer may transport the child to the child's school of enrollment and deliver the child to the custody of a school superintendent or teacher or may transport the child to a truancy service center. For purposes of this subdivision, a truancy service center is a facility that receives truant students from peace officers or probation officers and takes appropriate action including one or more of the following:

- (1) assessing the truant's attendance situation;*
- (2) assisting in coordinating intervention efforts where appropriate;*
- (3) contacting the parents or legal guardian of the truant and releasing the truant to the custody of the parent or guardian; and*
- (4) facilitating the truant's earliest possible return to school.*

Sec. 2. Minnesota Statutes 1992, section 260.165, subdivision 1, is amended to read:

Subdivision 1. No child may be taken into immediate custody except:

(a) With an order issued by the court in accordance with the provisions of section 260.135, subdivision 5, or by a warrant issued in accordance with the provisions of section 260.145; or

(b) In accordance with the laws relating to arrests; or

(c) By a peace officer

(1) when a child has run away from a parent, guardian, or custodian, or when the peace officer reasonably believes the child has run away from a parent, guardian, or custodian; or

(2) when a child is found in surroundings or conditions which endanger the child's health or welfare or which such peace officer reasonably believes will endanger the child's health or welfare. If an Indian child is a resident of a reservation or is domiciled on a reservation but temporarily located off the reservation, the taking of the child into custody under this clause shall be

consistent with the Indian Child Welfare Act of 1978, United States Code, title 25, section 1922; or

(d) By a peace officer or probation or parole officer when it is reasonably believed that the child has violated the terms of probation, parole, or other field supervision; or

(e) *By a peace officer or probation officer under section 260.132, subdivision 4.*

Sec. 3. Minnesota Statutes 1992, section 299A.34, subdivision 1, is amended to read:

Subdivision 1. [GRANT PROGRAMS.] (a) The commissioner shall develop grant programs to:

(1) assist law enforcement agencies in purchasing equipment, provide undercover buy money, and pay other nonpersonnel costs; and

(2) assist community and neighborhood organizations in efforts to prevent or reduce criminal activities in their areas, particularly activities involving youth and the use and sale of drugs; and

(3) *assist law enforcement agencies in efforts to target and apprehend violent habitual criminals.*

(b) The commissioner shall prescribe criteria for eligibility and the award of grants and reporting requirements for recipients.

Sec. 4. Minnesota Statutes 1992, section 299A.38, subdivision 3, is amended to read:

Subd. 3. [ELIGIBILITY REQUIREMENTS.] (a) Only vests that either meet or exceed the requirements of standard ~~0101.04~~ 0101.03 of the National Institute of Justice in effect on December 30, 1986, or that meet or exceed the requirements of that standard, except wet armor conditioning, are eligible for reimbursement.

(b) Eligibility for reimbursement is limited to vests bought after December 31, 1986, by or for peace officers (1) who did not own a vest meeting the requirements of paragraph (a) before the purchase, or (2) who owned a vest that was at least six years old.

Sec. 5. Minnesota Statutes 1992, section 299C.065, as amended by Laws 1993, chapter 326, article 12, section 6, is amended to read:

299C.065 [UNDERCOVER BUY FUND; WITNESS ASSISTANCE SERVICES AND VICTIM PROTECTION; CRIME INFORMATION REWARDS.]

Subdivision 1. [GRANTS.] The commissioner of public safety shall make grants to local officials for the following purposes:

(1) the cooperative investigation of cross jurisdictional criminal activity relating to the possession and sale of controlled substances;

(2) receiving or selling stolen goods;

(3) participating in gambling activities in violation of section 609.76;

(4) violations of section 609.322, 609.323, or any other state or federal law

prohibiting the recruitment, transportation, or use of juveniles for purposes of prostitution; and

(5) witness assistance services in cases involving criminal gang activity in violation of section 609.229, or domestic assault, as defined in section 611A.0315; and

(6) for partial reimbursement of local costs associated with unanticipated, intensive, long-term, multijurisdictional criminal investigations that exhaust available local resources.

Subd. 1a. [WITNESS AND VICTIM PROTECTION FUND.] A witness and victim protection fund is created under the administration of the commissioner of public safety. The commissioner may make grants to local officials to provide for the relocation or other protection of a victim, witness, or potential witness who is involved in a criminal prosecution and who the commissioner has reason to believe is or is likely to be the target of a violent crime or a violation of section 609.498 or 609.713, in connection with that prosecution. The commissioner may award grants for any of the following actions in connection with the protection of a witness or victim under this subdivision:

(1) to provide suitable documents to enable the person to establish a new identity or otherwise protect the person;

(2) to provide housing for the person;

(3) to provide for the transportation of household furniture and other personal property to the person's new residence;

(4) to provide the person with a payment to meet basic living expenses for a time period the commissioner deems necessary;

(5) to assist the person in obtaining employment; and

(6) to provide other services necessary to assist the person in becoming self-sustaining.

Subd. 1b. [CRIME INFORMATION REWARDS.] A crime information reward fund is created under the administration of the commissioner of public safety. The commissioner is authorized to make grants to local officials to pay a reward to any person who, in response to a reward offer sponsored by a law enforcement agency, provides information leading to the successful arrest and prosecution of a criminal offender. The commissioner shall establish criteria for determining the amount of the reward and the duration of the reward offer.

*Subd. 2. [APPLICATION FOR GRANT.] A county sheriff or the chief administrative officer of a municipal police department may apply to the commissioner of public safety for a grant for any of the purposes described in subdivision 1, *1a*, or *1b*; on forms and pursuant to procedures developed by the superintendent. For grants under subdivision 1, the application shall describe the type of intended criminal investigation, an estimate of the amount of money required, and any other information the superintendent deems necessary.*

Subd. 3. [INVESTIGATION REPORT.] A report shall be made to the commissioner at the conclusion of an investigation pursuant to this section for which a grant was made under subdivision 1 stating: (1) the number of persons arrested, (2) the nature of charges filed against them, (3) the nature

and value of controlled substances or contraband purchased or seized, (4) the amount of money paid to informants during the investigation, and (5) a separate accounting of the amount of money spent for expenses, other than "buy money", of bureau and local law enforcement personnel during the investigation. The commissioner shall prepare and submit to the ~~legislature~~ *chairs of the committees in the senate and house of representatives with jurisdiction over criminal justice policy* by January 1 of each year a report of investigations ~~pursuant to this section~~ *receiving grants under subdivision 1.*

Subd. 3a. [ACCOUNTING REPORT.] The head of a law enforcement agency that receives a grant under ~~this section for witness assistance services~~ *subdivision 1a or 1b* shall file a report with the commissioner at the conclusion of the case detailing the specific purposes for which the money was spent. The commissioner shall prepare and submit to the ~~legislature~~ *chairs of the committees in the senate and house of representatives with jurisdiction over criminal justice policy* by January 1 of each year a summary report of witness assistance services *and crime information rewards* provided under this section.

Subd. 4. [DATA CLASSIFICATION.] An application to the commissioner for money is a confidential record. Information within investigative files that identifies or could reasonably be used to ascertain the identity of assisted witnesses, sources, or undercover investigators is a confidential record. A report at the conclusion of an investigation is a public record, except that information in a report pertaining to the identity or location of an assisted witness is private data.

Sec. 6. Minnesota Statutes 1992, section 388.051, is amended by adding a subdivision to read:

Subd. 3. [PLEA NEGOTIATION POLICIES AND PRACTICES; WRITTEN GUIDELINES REQUIRED.] (a) On or before January 1, 1995, each county attorney shall adopt written guidelines governing the county attorney's charging and plea negotiation policies and practices. The guidelines shall address, but need not be limited to, the following matters:

(1) the circumstances under which plea negotiation agreements are permissible;

(2) the factors that are considered in making charging decisions and formulating plea agreements; and

(3) the extent to which input from other persons concerned with a prosecution, such as victims and law enforcement officers, is considered in formulating plea agreements.

(b) Policies and procedures adopted under this subdivision are public data, as defined in section 13.02.

Sec. 7. Minnesota Statutes 1992, section 626.76, is amended to read:

626.76 [RULES AND REGULATIONS; AIDING OTHER OFFICERS; EXCHANGE PROGRAMS.]

Subdivision 1. Any appointive or elective agency or office of peace officers as defined in subdivision 3 may establish rules or regulations *and enter into agreements with other agencies and offices* for:

(1) assisting other peace officers in the line of their duty and within the course of their employment; and

(2) exchanging the agency's peace officers with peace officers of another agency or office on a temporary basis. Additionally, the agency or office may establish rules and regulations for assisting probation, parole, and supervised release agents who are supervising probationers, parolees, or supervised releasees in the geographic area within the agency's or office's jurisdiction.

Subd. 2. (a) When a peace officer gives assistance to another peace officer, or to a parole, probation, or supervised release agent, within the scope of the rules or regulations of the peace officer's appointive or elected agency or office, any such assistance shall be within the line of duty and course of employment of the officer rendering the assistance.

(b) When a peace officer acts on behalf of another agency or office within the scope of an exchange agreement entered into under subdivision 1, the officer's actions are within the officer's line of duty and course of employment to the same extent as if the officer had acted on behalf of the officer's employing agency.

Subd. 3. For the purposes of this section ~~the term~~, "peace officer" means any member of a police department, state patrol, game warden service, sheriff's office, or any other law enforcement agency, the members of which have, by law, the power of arrest.

Subd. 4. This section shall in no way be construed as extending or enlarging the duties or authority of any peace officer or any other law enforcement agent as defined in subdivision 3 except as provided in this section.

Sec. 8. Minnesota Statutes 1992, section 626.846, subdivision 6, is amended to read:

Subd. 6. A person seeking election or appointment to the office of sheriff, or seeking appointment to the position of chief law enforcement officer, as defined by the rules of the board, after June 30, 1987, must be licensed or eligible to be licensed as a peace officer. The person shall submit proof of peace officer licensure or eligibility as part of the application for office. A person elected or appointed to the office of sheriff or the position of chief law enforcement officer shall be licensed as a peace officer during the person's term of office or employment.

Sec. 9. [629.343] [ALLOWING PROBABLE CAUSE ARRESTS FOR OFFENSES WITHIN SCHOOL ZONES.]

Notwithstanding section 629.34, or any other law or rule, a peace officer may arrest a person anywhere without a warrant, including at the person's residence, if the peace officer has probable cause to believe that the person within the preceding four hours has committed a fifth degree assault, as defined in section 609.224, or engaged in disorderly conduct, as defined in section 609.72, on school property, as defined in section 609.66, subdivision 1d.

ARTICLE 5

EXPLOSIVES AND BLASTING AGENTS

Section 1. Minnesota Statutes 1992, section 299F.72, is amended by adding a subdivision to read:

Subd. 1a. [BLASTING AGENT.] "Blasting agent" means any material or

mixture (1) that consists of a fuel and oxidizer, (2) that is intended for blasting, (3) that is not otherwise classified as an explosive, (4) in which none of the ingredients is classified as an explosive, and (5) when a finished product, as mixed and packaged for use or shipment, that cannot be detonated by means of a number eight test blasting cap when unconfined. The term does not include flammable liquids or flammable gases.

Sec. 2. Minnesota Statutes 1992, section 299F.72, subdivision 2, is amended to read:

Subd. 2. [EXPLOSIVE.] "Explosive" means any *chemical* compound or mixture, or device, the primary or common purpose of which is to function by explosion; that is, with substantially instantaneous release of gas and heat; ~~but shall, unless the compound, mixture, or device is otherwise specifically classified by the United States Department of Transportation. The term does not mean or include the components for handloading rifle, pistol, and shotgun ammunition, and/or rifle, pistol and shotgun ammunition, black powder, smokeless powder, primers, and fuses when used for ammunition and components for antique or replica muzzleloading rifles, pistols, muskets, shotguns, and cannons, or when used for rifle, pistol, and shotgun ammunition, nor does it include fireworks as defined in section 624.20, nor shall it include any fertilizer product possessed, used or sold solely for a legitimate agricultural, forestry, conservation, or horticultural purpose.~~

Sec. 3. Minnesota Statutes 1992, section 299F.73, is amended to read:

299F.73 [LICENSE REQUIRED.]

Subdivision 1. [MANUFACTURE, ASSEMBLY, OR STORAGE OF EXPLOSIVES.] No person shall manufacture, assemble, warehouse or store explosives or *blasting agents* for purposes of wholesale or retail sale, or for any other purpose other than for ultimate consumption without being licensed to do so by the commissioner of public safety.

Subd. 2. [APPLICATION.] In order to obtain the license herein required such person shall make application to the commissioner of public safety. The application shall be on forms provided by the commissioner of public safety and shall require such information as the commissioner deems necessary including but not limited to the name, address, age, experience and knowledge of the applicant in the use, handling, and storage of explosives and *explosive devices or blasting agents*, and whether the applicant is a person to whom no such license may be issued pursuant to section 299F.77. The commissioner of public safety may refuse to issue a license to any person who does not have sufficient knowledge of the use, handling, or storage of explosives or *blasting agents* to protect the public safety. Any person aggrieved by the denial of a license may request a hearing before the commissioner of public safety. The provisions of sections 14.57 to 14.69 shall apply to such hearing and subsequent proceedings, if any.

Sec. 4. Minnesota Statutes 1992, section 299F.74, is amended to read:

299F.74 [PERMIT REQUIRED FOR POSSESSION OR USE.]

No person shall possess explosives or *blasting agents*, unless said person shall have obtained a valid license as provided in section 299F.73, or unless said person shall have obtained a valid permit for the use of explosives or *blasting agents* as hereinafter provided. The transportation of an explosive or

blasting agent by a common carrier for hire shall not be deemed to be possession of an explosive or *blasting agent* for purposes of this section.

Sec. 5. Minnesota Statutes 1992, section 299F.75, is amended to read:

299F.75 [PERMIT APPLICATION.]

Subdivision 1. [REQUIREMENT.] Any person desiring to possess explosives or *blasting agents*, other than a person licensed as provided in section 299F.73, shall make application for a permit for the use of explosives or *blasting agents* to the appropriate local sheriff or chief of police of a *statutory or home rule charter* city of the first, second or third class, or such other person as is designated by the commissioner of public safety, on a standardized form provided by the commissioner of public safety.

Subd. 2. [CONTENTS.] The application shall require the applicant's name, address, purpose for acquiring explosives or *blasting agents*, place of intended acquisition, quantity required, place and time of intended use, place and means of storage until such use and whether the applicant is a person to whom no such permit may be issued pursuant to section 299F.77. *Issuing authorities may request a certificate from the applicant regarding the applicant's knowledge in the use, handling, and storage of explosives and blasting agents, and may refuse to issue a permit to any person who does not have sufficient knowledge to protect the public safety.* Any person aggrieved by the denial of a permit may request a hearing before the commissioner of public safety. The provisions of sections 14.57 to 14.69 shall apply to such hearings and subsequent proceedings, if any.

Subd. 3. [NOTICE.] Prior to the storage or use of explosives or *blasting agents*, the applicant shall notify the appropriate local fire official and law enforcement agency.

Sec. 6. Minnesota Statutes 1992, section 299F.77, is amended to read:

299F.77 [ISSUANCE TO CERTAIN PERSONS PROHIBITED.]

The following persons shall not be entitled to receive an explosives license or permit:

(a) Any person who within the past five years has been convicted of a felony or gross misdemeanor involving moral turpitude, is on parole or probation therefor, or is currently under indictment for any such crime a person under the age of 18 years;

(b) Any person with mental illness or mental retardation as defined in section 253B.02 who has been confined or committed in Minnesota or elsewhere for mental illness or mental retardation to any hospital, mental institution or sanitarium, or who has been certified by a medical doctor as being mentally ill or mentally retarded, unless in possession of a certificate of a medical doctor or psychiatrist licensed to practice in this state, or other satisfactory proof, that the person no longer has this disability a person who has been convicted in this state or elsewhere of a crime of violence as defined in section 624.712, subdivision 5, unless ten years have elapsed since the person's civil rights have been restored or the sentence has expired, whichever occurs first, and during that time the person has not been convicted of any other crime of violence. For purposes of this section, crime of violence includes crimes in other states or jurisdictions that would have been crimes of violence if they had been committed in this state;

(c) Any person who is or has been hospitalized or committed for treatment for the habitual use of a narcotic drug, as defined in section 152.01, subdivision 10 or a controlled substance, as defined in section 152.01, subdivision 4, or who has been certified by a medical doctor as being addicted to narcotic drugs or depressant or stimulant drugs, unless in possession of a certificate of a medical doctor or psychiatrist licensed to practice in this state, or other satisfactory proof, that the person no longer has this disability a person who is or has ever been confined or committed in Minnesota or elsewhere as a "mentally ill," "mentally retarded," or "mentally ill and dangerous to the public" person, as defined in section 253B.02, to a treatment facility, unless the person possesses a certificate of a medical doctor or psychiatrist licensed in Minnesota, or other satisfactory proof, that the person is no longer suffering from this disability;

(d) Any person who by reason of the habitual and excessive use of intoxicating liquors is incapable of self-management or management of personal affairs and who has been confined or committed to any hospital, or treatment facility in this state or elsewhere as a "chemically dependent person" as defined in section 253B.02, or who has been certified by a medical doctor as being addicted to alcohol, unless in possession of a certificate of a medical doctor or psychiatrist licensed to practice in this state, or other satisfactory proof, that the person no longer has this disability a person who has been convicted in Minnesota or elsewhere for the unlawful use, possession, or sale of a controlled substance other than conviction for possession of a small amount of marijuana, as defined in section 152.01, subdivision 16, or who is or has ever been hospitalized or committed for treatment for the habitual use of a controlled substance or marijuana, as defined in sections 152.01 and 152.02, unless the person possesses a certificate of a medical doctor or psychiatrist licensed in Minnesota, or other satisfactory proof, that the person has not abused a controlled substance or marijuana during the previous two years; and

(e) Any person under the age of 18 years a person who has been confined or committed to a treatment facility in Minnesota or elsewhere as "chemically dependent," as defined in section 253B.02; unless the person has completed treatment.

Sec. 7. Minnesota Statutes 1992, section 299F.78, subdivision 1, is amended to read:

Subdivision 1. **[REQUIREMENTS TO TRANSFER TRANSFERRING EXPLOSIVES OR BLASTING AGENTS.]** No person shall transfer explosives or blasting agents to another unless the transferee shall display to the transferor a copy of a valid license or use permit and proper identification, and unless said transferee shall present to the transferor a signed standardized form provided by the commissioner of public safety, acknowledging receipt of the quantity of explosives or blasting agents transferred, the identifying numbers of the same explosives, or if none, the identifying numbers of the primary container from which the same explosives or blasting agents were distributed, and the serial number of the use permit displayed; which receipt shall be kept among the transferor's records until authorized to dispose of it by the state fire marshal.

Sec. 8. [299F.785] **[BLACK POWDER.]**

No person shall manufacture, assemble, warehouse, or store black powder for purposes of wholesale or retail sale without being licensed to do so by the

commissioner of public safety. The license shall be as prescribed by section 299F.73, subdivision 2. Persons who purchase more than five pounds of black powder shall provide suitable identification to the licensee and the licensee shall record the person's name and date of birth, date of purchase, and amount purchased. Additional information may be required by the commissioner. The records maintained by the licensee must be open to the inspection of any peace officer acting in the normal course of duties. Persons shall notify the appropriate local fire official before storing more than five pounds of black powder.

Sec. 9. Minnesota Statutes 1992, section 299F.79, is amended to read:

299F.79 [UNAUTHORIZED POSSESSION WITH INTENT OF COMPONENTS; PENALTY.]

Whoever possesses one or more of the components necessary to manufacture or assemble explosives or blasting agents, with the intent to manufacture or assemble explosives or blasting agents, unless said person shall have a valid license or permit as provided by sections 299F.73 and 299F.75, may be sentenced to imprisonment for not more than five years or payment of a fine of not more than \$10,000, or both.

Sec. 10. Minnesota Statutes 1992, section 299F.80, is amended to read:

299F.80 [UNAUTHORIZED POSSESSION OF EXPLOSIVES WITHOUT PERMIT OR BLASTING AGENTS; PENALTY.]

Subdivision 1. [POSSESSION WITHOUT LICENSE OR PERMIT.] Except as provided in subdivision 2, whoever possesses explosives or blasting agents without a valid license or permit may be sentenced to imprisonment for not more than five years or payment of a fine of not more than \$10,000, or both.

Subd. 2. [POSSESSION FOR LEGITIMATE PURPOSES; PENALTY.] Whoever possesses dynamite or other explosives or blasting agents commonly used for agricultural, forestry, conservation, industry or mining purposes, without a valid license or permit, with intent to use the same for legitimate agricultural, forestry, conservation, industry or mining purposes, and in only such quantities as are reasonably necessary for such intended use, may be sentenced to imprisonment for not more than 90 days or to a payment of a fine of not more than \$300 \$700, or both.

Sec. 11. Minnesota Statutes 1992, section 299F.82, is amended to read:

299F.82 [ILLEGAL TRANSFER.]

Subdivision 1. [PENALTY.] Except as provided in subdivision 2, whoever illegally transfers an explosive or blasting agent to another may be sentenced to imprisonment for not more than five years or payment of a fine of not more than \$10,000, or both.

Subd. 2. [PENALTY; LEGITIMATE PURPOSES.] Whoever illegally transfers dynamite or other explosives or blasting agents commonly used for agricultural, forestry, conservation, industry or mining purposes to another, personally known to the transferor, in the belief that the same shall be used for legitimate agricultural, forestry, conservation, industry or mining purposes, and in only such quantities as are reasonably necessary for such believed use, may be sentenced to imprisonment for not more than 90 days or to payment of a fine of not more than \$300 \$700, or both.

Sec. 12. Minnesota Statutes 1992, section 299F.83, is amended to read:

299F.83 [NEGLIGENT DISCHARGE.]

Whoever, acting with gross disregard for human life or property, negligently causes an explosive, ~~explosive device, or incendiary device,~~ or *blasting agent* to be discharged may be sentenced to imprisonment for not more than ten years or payment of a fine of not more than \$20,000, or both.

Sec. 13. [299F.831] [HANDLING WHILE INFLUENCED BY ALCOHOL OR DRUG.]

Subdivision 1. [PROHIBITION.] A person shall not handle or use explosives or blasting agents while under the influence of alcohol or controlled substances as defined by section 169.121, subdivision 1.

Subd. 2. [PENALTY.] Whoever handles or uses an explosive or blasting agent while under the influence of alcohol or a controlled substance is guilty of a misdemeanor and may be sentenced to imprisonment for not more than 90 days or payment of a fine of not more than \$700, or both.

Sec. 14. [609.668] [EXPLOSIVE AND INCENDIARY DEVICES.]

Subdivision 1. [DEFINITIONS.] For purposes of this section, the following terms have the meanings given them.

(a) "Explosive device" means a device so articulated that an ignition by fire, friction, concussion, chemical reaction, or detonation of any part of the device may cause such sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects. Explosive devices include, but are not limited to, bombs, grenades, rockets having a propellant charge of more than four ounces, mines, and fireworks modified for other than their intended purpose. The term includes devices that produce a chemical reaction that produces gas capable of bursting its container and producing destructive effects.

(b) "Incendiary device" means a device so articulated that an ignition by fire, friction, concussion, detonation, or other method may produce destructive effects primarily through combustion rather than explosion. The term does not include a manufactured device or article in common use by the general public that is designed to produce combustion for a lawful purpose, including but not limited to matches, lighters, flares, or devices commercially manufactured primarily for the purpose of illumination, heating, or cooking.

(c) "Crime of violence" has the definition given in section 624.712, subdivision 5.

Subd. 2. [POSSESSION BY CERTAIN PERSONS PROHIBITED.] The following persons are prohibited from possessing or reporting an explosive device or incendiary device:

(a) a person under the age of 18 years;

(b) a person who has been convicted in this state or elsewhere of a crime of violence unless ten years have elapsed since the person's civil rights have been restored or the sentence has expired, whichever occurs first, and during that time the person has not been convicted of any other crime of violence. For purposes of this section, crime of violence includes crimes in other states or

jurisdictions that would have been crimes of violence if they had been committed in this state;

(c) a person who is or has ever been confined or committed in Minnesota or elsewhere as a "mentally ill," "mentally retarded," or "mentally ill and dangerous to the public" person, as defined in section 253B.02, to a treatment facility, unless the person possesses a certificate of a medical doctor or psychiatrist licensed in Minnesota, or other satisfactory proof, that the person is no longer suffering from this disability;

(d) a person who has been convicted in Minnesota or elsewhere for the unlawful use, possession, or sale of a controlled substance other than conviction for possession of a small amount of marijuana, as defined in section 152.01, subdivision 16, or who is or has ever been hospitalized or committed for treatment for the habitual use of a controlled substance or marijuana, as defined in sections 152.01 and 152.02, unless the person possesses a certificate of a medical doctor or psychiatrist licensed in Minnesota, or other satisfactory proof, that the person has not abused a controlled substance or marijuana during the previous two years;

(e) a person who has been confined or committed to a treatment facility in Minnesota or elsewhere as "chemically dependent," as defined in section 253B.02, unless the person has completed treatment; and

(f) a peace officer who is informally admitted to a treatment facility pursuant to section 253B.04 for chemical dependency, unless the officer possesses a certificate from the head of the treatment facility discharging or provisionally discharging the officer from the treatment facility.

A person who in good faith issues a certificate to a person described in this subdivision to possess or use an incendiary or explosive device is not liable for damages resulting or arising from the actions or misconduct with an explosive or incendiary device committed by the individual who is the subject of the certificate.

Subd. 3. [USES PERMITTED.] (a) The following persons may own or possess an explosive device or incendiary device provided that subdivision 4 is complied with:

- (1) law enforcement officers for use in the course of their duties;
- (2) fire department personnel for use in the course of their duties;
- (3) corrections officers and other personnel at correctional facilities or institutions when used for the retention of persons convicted or accused of crime;
- (4) persons possessing explosive devices or incendiary devices that although designed as devices have been determined by the commissioner of public safety or the commissioner's delegate, by reason of the date of manufacture, value, design, or other characteristics, to be a collector's item, relic, museum piece, or specifically used in a particular vocation or employment, such as the entertainment industry; and

(5) dealers and manufacturers who are federally licensed or registered.

(b) Persons listed in paragraph (a) shall also comply with the federal requirements for the registration and licensing of destructive devices.

Subd. 4. [REPORT REQUIRED.] (a) Before owning or possessing an explosive device or incendiary device as authorized by subdivision 3, a person shall file a written report with the department of public safety showing the person's name and address; the person's title, position, and type of employment; a description of the explosive device or incendiary device sufficient to enable identification of the device; the purpose for which the device will be owned or possessed; the federal license or registration number, if appropriate; and other information as the department may require.

(b) Before owning or possessing an explosive device or incendiary device, a dealer or manufacturer shall file a written report with the department of public safety showing the name and address of the dealer or manufacturer; the federal license or registration number, if appropriate; the general type and disposition of the device; and other information as the department may require.

Subd. 5. [EXCEPTIONS.] This section does not apply to:

(1) members of the armed forces of either the United States or the state of Minnesota when for use in the course of duties;

(2) educational institutions when the devices are manufactured or used in conjunction with an official education course or program;

(3) propellant-actuated devices, or propellant-actuated industrial tools manufactured, imported, or distributed for their intended purpose;

(4) items that are neither designed or redesigned for use as explosive devices or incendiary devices;

(5) governmental organizations using explosive devices or incendiary devices for agricultural purposes or control of wildlife;

(6) governmental organizations using explosive devices or incendiary devices for official training purposes or as items retained as evidence; or

(7) arsenals, navy yards, depots, or other establishments owned by, or operated by or on behalf of, the United States.

Subd. 6. [ACTS PROHIBITED; PENALTIES.] (a) Except as otherwise provided in this section, whoever possesses, manufactures, transports, or stores an explosive device or incendiary device in violation of this section may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than \$20,000, or both.

(b) Whoever legally possesses, manufactures, transports, or stores an explosive device or incendiary device, with intent to use the device to damage property or cause injury, may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than \$20,000, or both.

(c) Whoever, acting with gross disregard for human life or property, negligently causes an explosive device or incendiary device to be discharged, may be sentenced to imprisonment for not more than 20 years or to payment of a fine of not more than \$100,000, or both.

Subd. 7. [INITIAL REPORTING.] All persons have 60 days from the effective date of this section to report explosive devices and incendiary devices to the department of public safety.

Sec. 15. Minnesota Statutes 1993 Supplement, 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 3(d)(v) or (vi); section 609.52, subdivision 2, clause (4); 609.53; 609.561; 609.562; 609.582, subdivision 1 or 2; 609.668, subdivision 6, paragraph (a); 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 benefit society regulated under chapter 64B.~~

Sec. 16. Minnesota Statutes 1992, section 624.21, is amended to read:

624.21 [SALE, POSSESSION, AND USE OF FIREWORKS PROHIBITED.]

Except as otherwise provided in sections 624.20 to 624.25, it shall be unlawful for any person to offer for sale, expose for sale, sell at retail or wholesale, possess, *advertise*, use, or explode any fireworks. This section shall not be construed to prohibit the possession, use, or explosion of fireworks by an engineer licensed pursuant to sections 326.02 and 326.03 or a person under the engineer's direct supervision when undertaking acoustical testing; or sales at wholesale to those persons holding valid permits for a fireworks display from a governmental subdivision of the state; or sales outside the state or sales to licensed professional engineers for acoustical testing purposes only.

Sec. 17. [REPEALER.]

Minnesota Statutes 1992, sections 299F.71; 299F.72, subdivisions 3 and 4; 299F.78, subdivision 2; and 299F.815; subdivision 2; Minnesota Statutes 1993 Supplement, sections 299F.811; and 299F.815, subdivision 1, are repealed.

Sec. 18. [EFFECTIVE DATE.]

Sections 1 to 17 are effective August 1, 1994, and apply to crimes committed on or after that date.

ARTICLE 6

CORRECTIONS

Section 1. Minnesota Statutes 1993 Supplement, section 241.021, subdivision 1, is amended to read:

Subdivision 1. [SUPERVISION OVER CORRECTIONAL INSTITUTIONS.] (1) The commissioner of corrections shall inspect and license all correctional facilities throughout the state, whether public or private, established and operated for the detention and confinement of persons detained or

confined therein according to law except to the extent that they are inspected or licensed by other state regulating agencies. The commissioner shall promulgate pursuant to chapter 14, rules establishing minimum standards for these facilities with respect to their management, operation, physical condition, and the security, safety, health, treatment, and discipline of persons detained or confined therein. Commencing September 1, 1980, no individual, corporation, partnership, voluntary association, or other private organization legally responsible for the operation of a correctional facility may operate the facility unless licensed by the commissioner of corrections. The commissioner shall ~~annually~~ review the correctional facilities described in this subdivision *at least once every biennium*, except as otherwise provided herein, to determine compliance with the minimum standards established pursuant to this subdivision. The commissioner shall grant a license to any facility found to conform to minimum standards or to any facility which, in the commissioner's judgment, is making satisfactory progress toward substantial conformity and the interests and well-being of the persons detained or confined therein are protected. *The commissioner may grant licensure up to two years.* The commissioner shall have access to the buildings, grounds, books, records, staff, and to persons detained or confined in these facilities. The commissioner may require the officers in charge of these facilities to furnish all information and statistics the commissioner deems necessary, at a time and place designated by the commissioner. The commissioner may require that any or all such information be provided through the department of corrections detention information system.

(2) Any state agency which regulates, inspects, or licenses certain aspects of correctional facilities shall, insofar as is possible, ensure that the minimum standards it requires are substantially the same as those required by other state agencies which regulate, inspect, or license the same aspects of similar types of correctional facilities, although at different correctional facilities.

(3) Nothing in this section shall be construed to limit the commissioner of corrections' authority to promulgate rules establishing standards of eligibility for counties to receive funds under sections 401.01 to 401.16, or to require counties to comply with operating standards the commissioner establishes as a condition precedent for counties to receive that funding.

(4) When the commissioner finds that any facility described in clause (1), except foster care facilities for delinquent children and youth as provided in subdivision 2, does not substantially conform to the minimum standards established by the commissioner and is not making satisfactory progress toward substantial conformance, the commissioner shall promptly notify the chief executive officer and the governing board of the facility of the deficiencies and order that they be remedied within a reasonable period of time. The commissioner may by written order restrict the use of any facility which does not substantially conform to minimum standards to prohibit the detention of any person therein for more than 72 hours at one time. When, after due notice and hearing, the commissioner finds that any facility described in this subdivision, except county jails and lockups as provided in sections 641.26, 642.10, and 642.11, does not conform to minimum standards, or is not making satisfactory progress toward substantial compliance therewith, the commissioner may issue an order revoking the license of that facility. After revocation of its license, that facility shall not be used until its license is renewed. When the commissioner is satisfied that satisfactory progress towards substantial compliance with minimum standard is being made, the

commissioner may, at the request of the appropriate officials of the affected facility supported by a written schedule for compliance, grant an extension of time for a period not to exceed one year.

(5) As used in this subdivision, "correctional facility" means any facility, including a group home, having a residential component, the primary purpose of which is to serve persons placed therein by a court, court services department, parole authority, or other correctional agency having dispositional power over persons charged with, convicted, or adjudicated to be guilty or delinquent.

Sec. 2. Minnesota Statutes 1992, section 241.021, subdivision 2, is amended to read:

Subd. 2. [FOSTER CARE FACILITIES FOR DELINQUENT CHILDREN AND YOUTH; LICENSES; SUPERVISION.] Notwithstanding any provisions in sections 256.01, subdivision 2, clause (2), 245A.03, and 245A.04, to the contrary, the commissioner of corrections shall ~~pass annually on the adequacy and suitability of review~~ all county, municipal or other publicly established and operated facilities for the detention, care and training of delinquent children and youth *at least once every biennium*, if such facility conforms to reasonable standards established by the commissioner or in the commissioner's judgment is making satisfactory progress toward substantial conformity therewith, and the commissioner is satisfied that the interests and well-being of children and youth received therein are protected, the commissioner shall grant a license to the county, municipality or agency thereof operating such facility. ~~This license shall remain in force one year unless sooner revoked. The commissioner may grant licensure up to two years.~~ Each such facility shall cooperate with the commissioner to make available all facts regarding its operation and services as the commissioner requires to determine its conformance to standards and its competence to give the services needed and which purports to give. Every such facility as herein described is subject to visitation and supervision by the commissioner and shall receive from the commissioner consultation as needed to strengthen services to the children and youth received therein.

Sec. 3. Minnesota Statutes 1992, section 241.021, subdivision 4, is amended to read:

Subd. 4. [HEALTH CARE.] The commissioner of corrections shall provide *necessary and adequate* professional health care, *including examination, diagnosis, and treatment*, to persons confined in institutions under the control of the commissioner of corrections and pay the costs of their care in hospitals and other medical facilities not under the control of the commissioner of corrections, including the secure treatment unit operated by the St. Paul - Ramsey Hospital. All reimbursements for these health care services shall be deposited in the general fund. *The commissioner may not pay the cost of purely elective surgery, or treatments or surgery that are purely cosmetic in nature, unless the commissioner's costs will be reimbursed in full under the inmate's health insurance policy.*

Sec. 4. Minnesota Statutes 1992, section 241.26, subdivision 7, is amended to read:

Subd. 7. [PAYMENT OF BOARD AND ROOM.] The commissioner shall determine the amount to be paid for board and room by such work placement inmate. When special circumstances warrant or for just and reasonable cause,

the commissioner may waive the payment by the inmate of board and room charges and report such waivers to the commissioner of finance.

Where a work placement inmate is housed in a jail or workhouse, such board and room revenue shall be paid over to such city or county official as provided for in subdivision 2, provided however, that when payment of board and room has been waived, the commissioner shall make such payments from funds appropriated for that purpose:

Sec. 5. Minnesota Statutes 1992, section 243.18, subdivision 1, is amended to read:

Subdivision 1. **[GOOD TIME REDUCTION OF SENTENCE.]** Every inmate sentenced *before May 1, 1980*, for any term other than life, confined in a state adult correctional facility or on parole therefrom, may diminish the *maximum* term of sentence one day for each two days during which the inmate has not violated any facility rule or discipline.

The commissioner of corrections, in view of the aggravated nature and frequency of offenses, may take away any or all of the good time previously gained, and, in consideration of mitigating circumstances or ignorance on the part of the inmate, may afterwards restore the inmate, in whole or in part, to the standing the inmate possessed before such good time was taken away.

Sec. 6. Minnesota Statutes 1993 Supplement, section 243.18, subdivision 2, is amended to read:

Subd. 2. **[SANCTION FOR FAILURE TO WORK REQUIRED; GOOD TIME.]** ~~This subdivision applies only to inmates whose crimes were committed before August 1, 1993. All inmates are required to work. An inmate for whom a who fails to perform an available work assignment is available may shall be sanctioned either by not earn earning good time under subdivision 1 or by serving a disciplinary confinement period, as appropriate, for any day on which the inmate does not perform the work assignment. The commissioner may excuse an inmate from work only for illness, physical disability, or to participate in an education or treatment program.~~

Sec. 7. Minnesota Statutes 1992, section 243.23, subdivision 2, is amended to read:

Subd. 2. The commissioner may promulgate rules requiring the inmates of adult correctional facilities under the commissioner's control to pay all or a part of the cost of their board, room, clothing, medical, dental and other correctional services. These costs are payable from any earnings of the inmate, including earnings from private industry established at state correctional facilities pursuant to section 243.88. *All sums of money received pursuant to the payments made for correctional services as authorized in this subdivision are available for use by the commissioner during the current and subsequent fiscal year, and are appropriated to the commissioner of corrections for the purposes of the fund from which the earnings were paid.*

Sec. 8. Minnesota Statutes 1992, section 243.24, subdivision 1, is amended to read:

Subdivision 1. **[SOLE BENEFIT OF INMATE.]** Any money arising under section 243.23 shall be and remain under the control of the commissioner of corrections and shall be for the sole benefit of the inmate, unless by special order of the commissioner of corrections it shall be used as designated in

section 243.23, ~~subdivision~~ *subdivisions 2 and 3*, or for rendering assistance to the inmate's family or dependent relatives, under such rules as to time, manner, and amount of disbursements as the commissioner of corrections may prescribe. Unless ordered disbursed as hereinbefore prescribed or for an urgency determined in each case by the chief executive officer of the facility, a portion of such earnings in an amount to be determined by the commissioner shall be set aside and kept by the facility in the public welfare fund of the state for the benefit of the inmate and for the purpose of assisting the inmate when leaving the facility and if released on parole said sum to be disbursed to the inmate in such amounts and at such times as the commissioner of corrections may authorize and on final discharge, if any portion remains undisbursed, it shall be transmitted to the inmate.

Sec. 9. Minnesota Statutes 1992, section 244.12, subdivision 1, is amended to read:

Subdivision 1. [GENERALLY.] The commissioner may order that an offender who meets the eligibility requirements of subdivisions 2 and 3 be placed on intensive community supervision, as described in sections 244.14 and 244.15, for all or part of the offender's sentence if the offender agrees to participate in the program and *if the commissioner notifies the sentencing court approves in writing of the offender's participation in the program.*

Sec. 10. Minnesota Statutes 1992, section 244.12, subdivision 2, is amended to read:

Subd. 2. [ELIGIBILITY.] The commissioner must limit the intensive community supervision program to the following persons:

(1) offenders who are committed to the commissioner's custody following revocation of a stayed sentence; and

(2) offenders who are committed to the commissioner's custody for a sentence of ~~27~~ 30 months or less, who did not receive a dispositional departure under the sentencing guidelines, and who have already served a period of incarceration as a result of the offense for which they are committed.

Sec. 11. Minnesota Statutes 1992, section 244.15, subdivision 4, is amended to read:

Subd. 4. [FACE-TO-FACE CONTACTS.] (a) During phase I, the assigned intensive supervision agent shall have at least four face-to-face contacts with the offender each week.

(b) During phase II, two face-to-face contacts a week are required.

(c) During phase III, one face-to-face contact a week is required.

(d) During phase IV, two face-to-face contacts a month are required.

(e) When an offender is an inmate of a jail or a resident of a facility which is staffed full time, the assigned agent may reduce face-to-face contacts to one per week during all phases.

Sec. 12. Minnesota Statutes 1992, section 244.172, subdivision 3, is amended to read:

Subd. 3. [PHASE III.] Phase III lasts for the remainder of the offender's sentence. *During phase III, the commissioner shall place the offender on supervised release under section 244.05. continues until the commissioner*

determines that the offender has successfully completed the program or until the offender's sentence, minus jail credit, expires, whichever comes first. If an offender successfully completes phase III of the challenge incarceration program before the offender's sentence expires, the offender shall be placed on supervised release for the remainder of the sentence. The commissioner shall set the level of the offender's supervision based on the public risk presented by the offender.

Sec. 13. Minnesota Statutes 1992, section 609.115, subdivision 1, is amended to read:

Subdivision 1. [PRESENTENCE INVESTIGATION.] When a defendant has been convicted of a misdemeanor or gross misdemeanor, the court may, and when the defendant has been convicted of a felony, the court shall, before sentence is imposed, cause a presentence investigation and written report to be made to the court concerning the defendant's individual characteristics, circumstances, needs, potentialities, criminal record and social history, the circumstances of the offense and the harm caused by it to others and to the community. At the request of the prosecutor in a gross misdemeanor case, the court shall order that a presentence investigation and report be prepared. When the crime is a felony violation of chapter 152 involving the sale or distribution of a controlled substance, the report shall include a description of any adverse social or economic effects the offense has had on persons who reside in the neighborhood where the offense was committed.

The report shall also include the information relating to crime victims required under section 611A.037, subdivision 1. If the court directs, the report shall include an estimate of the prospects of the defendant's rehabilitation and recommendations as to the sentence which should be imposed. In misdemeanor cases the report may be oral.

When a defendant has been convicted of a felony, and before sentencing, the court shall cause a sentencing worksheet to be completed to facilitate the application of the Minnesota sentencing guidelines. The worksheet shall be submitted as part of the presentence investigation report.

The investigation shall be made by a probation officer of the court, if there is one, otherwise by the commissioner of corrections. The officer conducting the presentence or predispositional investigation shall make reasonable and good faith efforts to contact the victim of that crime and to provide that victim with the information required under section 611A.037, subdivision 2.

When a person is convicted of a felony for which the sentencing guidelines presume that the defendant will be committed to the commissioner of corrections under an executed sentence and no motion for a sentencing departure has been made by counsel, the court may, *where space is available and the commissioner consents*, commit the defendant to the custody of the commissioner of corrections, pending completion of the presentence investigation and report. When a defendant is convicted of a felony for which the sentencing guidelines do not presume that the defendant will be committed to the commissioner of corrections, or for which the sentencing guidelines presume commitment to the commissioner but counsel has moved for a sentencing departure, the court may commit the defendant to the commissioner with the consent of the commissioner, pending completion of the presentence investigation and report. The ~~commissioner~~ county of commitment shall return the defendant to the court when the court so orders.

Presentence investigations shall be conducted and summary hearings held upon reports and upon the sentence to be imposed upon the defendant in accordance with this section, section 244.10, and the rules of criminal procedure.

Sec. 14. Minnesota Statutes 1992, section 631.425, subdivision 6, is amended to read:

Subd. 6. [REDUCTION OF SENTENCE.] The term of the inmate's sentence ~~may be reduced by one-fourth, if in the opinion of the court the inmate's conduct, diligence, and general attitude merit reduction, whether the term is part of an executed sentence or is imposed as a condition of probation, shall, when ten days or more, be reduced by one day for each two days served, commencing on the day of arrival, during which the inmate has not violated any rule or discipline of the place within which the person is incarcerated and, if required to labor, has labored with diligence and fidelity.~~

Sec. 15. Minnesota Statutes 1992, section 641.15, subdivision 2, is amended to read:

Subd. 2. [MEDICAL AID.] Except as provided in section 466.101, the county board shall pay the costs of medical services provided to prisoners. *The county may not pay for purely elective surgery, or treatments or surgery that are purely cosmetic in nature, unless the cost will be reimbursed in full by the prisoner's health insurance policy.* The county is entitled to reimbursement from the prisoner 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 services. If a prisoner is covered by health or medical insurance or other health plan when medical services are provided, the county providing the medical services has a right of subrogation to be reimbursed by the insurance carrier for all sums spent by it for medical services 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. The county may maintain an action to enforce this subrogation right. The county does not have a right of subrogation against the medical assistance program or the general assistance medical care program.

Sec. 16. Minnesota Statutes 1992, section 642.09, is amended to read:

642.09 [INSPECTION; AGENT OF A BOARD OF HEALTH, SHERIFF.]

The agent of a board of health as authorized under section 145A.04 of every city having a lockup shall inspect the same once a year, with reference to its sanitary condition, make a written report thereof to the commissioner of corrections upon blanks furnished by the commissioner, and deliver a copy of such report to the governing body of such city. Upon filing such report the authorized agent shall receive from the treasurer of such municipality a fee of \$5. The sheriff of any county in which a municipality maintains a lockup shall inspect such lockup ~~once a year~~ *at least once every biennium with the approval of the commissioner of corrections*, with reference to its security and administration, and make a written report thereof to the commissioner of corrections upon blanks furnished by the commissioner, and deliver a copy of such report to the governing body of the municipality maintaining such lockup. *The commissioner may grant licensure up to two years.*

Sec. 17. [INTENSIVE TRANSITION PILOT PROGRAMS.]

The commissioner of corrections shall establish two pilot programs in Hennepin and Ramsey counties to provide transitional programming and intensive surveillance and supervision for offenders who have just been released from prison on supervised release. The pilot programs shall be designed to improve offender accountability for observing the conditions of supervised release, to reduce recidivism, and to reduce the risk these offenders may pose to public safety.

The pilot programs shall include a research component designed to answer the following questions, at a minimum:

(a) Did the higher level of supervision, surveillance, and control provided under the pilot programs increase the number of offenders who successfully complied with the conditions of supervised release as compared to offenders who did not participate in the programs?

(b) Over the longer term, were there fewer felony-level crimes committed by the offenders who participated in the pilot programs as compared to offenders who did not participate in the programs?

Sec. 18. [JUVENILE FEMALE OFFENDERS.]

The commissioner of corrections shall collaborate with the commissioners of human services, health, jobs and training, planning, education, public safety, and with representatives of the private sector to develop a comprehensive continuum of care to address the gender-specific needs of juvenile female offenders.

Sec. 19. [INMATE MENTAL HEALTH TRAINING STUDY.]

Subdivision 1. [STUDY.] The commissioners of corrections and human services shall convene a group to evaluate current training programs and practices relating to appropriate identification, care, and treatment of inmates who are mentally ill for correctional staff who have direct contact with inmates. The study group shall determine whether current practices are appropriate and sufficient to help correctional staff identify and understand mental illness and treatment issues. The study group shall:

(1) make a specific recommendation whether correctional staff who have direct contact with inmates should be required to attend continuing education on mental health issues; and

(2) develop a plan for addressing inmate mental health issues, including early intervention.

Subd. 2. [PARTICIPANTS.] In convening the study group, the commissioners shall include representatives of the following:

(1) the ombudsman for corrections;

(2) the ombudsman for mental health and mental retardation;

(3) mental health experts;

(4) mental health advocates;

(5) inmate advocates; and

(6) correctional officers.

Subd. 3. [REPORT.] The study group shall submit a joint report to the chairs of the senate crime prevention committee and the house of representatives judiciary committee and the chairs of the senate health care committee and the house of representatives health and human services committee by December 15, 1994, with its recommendations.

Sec. 20. [INMATE HIV/AIDS TRAINING STUDY.]

Subdivision 1. [STUDY.] The commissioners of corrections and health shall convene a group to evaluate current training programs and practices relating to appropriate identification, care, and treatment of inmates who are affected with HIV/AIDS for correctional staff who have direct contact with inmates. The study group shall determine whether current practices are appropriate and sufficient to help correctional staff identify and understand HIV/AIDS issues. The study group shall:

(1) make a specific recommendation whether correctional staff who have direct contact with inmates should be required to attend continuing education on HIV/AIDS issues; and

(2) develop a plan for addressing inmate HIV/AIDS issues, including prevention and education, early intervention, health care, release preparations, and risks of discrimination and harassing treatment.

Subd. 2. [PARTICIPANTS.] In convening the study group, the commissioners shall include representatives of the following:

(1) the ombudsman for corrections;

(2) HIV/AIDS advocates;

(3) inmate advocates; and

(4) correctional officers.

Subd. 3. [REPORT.] The study group shall submit a joint report to the chairs of the senate crime prevention committee and the house of representatives judiciary committee and the chairs of the senate health care committee and the house of representatives health and human services committee by December 15, 1994, with their recommendations.

Sec. 21. [INSTRUCTION TO REVISOR.]

The revisor of statutes shall renumber Minnesota Statutes, section 243.18, subdivision 1, as section 244.04, subdivision 1a; and shall change the headnote of Minnesota Statutes, section 243.18, from "DIMINUTION OF SENTENCE" to "WORK REQUIRED."

Sec. 22. [APPLICATION.]

The intent of section 5 is to clarify the provisions of Minnesota Statutes, section 243.18, subdivision 1.

Sec. 23. [REPEALER.]

Minnesota Statutes 1993 Supplement, section 243.18, subdivision 3, is repealed.

ARTICLE 7

CRIME VICTIMS

Section 1. Minnesota Statutes 1992, section 611A.19, subdivision 1, is amended to read:

Subdivision 1. [TESTING ON REQUEST OF VICTIM.] (a) The sentenc-

ing court may issue an order requiring a person convicted of a violent crime, as defined in section 609.152, or a juvenile adjudicated delinquent for violating section 609.342, 609.343, 609.344, or 609.345, to submit to testing to determine the presence of human immunodeficiency virus (HIV) antibody if:

- (1) the prosecutor moves for the test order in camera;
- (2) the victim requests the test; and
- (3) evidence exists that the broken skin or mucous membrane of the victim was exposed to or had contact with the offender's semen or blood during commission of the crime.

(b) If the court grants the prosecutor's motion, the court shall order that the test be performed by an appropriate health professional and that no reference to the test, the motion requesting the test, the test order, or the test results may appear in the criminal record or be maintained in any record of the court or court services.

ARTICLE 8

CRIME PREVENTION

Section 1. [242.56] [WORK AND LEARN FACILITIES FOR YOUTH.]

Subdivision 1. [REQUESTS FOR PROPOSALS.] The commissioner of corrections shall select two nonprofit organizations to select and develop sites for work and learn facilities for youth. The selection of organizations must be made in consultation with the advisory group created under subdivision 3. By July 1, 1994, the commissioner shall issue a request for proposals from nonprofit organizations to locate and develop the facilities described in subdivisions 4 and 5. Both programs will provide rigorous programming for youthful offenders.

Subd. 2. [ELIGIBILITY.] (a) Both programs are limited to individuals who:

- (1) are at least 14 years of age but no older than 19 at the time of admission;*
- (2) have not received a high school diploma; and*
- (3) were adjudicated delinquent or referred by a county social services agency.*

(b) The following are not eligible:

- (1) juveniles adjudicated delinquent for murder, manslaughter, criminal sexual conduct in the first or second degree, assault, kidnapping, robbery, arson, or any other offense involving death or intentional personal injury; and*
- (2) juveniles who were adjudicated delinquent within the preceding ten years of an offense described in clause (1) and were committed to the custody of the commissioner.*

(c) The programs may include nonoffenders selected by the commissioner based on recommendations from social service agencies of individuals who are at risk of incarceration.

Subd. 3. [ADVISORY GROUP.] The commissioner shall appoint an advisory group to assist in selecting sites under this section. The commissioner shall include among the members of the group representatives of the following: the council on Black Minnesotans, the council on the affairs of Spanish-speaking people, the council on Asian-Pacific Minnesotans, the Indian affairs council, the commissioner of education, community corrections officials, county corrections officials, the association of counties, and the association of county probation officers.

Subd. 4. [METROPOLITAN WORK AND LEARN SITE.] One facility shall be in the metropolitan area in an academy campus setting and be administered to address the problems of high unemployment rate among people of color, the high drop-out rate of young people in the public school system, and overcrowded correctional facilities. The academy shall provide the following programs:

- (1) physical training;*
- (2) general studies;*
- (3) motivational and personal development;*
- (4) business opportunities;*
- (5) skills improvement; and*
- (6) structured residential treatment programs of individual and group counseling.*

Subd. 5. [WILDERNESS WORK AND LEARN SITE.] One facility shall be in a wilderness setting, no more than 50 miles from the outer boundary of the seven-county metropolitan area, located on a site of at least 60 acres. The wilderness site shall offer a combination of the following:

- (1) group activities that develop cooperation, teamwork, and trust in others;*
- (2) wilderness camping experiences that ensure that the youth begin to build self-esteem about themselves;*
- (3) structured residential treatment programs of individual and group counseling;*
- (4) a teaching and social reinforcement system;*
- (5) a point and level incentive system;*
- (6) vocational and academic education; and*
- (7) life skills training.*

Subd. 6. [FAMILY SERVICES.] Both programs shall provide family services during and after the youth's involvement, including six months of intensive follow-up supervision of the youth after return to the community.

Subd. 7. [EVALUATION AND REPORT.] The commissioner shall file a report with the chairs of the senate crime prevention committee and the house of representatives judiciary committee by December 1, 1994, describing the sites selected and the progress made in developing them. The commissioner shall also develop a system for gathering and analyzing information concerning the value and effectiveness of the work and learn facilities. The

commissioner shall report to the chairs of the committees in the house of representatives and senate with jurisdiction over criminal justice policy by January 1, 1999, on the operation of the program, with a recommendation as to whether it should be continued.

Sec. 2. Minnesota Statutes 1992, section 299A.31, is amended to read:

299A.31 [CHEMICAL ABUSE AND VIOLENCE PREVENTION RESOURCE COUNCIL.]

Subdivision 1. [ESTABLISHMENT; MEMBERSHIP.] A chemical abuse and violence prevention ~~resource~~ council consisting of 19 members is established. The commissioners of public safety, education, health, corrections, and human services, the director of the office of strategic and long-range planning, and the attorney general shall each appoint one member from among their employees. The speaker of the house of representatives and the subcommittee on committees of the senate shall each appoint a legislative member. The governor shall appoint an additional ten members who shall represent the demographic and geographic composition of the state and, to the extent possible, shall represent the following: public health; education including preschool, elementary, and higher education; social services; financial aid services; chemical dependency treatment; law enforcement; prosecution; defense; the judiciary; corrections; treatment research professionals; drug abuse prevention professionals; the business sector; religious leaders; representatives of racial and ethnic minority communities; and other community representatives. The members shall designate one of the governor's appointees as chair of the council. Compensation and removal of members are governed by section 15.059.

Subd. 2. [ACCEPTANCE OF FUNDS AND DONATIONS.] The council may accept federal money, gifts, donations, and bequests for the purpose of performing the duties set forth in this section and section 299A.32. The council shall use its best efforts to solicit funds from private individuals and organizations to match state appropriations.

Sec. 3. Minnesota Statutes 1992, section 299A.32, subdivision 3, is amended to read:

Subd. 3. [ANNUAL REPORT.] By February 1 each year, the council shall submit a written report to the governor and the legislature describing its activities during the preceding year, describing efforts that have been made to enhance and improve utilization of existing resources and to identify deficits in prevention efforts, and recommending appropriate changes, including any legislative changes that it considers necessary or advisable in the area of chemical abuse and violence prevention policy, programs, and services.

Sec. 4. Minnesota Statutes 1992, section 299A.34, subdivision 2, is amended to read:

Subd. 2. [SELECTION AND MONITORING.] The chemical abuse and violence prevention ~~resource~~ council shall assist in the selection and monitoring of grant recipients.

Sec. 5. Minnesota Statutes 1993 Supplement, section 299A.35, subdivision 1, is amended to read:

Subdivision 1. [PROGRAMS.] The commissioner shall, in consultation with the chemical abuse and violence prevention ~~resource~~ council, administer

a grant program to fund community-based programs that are designed to enhance the community's sense of personal security and to assist the community in its crime control efforts. Examples of qualifying programs include, but are not limited to, the following:

(1) programs to provide security systems for residential buildings serving low-income persons, elderly persons, and persons who have physical or mental disabilities;

(2) community-based programs designed to discourage young people from involvement in unlawful drug or street gang activities;

(3) neighborhood block clubs and innovative community-based crime watch programs;

(4) community-based programs designed to enrich the educational, cultural, or recreational opportunities of at-risk elementary or secondary school age youth, including programs designed to keep at-risk youth from dropping out of school and encourage school dropouts to return to school;

(5) support services for a municipal curfew enforcement program including, but not limited to, rent for drop-off centers, staff, supplies, equipment, and the referral of children who may be abused or neglected; ~~and~~

(6) *community-based programs designed to intervene with juvenile offenders who are identified as likely to engage in repeated criminal activity in the future unless intervention is undertaken; and*

(7) other community-based crime prevention programs that are innovative and encourage substantial involvement by members of the community served by the program.

Sec. 6. Minnesota Statutes 1992, section 299A.36, is amended to read:

299A.36 [OTHER DUTIES.]

The assistant commissioner assigned to the office of drug policy and violence prevention, in consultation with the chemical abuse *and violence* prevention ~~resource~~ council, shall:

(1) provide information and assistance upon request to school preassessment teams established under section 126.034 and school and community advisory teams established under section 126.035;

(2) provide information and assistance upon request to the state board of pharmacy with respect to the board's enforcement of chapter 152;

(3) cooperate with and provide information and assistance upon request to the alcohol and other drug abuse section in the department of human services;

(4) assist in coordinating the policy of the office with that of the narcotic enforcement unit in the bureau of criminal apprehension; and

(5) coordinate the activities of the regional drug task forces, provide assistance and information to them upon request, and assist in the formation of task forces in areas of the state in which no task force operates.

Sec. 7. [DEMONSTRATION PROJECT; INTERVENTION WITH CHIPS-DELINQUENTS.]

Subdivision 1. [ESTABLISHMENT.] The commissioners of human services and corrections shall establish a demonstration project to develop and provide effective intervention and treatment for children under the age of ten who are committing or have committed unlawful acts. The commissioners may determine the length of the demonstration project.

Subd. 2. [REPORT.] After the demonstration project has been completed, the commissioners shall evaluate its success and make recommendations to the legislature concerning the types of services that should be provided to these children.

Sec. 8. [INSTITUTE FOR CHILD AND ADOLESCENT SEXUAL HEALTH.]

Subdivision 1. [PILOT PROJECTS.] The institute of child and adolescent sexual health established in Laws 1992, chapter 571, article 1, section 28, and Laws 1993, chapter 326, article 12, section 16, shall implement two pilot projects that examine the relationship between violent juvenile sex offenders and the factors that contribute to their behavior. One pilot project must examine early protective and risk factors associated with adolescent sex offenders in order to identify children who are high risk to become offenders and to develop earlier intervention strategies. The second pilot project must develop and implement an intervention program for children identified as high risk to become sex offenders.

Subd. 2. [FINANCIAL STATUS REPORT.] By March 15, 1995, the institute must report to the commissioner of health the results of grant-seeking efforts, the location of resources for nonproject-related expenses and the status and preliminary findings of the pilot projects under subdivision 1.

Sec. 9. [VIOLENCE PREVENTION PLANNING AND OVERSIGHT.]

Subdivision 1. [REPORT TO THE LEGISLATURE.] The chemical abuse and violence prevention council shall report to the legislature and the chairs of the standing committees of the senate and house of representatives with jurisdiction over criminal justice policy by January 1, 1995, the results of the study of the advisory task force appointed under subdivision 2. The advisory task force shall make recommendations for:

- (1) a state violence prevention policy statement;*
- (2) development of measurable violence prevention goals and objectives and procedures for amending, assessing, and publicly reporting progress toward meeting goals and objectives;*
- (3) a state violence prevention policy and funding framework;*
- (4) identification of state violence prevention policy and funding areas, procedures for adapting and integrating the state violence prevention policy statement, goals, and objectives into the missions of appropriate state agencies, and procedures for assessing agency progress toward meeting violence prevention goals and objectives;*
- (5) a state violence prevention program inventory;*
- (6) coordination of violence prevention policy responsibilities and funding to meet federal mandates, avoid duplication of state agency efforts, maximize funding, and simplify grant procedures and policy and budget oversight;*

(7) development of long-term and biennial violence prevention budget goals, procedures for their integration into the state budget process, and procedures for assessing and publicly reporting progress toward meeting these goals;

(8) interim violence prevention policy and budget goals for the 1996-1997 biennium; and

(9) development of an ongoing, coordinated system to provide technical assistance, monitor performance, and evaluate the effectiveness of violence prevention programs funded by the state, and to report results on a regular basis to the legislature in a manner that will facilitate effective policy and budget decisions.

Subd. 2. [VIOLENCE PREVENTION PLANNING AND OVERSIGHT ADVISORY TASK FORCE.] For purposes of conducting the study under subdivision 1, the chemical abuse and violence prevention council shall establish a 38-member violence prevention planning and oversight advisory task force consisting of the members of the council and:

(1) one member or designee of the council on Asian-Pacific Minnesotans, the council on Black Minnesotans, the Indian affairs council, and the council on the affairs of Spanish-speaking people, appointed by the council;

(2) four members of the legislative commission on children, youth, and their families, selected by the commission; and

(3) 11 persons appointed by the council who shall represent:

(i) to the extent possible, the broad variety of nonprofit and community-based agencies and organizations which advocate or provide services or funding for violence prevention and at-risk youth programs;

(ii) individuals who engage in crime prevention and risk and resiliency research;

(iii) individuals knowledgeable about family education and child development;

(iv) the demographic and geographic composition of the state; and

(v) racial and ethnic minority communities.

Subd. 3. [TASK FORCE CHAIR.] The task force shall be chaired jointly by the members of the chemical abuse and violence prevention council representing the commissioners of public safety and education.

ARTICLE 9

PUBLIC DEFENSE SERVICES

Section 1. Minnesota Statutes 1992, section 477A.012, is amended by adding a subdivision to read:

Subd. 7. [AID OFFSET FOR 1995 PUBLIC DEFENDER COSTS.] (a) In the case of a county located in the first, fifth, seventh, ninth, or tenth judicial district, there shall be deducted from the payment to the county under this section an amount equal to the cost of public defense services in juvenile and misdemeanor cases, to the extent those costs are assumed by the state for the calendar year beginning on January 1, 1995.

(b) For the purpose of the aid reductions under this section, the following amounts shall be used by the commissioner of revenue as the cost of public defense services in juvenile and misdemeanor cases for each county in the first, fifth, seventh, ninth, and tenth judicial districts, during the calendar year beginning on January 1, 1995:

COUNTY	JUDICIAL DISTRICT	AMOUNT
(1) Aitkin	9	\$126,000
(2) Anoka	10	\$634,000
(3) Becker	7	\$160,000
(4) Beltrami	9	\$130,000
(5) Benton	7	\$ 68,000
(6) Blue Earth	5	\$ 96,000
(7) Brown	5	\$ 58,000
(8) Carver	1	\$ 82,000
(9) Cass	9	\$134,000
(10) Chisago	10	\$ 66,000
(11) Clay	7	\$136,000
(12) Clearwater	9	\$ 24,000
(13) Cottonwood	5	\$ 24,000
(14) Crow Wing	9	\$128,000
(15) Dakota	1	\$644,000
(16) Douglas	7	\$ 84,000
(17) Faribault	5	\$ 34,000
(18) Goodhue	1	\$ 94,000
(19) Hubbard	9	\$ 30,000
(20) Isanti	10	\$ 56,000
(21) Itasca	9	\$ 44,000
(22) Jackson	5	\$ 30,000
(23) Kanabec	10	\$ 42,000
(24) Kittson	9	\$ 12,000
(25) Koochiching	9	\$ 32,000
(26) Lake of the Woods	9	\$ 8,000
(27) Le Sueur	1	\$ 64,000
(28) Lincoln	5	\$ 20,000
(29) Lyon	5	\$ 58,000
(30) Mahnommen	9	\$ 12,000
(31) Marshall	9	\$ 28,000
(32) Martin	5	\$ 74,000
(33) McLeod	1	\$ 66,000
(34) Mille Lacs	7	\$ 46,000
(35) Morrison	7	\$ 70,000
(36) Murray	5	\$ 14,000
(37) Nicollet	5	\$ 86,000
(38) Nobles	5	\$ 62,000
(39) Norman	9	\$ 18,000
(40) Otter Tail	7	\$172,000
(41) Pennington	9	\$ 30,000
(42) Pine	10	\$ 46,000
(43) Pipestone	5	\$ 14,000
(44) Polk	9	\$140,000
(45) Red Lake	9	\$ 10,000
(46) Redwood	5	\$ 98,000
(47) Rock	5	\$ 28,000

(48) Roseau	9	\$ 42,000
(49) Scott	1	\$164,000
(50) Sherburne	10	\$164,000
(51) Sibley	1	\$ 82,000
(52) Stearns	7	\$306,000
(53) Todd	7	\$ 66,000
(54) Wadena	7	\$ 24,000
(55) Washington	10	\$282,000
(56) Watonwan	5	\$ 38,000
(57) Wright	10	\$118,000

(c) One-fourth of the amount specified under paragraph (b) for each county shall be deducted from each local government aid payment to the county under section 477A.015 in 1994, and 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 1995, and each subsequent year. If the amount specified 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.

(d) The appropriation for the state assumption of the costs of public defender services in juvenile and misdemeanor cases in the first, fifth, seventh, ninth, and tenth judicial districts, for the time period from January 1, 1995, to June 30, 1995, shall be annualized for the 1996-1997 biennium.

Sec. 2. Minnesota Statutes 1993 Supplement, section 611.17, is amended to read:

611.17 [FINANCIAL INQUIRY; STATEMENTS.]

(a) Each judicial district must screen requests under paragraph (b).

(b) Upon a request for the appointment of counsel, the court shall make appropriate inquiry into the financial circumstances of the applicant, who shall submit a financial statement under oath or affirmation setting forth the applicant's assets and liabilities, including the value of any real property owned by the applicant, whether homestead or otherwise, less the amount of any encumbrances on the real property, the source or sources of income, and any other information required by the court. The state public defender shall furnish appropriate forms for the financial statements. The information contained in the statement shall be confidential and for the exclusive use of the court and the public defender appointed by the court to represent the applicant except for any prosecution under section 609.48. A refusal to execute the financial statement or produce financial records constitutes a waiver of the right to the appointment of a public defender.

Sec. 3. Minnesota Statutes 1993 Supplement, section 611.20, subdivision 2, is amended to read:

Subd. 2. [PARTIAL PAYMENT.] If the court determines that the defendant is able to make partial payment, the court shall direct the partial payments to the governmental unit responsible for the costs of the public defender state general fund. Payments directed by the court to the state shall be recorded by the court administrator who shall transfer the payments to the state treasurer.

Sec. 4. Minnesota Statutes 1992, section 611.26, subdivision 4, is amended to read:

Subd. 4. [ASSISTANT PUBLIC DEFENDERS.] 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 public 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. *A chief district public defender is authorized, subject to approval by the state board of public defense or their designee, to hire an independent contractor to perform the duties of an assistant public defender.*

Sec. 5. Minnesota Statutes 1992, section 611.26, subdivision 6, is amended to read:

Subd. 6. [PERSONS DEFENDED.] The district public defender shall represent, without charge, a defendant charged with a felony ~~or~~, a gross misdemeanor, *or 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. 6. Minnesota Statutes 1993 Supplement, section 611.27, subdivision 4, is amended to read:

Subd. 4. [COUNTY PORTION OF COSTS.] That portion of subdivision 1 directing counties to pay the costs of public defense service shall not be in effect between ~~July 1, 1993~~ *January 1, 1995*, and July 1, 1995. This subdivision only relates to costs associated with felony ~~and~~, gross misdemeanor ~~public defense services in all judicial districts and to~~, juvenile, and misdemeanor public defense services ~~in the second, third, fourth, sixth, and eighth judicial districts.~~ *Notwithstanding the provisions of this subdivision, in the first, fifth, seventh, ninth, and tenth judicial districts, the cost of juvenile and misdemeanor public defense services for cases opened prior to January 1, 1995, shall remain the responsibility of the respective counties in those districts, even though the cost of these services may occur after January 1, 1995.*

Sec. 7. [EFFECTIVE DATE.]

Sections 1, 2, and 4 are effective July 1, 1994. Sections 3 and 5 to 7 are effective January 1, 1995.

ARTICLE 10

COURTS

Section 1. Minnesota Statutes 1992, section 2.722, subdivision 1, is amended to read:

Subdivision 1. [DESCRIPTION.] Effective July 1, 1959, the state is divided into ten judicial districts composed of the following named counties, respectively, in each of which districts judges shall be chosen as hereinafter specified:

1. Goodhue, Dakota, Carver, Le Sueur, McLeod, Scott, and Sibley; 27 28 judges; and four permanent chambers shall be maintained in Red Wing, Hastings, Shakopee, and Glencoe and one other shall be maintained at the place designated by the chief judge of the district;

2. Ramsey; 24 judges;

3. Wabasha, Winona, Houston, Rice, Olmsted, Dodge, Steele, Waseca, Freeborn, Mower, and Fillmore; 22 judges; and permanent chambers shall be maintained in Faribault, Albert Lea, Austin, Rochester, and Winona;

4. Hennepin; 54 57 judges;

5. Blue Earth, Watonwan, Lyon, Redwood, Brown, Nicollet, Lincoln, Cottonwood, Murray, Nobles, Pipestone, Rock, Faribault, Martin, and Jackson; 17 judges; and permanent chambers shall be maintained in Marshall, Windom, Fairmont, New Ulm, and Mankato;

6. Carlton, St. Louis, Lake, and Cook; 15 judges;

7. Benton, Douglas, Mille Lacs, Morrison, Otter Tail, Stearns, Todd, Clay, Becker, and Wadena; 20 22 judges; and permanent chambers shall be maintained in Moorhead, Fergus Falls, Little Falls, and St. Cloud;

8. Chippewa, Kandiyohi, Lac qui Parle, Meeker, Renville, Swift, Yellow Medicine, Big Stone, Grant, Pope, Stevens, Traverse, and Wilkin; 11 judges; and permanent chambers shall be maintained in Morris, Montevideo, and Willmar;

9. Norman, Polk, Marshall, Kittson, Red Lake, Roseau, Mahnomon, Pennington, Aitkin, Itasca, Crow Wing, Hubbard, Beltrami, Lake of the Woods, Clearwater, Cass and Koochiching; 20 judges; and permanent chambers shall be maintained in Crookston, Thief River Falls, Bemidji, Brainerd, Grand Rapids, and International Falls;

10. Anoka, Isanti, Wright, Sherburne, Kanabec, Pine, Chisago, and Washington; 32 34 judges; and permanent chambers shall be maintained in Anoka, Stillwater, and other places designated by the chief judge of the district.

Sec. 2. Minnesota Statutes 1992, section 631.021, is amended to read:

631.021 [SPEEDY CRIMINAL TRIALS; CASE DISPOSITION OBJECTIVES.]

The judges of each judicial district must adopt and administer rules or procedures to ensure that, on and after July 1, 1994 July 1, 1997, the following timing objectives for the disposition of criminal cases are met by judges within the district:

(1) 90 percent of all criminal cases must be disposed of within 120 days;

(2) 97 percent of all criminal cases must be disposed of within 180 days; and

(3) 99 percent of all criminal cases must be disposed of within 365 days.

The time periods referred to in clauses (1) to (3) must be measured from the date the criminal complaint is filed, to the date the defendant is either found not guilty or is sentenced. If the criminal case begins by indictment rather than by criminal complaint, the time period must be measured from the date the indictment is returned.

Sec. 3. [COMMITMENT STUDY.]

Subdivision 1. [GENERAL; TASK FORCE.] The supreme court is requested to conduct a study of state civil commitment laws and procedures and related legal and treatment issues. To conduct the study, the supreme court shall convene an advisory task force on the commitment system, including the following:

(1) judges, county attorneys, a representative of the attorney general's office, and attorneys who represent patients and proposed patients;

(2) parents or other family members of patients;

(3) mental health advocates;

(4) patients or former patients;

(5) mental health service providers;

(6) representatives of state and county mental health agencies;

(7) law enforcement; and

(8) two members of the house of representatives, one of whom must be a member of the minority party, appointed by the speaker, and two members of the senate, one of whom must be a member of the minority party, appointed by the subcommittee on committees of the senate committee on rules and administration.

Members of the task force should represent a cross-section of regions within the state. The task force shall select a chair from among its membership, other than the members appointed under clause (8).

Subd. 2. [SCOPE OF STUDY.] To the extent practicable, the study should include:

(1) hearings and procedures governing administration of neuroleptic medications;

(2) provisional discharges;

(3) monitoring of medication;

(4) mental health treatment advance declarations;

(5) relationship between the commitment act and the psychopathic personality statute;

(6) criteria for commitments and 72-hour holds;

(7) time lines and length of commitment;

(8) impact of available resources and service delivery systems on commitments and implementation of least restrictive alternatives;

(9) training and expertise of professionals involved in the commitment process;

(10) separation of functions and conflicts of interest and related due process issues in the commitment process;

(11) rights of patients;

(12) variations in implementation and interpretation of commitment laws around the state;

(13) vulnerable adult reporting and mental competency issues; and

(14) any other commitment, legal, and treatment issues identified by the task force.

Subd. 3. [STAFF.] The task force may employ necessary staff to provide legal counsel, research, and clerical assistance.

Subd. 4. [REPORT.] The task force shall submit a written report to the governor and the legislature by January 15, 1996, containing its findings and recommendations. The task force expires upon submission of its report.

Sec. 4. [RESOURCE REPORT.]

The commissioner of corrections shall evaluate existing sexual assault victim advocacy services and estimate the need for additional advocacy services.

Sec. 5. [SEXUAL ASSAULT COORDINATING BOARD.]

Subdivision 1. [SEXUAL ASSAULT COORDINATING COUNCILS.] By October 1, 1994, the conference of chief judges shall establish a coordinating council in each judicial district to oversee efforts to coordinate the criminal justice system response to sexual assault cases. Membership shall include representation of at least the following groups:

- (1) judges;
- (2) county attorneys;
- (3) public defenders;
- (4) law enforcement;
- (5) sexual assault advocacy programs;
- (6) court administration;
- (7) social service agencies;
- (8) medical personnel; and
- (9) the public.

Subd. 2. [SEXUAL ASSAULT COORDINATION PLAN.] Each sexual assault coordinating council shall prepare a written sexual assault coordination plan to implement the goal of ensuring the appropriate response of the criminal justice system to the handling of sexual assault cases. Each plan must address the following issues:

- (1) the roles and responsibilities of criminal justice agencies in responding to sexual assault allegations;
- (2) the needs of the victim for advocacy services in the process;
- (3) the current range of judicial sanctions imposed;
- (4) the adequacy of existing services for the victim and defendant; and
- (5) the coordination of the criminal justice system response to sexual assault cases.

Subd. 3. [REVIEW OF JUDICIAL DISTRICT SEXUAL ASSAULT COORDINATING PLAN.] (a) Each judicial district shall submit its sexual assault coordination plan to the conference of chief judges by October 1, 1995. The conference shall review the plans and make recommendations it deems appropriate. Specifically, the conference shall address the adequacy and use of criminal justice resources to respond to sexual assault cases.

(b) A copy of each judicial district's plan, along with the conference of chief judges' recommendations for changes in rules, criminal procedure, and statutes, must be filed with the chair of the senate crime prevention committee and the chair of the house of representatives judiciary committee by January 1, 1996.

Sec. 6. [EFFECTIVE DATE.]

This article is effective the day following final enactment, except that the additional judgeships authorized for judicial districts are established February 1, 1995."

Delete the title and insert:

"A bill for an act relating to crime prevention; providing mandatory minimum prison sentences for persons convicted of a drive-by shooting; requiring prosecutors to report sentencing practices under the mandatory minimum sentencing law relating to certain weapon-related offenses; prohibiting waiver of the mandatory minimum sentence for firearms offenses for a repeat offender; increasing felony penalties for furnishing a minor with a firearm, ammunition, or explosives or recklessly furnishing another with a dangerous weapon; clarifying that weapons may be seized in connection with certain offenses; requiring inspection of correctional facilities and lockups at least once every biennium; authorizing the commissioner of corrections to impose disciplinary confinement periods comparable to periods in place for inmates sentenced before August 1, 1993; modifying eligibility criteria for the challenge incarceration program; defining the length of phase III of the program; authorizing the commissioner of corrections to limit placement of convicted felons awaiting completion of presentence investigation reports in state correctional facilities; providing for good time reduction of sentences in local correctional facilities; providing a separate definition of "mentally incapacitated" for certain victims under 18; expanding first-degree criminal sexual conduct to cover sexual contact with a child under 13; increasing the penalty for assault and malicious punishment of a child under three; expanding the forfeiture law's definition of "weapon used"; requiring the destruction of forfeited weapons used, firearms, ammunition, and firearm accessories; increasing the maximum fine applicable to petty misdemeanor traffic violations; clarifying the elements of the driving after license suspension, revocation, and cancellation offenses; increasing the penalty for committing certain escapes from custody; modifying criminal provisions relating to blasting agents and explosives; requiring county attorneys to adopt charging and plea bargaining practices; providing for two work and learn facilities for youth; appropriating money for public defense, criminal justice, corrections, and related purposes; providing for the transfer of certain money in the state treasury; amending Minnesota Statutes 1992, sections 2.722, subdivision 1; 169.89, subdivision 2; 171.18, subdivision 1; 219.383, subdivision 4; 241.021, subdivisions 2 and 4; 241.26, subdivision 7; 243.18, subdivision 1; 243.23, subdivision 2; 243.24, subdivision 1; 244.09, by adding a subdivision; 244.12, subdivisions 1 and 2; 244.15, subdivision 4; 244.172, subdivision 3; 260.132,

by adding a subdivision; 260.165, subdivision 1; 299A.31; 299A.32, subdivision 3; 299A.34, subdivisions 1 and 2; 299A.36; 299A.38, subdivision 3; 299C.065; 299F.72, subdivision 2, and by adding a subdivision; 299F.73; 299F.74; 299F.75; 299F.77; 299F.78, subdivision 1; 299F.79; 299F.80; 299F.82; 299F.83; 383B.225, subdivision 6; 388.051, by adding a subdivision; 477A.012, by adding a subdivision; 487.25, by adding a subdivision; 609.0331; 609.0332; 609.115, subdivision 1; 609.185; 609.20; 609.223, by adding a subdivision; 609.224, subdivision 3; 609.245; 609.28; 609.341, subdivisions 4, 7, 11, and 12; 609.342, subdivision 1; 609.377; 609.485, subdivision 4; 609.5315, subdivision 6, and by adding a subdivision; 609.5316, subdivisions 1 and 3; 609.66, subdivisions 1b and 1c; 609.746, subdivision 1; 609.855; 611.26, subdivisions 4 and 6; 611A.19, subdivision 1; 624.21; 624.712, by adding subdivisions; 624.7131, subdivisions 2 and 3; 624.714, subdivision 6; 624.731, subdivision 8; 626.76; 626.846, subdivision 6; 626A.05, subdivision 2; 631.021; 631.425, subdivision 6; 641.15, subdivision 2; and 642.09; Minnesota Statutes 1993 Supplement, sections 171.24; 241.021, subdivision 1; 243.18, subdivision 2; 260.221, subdivision 1; 299A.35, subdivision 1; 518B.01, subdivision 6; 609.11, subdivisions 8, 9, and by adding a subdivision; 609.345, subdivision 1; 609.531, subdivision 1; 609.5315, subdivisions 1 and 2; 609.66, subdivision 1d; 609.902, subdivision 4; 611.17; 611.20, subdivision 2; 611.27, subdivision 4; 624.713, subdivision 1, and by adding a subdivision; 624.7131, subdivision 10; 624.7132, subdivisions 1, 2, 4, 8, 11, and 14; 626.556, subdivision 2; and 628.26; proposing coding for new law in Minnesota Statutes, chapters 242; 299F; 609; and 629; repealing Minnesota Statutes 1992, sections 299F.71; 299F.72, subdivisions 3 and 4; 299F.78, subdivision 2; 299F.815, subdivision 2; and 609.855, subdivision 4; Minnesota Statutes 1993 Supplement, sections 243.18, subdivision 3; 299F.811; 299F.815, subdivision 1; and 624.7132, subdivisions 7 and 10; Laws 1993, chapter 146, article 2, sections 15 and 18."

The motion prevailed. So the amendment was adopted.

Mr. McGowan moved to amend the Spear amendment to H.F. No. 2351, adopted by the Senate April 20, 1994, as follows:

Page 15, after line 8, insert:

"Sec. 11. Minnesota Statutes 1992, section 609.152, is amended by adding a subdivision to read:

Subd. 2a. [DANGEROUS REPEAT OFFENDERS; MANDATORY MINIMUM SENTENCE.] Unless a longer mandatory minimum sentence is otherwise required by law or a longer prison sentence is presumed under the sentencing guidelines, a person who is convicted of a violent crime must be committed to the commissioner of corrections for not less than ten years, notwithstanding the statutory maximum sentence otherwise applicable to the offense, if the court determines on the record at the time of sentencing that the person has two or more prior convictions for violent crimes. For purposes of this subdivision, "violent crime" does not include a violation of section 152.023 or 152.024. Any person convicted and sentenced as required by this subdivision is not eligible for probation, parole, discharge, or work release, until that person has served the full sentence as provided by law, notwithstanding sections 241.26, 242.19, 243.05, 244.04, 609.12, and 609.135."

Page 38, line 4, delete "11" and insert "12".

Page 38, line 6, after the period, insert "*Section 11 is effective August 1, 1995, and applies to crimes committed on or after that date.*"

Renumber the sections of article 2 in sequence and correct the internal references

Amend the title amendment accordingly

Mr. Spear moved to amend the McGowan amendment to H.F. No. 2351 as follows:

Page 1, line 8, delete everything after "or" and insert "*the court imposes a longer aggravated durational departure under subdivision 2,*"

Page 1, line 9, delete everything before "a"

Page 1, line 10, delete everything after "crime" and insert "*that is a felony must be committed to the commissioner of corrections for a mandatory sentence as provided in this subdivision if the court determines on the record at the time of sentencing that the person has two or more prior felony convictions for violent crimes. The mandatory sentence shall be computed by determining the offender's criminal history score under the sentencing guidelines and locating the box on the guidelines grid applicable to that score for the offense of conviction. The court shall impose and execute a prison sentence equal to the time period in the box, regardless of whether the guidelines presume an executed prison sentence.*"

Page 1, delete lines 11 to 14

Page 1, line 15, delete "*convictions for violent crimes.*"

Page 1, line 20, delete "*sentence*" and insert "*term of imprisonment*"

CALL OF THE SENATE

Mr. Frederickson imposed a call of the Senate for the balance of the proceedings on H.F. No. 2351. The Sergeant at Arms was instructed to bring in the absent members.

The question was taken on the adoption of the Spear amendment to the McGowan amendment.

The roll was called, and there were yeas 36 and nays 27, as follows:

Those who voted in the affirmative were:

Anderson	Janezich	Marty	Pogemiller	Spear
Betzold	Johnson, D.J.	Merriam	Price	Stumpf
Chandler	Johnson, J.B.	Moe, R.D.	Ranum	Vickerman
Cohen	Kelly	Morse	Reichgott Junge	Wiener
Finn	Kiscaden	Neuville	Riveness	
Flynn	Krentz	Novak	Sams	
Hanson	Kroening	Pappas	Samuelson	
Hottinger	Langseth	Piper	Solon	

Those who voted in the negative were:

Adkins	Chmielewski	Knutson	McGowan	Runbeck
Belanger	Day	Laidig	Metzen	Stevens
Benson, D.D.	Dille	Larson	Oliver	Terwilliger
Benson, J.E.	Frederickson	Lesewski	Olson	
Berg	Johnson, D.E.	Lessard	Pariseau	
Bertram	Johnston	Luther	Robertson	

The motion prevailed. So the amendment to the amendment was adopted.

The question recurred on the McGowan amendment, as amended.

The roll was called, and there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Finn	Krentz	Morse	Runbeck
Anderson	Flynn	Kroening	Neuville	Sams
Belanger	Frederickson	Laidig	Novak	Samuelson
Benson, D.D.	Hanson	Langseth	Oliver	Solon
Benson, J.E.	Hottinger	Larson	Olson	Stevens
Berg	Janezich	Lesewski	Pappas	Stumpf
Bertram	Johnson, D.E.	Lessard	Pariseau	Terwilliger
Betzold	Johnson, D.J.	Luther	Piper	Vickerman
Chandler	Johnson, J.B.	Marty	Pogemiller	Wiener
Chmielewski	Johnston	McGowan	Price	
Cohen	Kelly	Merriam	Reichgott Junge	
Day	Kiscaden	Metzen	Rivness	
Dille	Knutson	Moe, R.D.	Robertson	

The motion prevailed. So the McGowan amendment, as amended, was adopted.

Mr. Finn moved to amend the Spear amendment to H.F. No. 2351, adopted by the Senate April 20, 1994, as follows:

Page 56, line 10, after the second "the" insert "child's home and deliver the child to the custody of the child's parent or guardian, transport the child to the"

Page 56, line 12, delete "may"

The motion prevailed. So the amendment to the amendment was adopted.

Mr. Laidig moved to amend the Spear amendment to H.F. No. 2351, adopted by the Senate April 20, 1994, as follows:

Page 37, after line 35, insert:

"Sec. 35. [SENTENCING GUIDELINES COMMISSION STUDY.]

The sentencing guidelines commission shall evaluate whether the current sentencing guidelines and related statutes are effective in furthering the goals of protecting the public safety and coordinating correctional resources with sentencing policy. Based on this evaluation, the commission shall develop and recommend options for modifying the sentencing guidelines so as to ensure that state correctional resources are reserved for violent offenders. These options may include, but need not be limited to, changes to severity level rankings, criminal history score computations, sentence durations, the grid, and other sentencing guidelines policies.

The commission shall report to the legislature by January 1, 1995, concerning any modifications it proposes to adopt as a result of its study. The commission's report shall explain the rationale behind each proposed modification. If the commission has decided to adopt any of these modifications, the modification shall take effect on August 1, 1995, unless the legislature, by law, provides otherwise."

Page 38, line 4, delete "35" and insert "34 and 36"

Page 38, line 10, after the period, insert "Section 35 is effective the day following final enactment."

Renumber the sections of article 2 in sequence and correct the internal references

Amend the title amendment accordingly

Mr. Kelly moved to amend the Laidig amendment to H.F. No. 2351 as follows:

Page 1, line 19, delete from "if" through page 1, line 22, to "otherwise."

The motion prevailed. So the amendment to the amendment was adopted.

The question recurred on the Laidig amendment, as amended. The motion prevailed. So the amendment, as amended, was adopted.

Mr. Lessard moved to amend the Spear amendment to H.F. No. 2351, adopted by the Senate April 20, 1994, as follows:

Pages 51 and 52, delete section 17

Page 54, delete section 23

Page 55, delete section 25

Page 55, line 35, delete "subdivisions 7 and 10, are" and insert "subdivision 7, is"

Renumber the sections of article 3 in sequence and correct the internal references

Amend the title amendment accordingly

Mr. Spear requested division of the amendment as follows:

First portion:

Pages 51 and 52, delete section 17

Page 54, delete section 23

Page 55, delete section 25

Renumber the sections of article 3 in sequence and correct the internal references

Amend the title amendment accordingly

Second portion:

Page 55, line 35, delete "subdivisions 7 and 10, are" and insert "subdivision 7, is"

Amend the title amendment accordingly

The question was taken on the adoption of the first portion of the Lessard amendment to the Spear amendment.

The roll was called, and there were yeas 31 and nays 34, as follows:

Those who voted in the affirmative were:

Adkins	Frederickson	Laidig	Neuville	Stevens
Berg	Hanson	Langseth	Olson	Stumpf
Bertram	Janezich	Larson	Pariseau	Vickerman
Chmielewski	Johnson, D.E.	Lessard	Runbeck	
Day	Johnson, D.J.	Metzen	Sams	
Dille	Knutson	Morse	Samuelson	
Finn	Kroening	Murphy	Solon	

Those who voted in the negative were:

Anderson	Cohen	Krentz	Novak	Reichgott Junge
Belanger	Flynn	Lesewski	Oliver	Riveness
Benson, D.D.	Hottinger	Luther	Pappas	Robertson
Benson, J.E.	Johnson, J.B.	Marty	Piper	Spear
Berglin	Johnston	McGowan	Pogemiller	Terwilliger
Betzold	Kelly	Merriam	Price	Wiener
Chandler	Kiscaden	Moe, R.D.	Ranum	

The motion did not prevail. So the first portion of the amendment to the amendment was not adopted.

The question was taken on the adoption of the second portion of the Lessard amendment to the Spear amendment.

The roll was called, and there were yeas 50 and nays 14, as follows:

Those who voted in the affirmative were:

Adkins	Frederickson	Krentz	Metzen	Riveness
Benson, D.D.	Hanson	Kroening	Moe, R.D.	Robertson
Benson, J.E.	Hottinger	Laidig	Morse	Runbeck
Berg	Janezich	Langseth	Murphy	Sams
Berglin	Johnson, D.E.	Larson	Neuville	Samuelson
Bertram	Johnson, D.J.	Lesewski	Novak	Solon
Chmielewski	Johnson, J.B.	Lessard	Oliver	Stevens
Day	Johnston	Luther	Olson	Stumpf
Dille	Kiscaden	McGowan	Pariseau	Terwilliger
Finn	Knutson	Merriam	Pogemiller	Vickerman

Those who voted in the negative were:

Anderson	Cohen	Marty	Price	Spear
Betzold	Flynn	Pappas	Ranum	Wiener
Chandler	Kelly	Piper	Reichgott Junge	

The motion prevailed. So the second portion of the amendment to the amendment was adopted.

Ms. Pappas moved to amend the Spear amendment to H.F. No. 2351, adopted by the Senate April 20, 1994, as follows:

Page 79, after line 10, insert:

“Sec. 4. [241.111] [NONSMOKING AREAS.]

The commissioner may not declare an adult correctional facility totally smoke-free. The commissioner may designate certain indoor and outdoor areas in each facility as smoking and nonsmoking areas.”

Renumber the sections of article 6 in sequence and correct the internal references

Amend the title amendment accordingly

The motion did not prevail. So the amendment to the amendment was not adopted.

RECONSIDERATION

Having voted on the prevailing side, Mr. Benson, D.D. moved that the vote whereby the first portion of the Lessard amendment to the Spear amendment to H.F. No. 2351 was not adopted on April 20, 1994, be now reconsidered. The motion prevailed. So the vote was reconsidered.

The question was taken on the adoption of the first portion of the Lessard amendment to the Spear amendment.

The roll was called, and there were yeas 32 and nays 33, as follows:

Those who voted in the affirmative were:

Adkins	Dille	Laidig	Murphy	Solon
Benson, D.D.	Frederickson	Langseth	Neuville	Stevens
Benson, J.E.	Hanson	Larson	Olson	Stumpf
Berg	Janezich	Lesewski	Pariseau	Vickerman
Bertram	Johnson, D.E.	Lessard	Runbeck	
Chmielewski	Johnson, D.J.	Metzen	Sams	
Day	Kroening	Morse	Samuelson	

Those who voted in the negative were:

Anderson	Flynn	Krentz	Oliver	Riveness
Belanger	Hottinger	Luther	Pappas	Robertson
Berglin	Johnson, J.B.	Marty	Piper	Spear
Betzold	Johnston	McGowan	Pogemiller	Terwilliger
Chandler	Kelly	Merriam	Price	Wiener
Cohen	Kiscaden	Moe, R.D.	Ranum	
Finn	Knutson	Novak	Reichgott Junge	

The motion did not prevail. So the first portion of the amendment to the amendment was not adopted.

Mr. Neuville moved to amend the Spear amendment to H.F. No. 2351, adopted by the Senate April 20, 1994, as follows:

Page 12, delete lines 1 to 3 and insert:

“(3) exclude the abusing party from a reasonable area surrounding the dwelling or residence, which area shall be described specifically in the order;”

The motion prevailed. So the amendment to the amendment was adopted.

Mr. Neuville then moved to amend the Spear amendment to H.F. No. 2351, adopted by the Senate April 20, 1994, as follows:

Page 43, line 16, before “A” insert “When” and delete “who”

Page 43, line 17, delete “who”

Page 43, line 18, after “assault” insert “the court may order that the person”

Page 43, line 19, after “for” insert “any period longer than three years or for.”

Page 43, line 23, delete “that” and insert “whether and for how long” and delete “permanently”

Page 50, line 25, delete “remainder of the person's life” and insert “period determined by the sentencing court”

The motion prevailed. So the amendment to the amendment was adopted.

Mr. Neuville then moved to amend the Spear amendment to H.F. No. 2351, adopted by the Senate April 20, 1994, as follows:

Page 18, after line 22, insert:

“Subd. 4. [CIVIL REMEDIES.] (a) A party who is aggrieved by an act

prohibited by this section, or by an attempt or conspiracy to commit an act prohibited by this section, may bring an action for damages, injunctive or declaratory relief, as appropriate, in district court against any person or entity who has violated or has conspired to violate this section.

(b) A party who prevails in a civil action under this subdivision is entitled to recover from the violator damages, costs, attorney fees, and other relief as determined by the court. In addition to all other damages, the court may award to the aggrieved party a civil penalty of up to \$1,000 for each violation.

(c) The remedies provided by this subdivision are in addition to any other legal or equitable remedies the aggrieved party may have and are not intended to diminish or substitute for those remedies or to be exclusive."

The motion prevailed. So the amendment to the amendment was adopted.

Mr. Hottinger moved to amend the Spear amendment to H.F. No. 2351, adopted by the Senate April 20, 1994, as follows:

Page 106, after line 21, insert:

“ARTICLE 11

PSYCHOPATHIC PERSONALITIES

Section 1. Minnesota Statutes 1992, section 626.557, subdivision 2, is amended to read:

Subd. 2. [DEFINITIONS.] As used in this section, the following terms have the meanings given them unless the specific context indicates otherwise.

(a) “Facility” means a hospital or other entity required to be licensed pursuant to sections 144.50 to 144.58; a nursing home required to be licensed to serve adults pursuant to section 144A.02; an agency, day care facility, or residential facility required to be licensed to serve adults pursuant to sections 245A.01 to 245A.16; or a home care provider licensed under section 144A.46.

(b) “Vulnerable adult” means any person 18 years of age or older:

(1) who is a resident or inpatient of a facility;

(2) who receives services at or from a facility required to be licensed to serve adults pursuant to sections 245A.01 to 245A.16, except a person receiving outpatient services for treatment of chemical dependency or mental illness;

(3) who receives services from a home care provider licensed under section 144A.46; or

(4) who, regardless of residence or type of service received, is unable or unlikely to report abuse or neglect without assistance because of impairment of mental or physical function or emotional status.

“Vulnerable adult” does not include a person who is committed as a psychopathic personality under section 526.10.

(c) “Caretaker” means an individual or facility who has responsibility for the care of a vulnerable adult as a result of a family relationship, or who has assumed responsibility for all or a portion of the care of a vulnerable adult voluntarily, by contract, or by agreement.

(d) "Abuse" means:

(1) any act which constitutes a violation under sections 609.221 to 609.223, 609.23 to 609.235, 609.322, 609.342, 609.343, 609.344, or 609.345;

(2) nontherapeutic conduct which produces or could reasonably be expected to produce pain or injury and is not accidental, or any repeated conduct which produces or could reasonably be expected to produce mental or emotional distress;

(3) any sexual contact between a facility staff person and a resident or client of that facility;

(4) the illegal use of a vulnerable adult's person or property for another person's profit or advantage, or the breach of a fiduciary relationship through the use of a person or a person's property for any purpose not in the proper and lawful execution of a trust, including but not limited to situations where a person obtains money, property, or services from a vulnerable adult through the use of undue influence, harassment, duress, deception, or fraud; or

(5) any aversive and deprivation procedures that have not been authorized under section 245.825.

(e) "Neglect" means:

(1) failure by a caretaker to supply a vulnerable adult with necessary food, clothing, shelter, health care or supervision;

(2) the absence or likelihood of absence of necessary food, clothing, shelter, health care, or supervision for a vulnerable adult; or

(3) the absence or likelihood of absence of necessary financial management to protect a vulnerable adult against abuse as defined in paragraph (d), clause

(4). Nothing in this section shall be construed to require a health care facility to provide financial management or supervise financial management for a vulnerable adult except as otherwise required by law.

(f) "Report" means any report received by a local welfare agency, police department, county sheriff, or licensing agency pursuant to this section.

(g) "Licensing agency" means:

(1) the commissioner of health, for facilities as defined in clause (a) which are required to be licensed or certified by the department of health;

(2) the commissioner of human services, for facilities required by sections 245A.01 to 245A.16 to be licensed;

(3) any licensing board which regulates persons pursuant to section 214.01, subdivision 2; and

(4) any agency responsible for credentialing human services occupations."

Amend the title amendment accordingly

The motion prevailed. So the amendment to the amendment was adopted.

Ms. Anderson moved to amend the Spear amendment to H.F. No. 2351, adopted by the Senate April 20, 1994, as follows:

Page 61, after line 14, insert:

“Sec. 7. Minnesota Statutes 1992, section 609.685, is amended by adding a subdivision to read:

Subd. 3a. [COMPLIANCE CHECKS.] (a) To test compliance with this section and to conform with the requirements of federal law, each city, or in the case of an unincorporated area, each county shall coordinate annual, random, unannounced inspections at all locations where tobacco products are sold. The inspections shall be performed by local units of government. A person no younger than 15 and no older than 17 shall assist in the tests of compliance under the supervision of a peace officer or an employee of the city or county.

(b) Each city or county which performs compliance checks shall report results including the number of tobacco vendors, the number of inspections conducted, and the number of violations to the commissioner of human services by January 15 of each year. The commissioner shall annually submit the report required by United States Code, title 14, section 300x-26, with a copy to the legislature, and otherwise ensure the state's compliance with that law and any regulations adopted to implement it.

Sec. 8. Minnesota Statutes 1992, section 609.685, subdivision 4, is amended to read:

Subd. 4. [EFFECT ON LOCAL ORDINANCES.] Nothing in subdivisions ~~1 to 3~~ this section shall supersede or preclude the continuation or adoption of any local ordinance which provides for more stringent regulation of the subject matter in subdivisions ~~1 to 3~~ this section.”

Renumber the sections of article 4 in sequence and correct the internal references

Amend the title amendment accordingly

The motion did not prevail. So the amendment to the amendment was not adopted.

H.F. No. 2351 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

The roll was called, and there were yeas 65 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dille	Knutson	Moe, R.D.	Reichgott Junge
Anderson	Finn	Krentz	Morse	Riveness
Belanger	Flynn	Kroening	Murphy	Robertson
Benson, D.D.	Frederickson	Laidig	Neuville	Runbeck
Benson, J.E.	Hanson	Langseth	Novak	Sams
Berg	Hottinger	Larson	Oliver	Samuelson
Berglin	Janezich	Lesewski	Olson	Solon
Bertram	Johnson, D.E.	Lessard	Pappas	Spear
Betzold	Johnson, D.J.	Luther	Pariscau	Stevens
Chandler	Johnson, J.B.	Marty	Piper	Stumpf
Chmielewski	Johnston	McGowan	Pogemiller	Terwilliger
Cohen	Kelly	Merriam	Price	Vickerman
Day	Kiscaden	Metzen	Ranum	Wiener

So the bill, as amended, was passed and its title was agreed to.

MOTIONS AND RESOLUTIONS – CONTINUED

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate reverted to the Orders of Business of Messages From the House, First Reading of House Bills, Reports of Committees, Second Reading of Senate Bills and Second Reading of House Bills.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S.F. No. 1788: A bill for an act relating to waste management; applying government waste reduction requirements to compilations of game and fish laws; clarifying the state's waste management goals; adding heat pumps to the definition of major appliances; requiring public education on reuse; authorizing larger capital assistance grants to resource recovery projects under certain circumstances; listing preferences for use of packaging; establishing enforcement of the authority of certain counties to inspect records of certain facilities; clarifying management of waste antifreeze and motor oil filters; establishing a process for resolution of disputes related to toxics in packaging and requiring a report; clarifying the prohibition on toxics in products and providing for exemptions; requiring and authorizing training and certification of appliance recyclers and servicers respectively; removing the federal government from the definition of commercial transporter of medical waste; requiring medical waste management plans to contain information regarding mailing of sharps; banning sale of apparel containing mercury switches; authorizing private ownership of solid waste facilities; permitting counties and local governments to impose certain conditions on disposal of unprocessed solid waste; authorizing counties to require record keeping; adding requirements for liners and leachate systems; expanding the restriction on disposal of unprocessed waste from the metropolitan area; requiring a report on management of waste electronic appliances; requiring a report on products that contain mercury; requiring a report on recycling facilities; requiring a report on recycled antifreeze; providing penalties and remedies; amending Minnesota Statutes 1992, sections 8.31, subdivision 1; 97A.051, subdivision 1; 115A.02; 115A.03, subdivision 17a; 115A.072, subdivision 4; 115A.5501, subdivisions 1, 2, and by adding subdivisions; 115A.554; 115A.557, subdivisions 3 and 4; 115A.87; 115A.882, by adding a subdivision; 115A.9157, subdivisions 4 and 5; 115A.918, subdivision 1, and by adding a subdivision; 115A.95; 115A.9561, subdivision 2; 115A.965, subdivision 6, and by adding a subdivision; 116.07, subdivision 4h; 116.76, subdivision 4; 116.92, subdivision 8; 473.803, subdivisions 1 and 1c; 473.811, subdivisions 5 and 5a; 473.843, subdivision 1; 473.844, subdivision 1a; 473.845, subdivision 3; and 473.848, subdivisions 1 and 5; Minnesota Statutes 1993 Supplement, sections 115A.54, subdivision 2a; 115A.5501, subdivision 3; 115A.916; 115A.929; 115A.9651; 115A.981, subdivision 3; 116.79, subdivision 1; 473.149, subdivision 6; 473.846; and 473.848, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 115A; 116; 325E; and 473; repealing Minnesota Statutes 1993 Supplement, section 115A.542.

Senate File No. 1788 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 20, 1994

Ms. Johnson, J.B. moved that the Senate do not concur in the amendments by the House to S.F. No. 1788, and that a Conference Committee of 5 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 2054, 2894 and 3005.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 20, 1994

FIRST READING OF HOUSE BILLS

The following bills were read the first time and referred to the committees indicated.

H.F. No. 2054: A bill for an act relating to natural resources; authorizing the commissioner of administration to sell lands in the Gordy Yaeger wildlife management area in Olmsted county; appropriating money.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1858, now on General Orders.

H.F. No. 2894: A bill for an act relating to the environment; providing for evaluation of motor vehicle salvage facilities by the pollution control agency; providing for a report to the legislature; reallocating money; proposing coding for new law in Minnesota Statutes, chapter 116.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2520.

H.F. No. 3005: A bill for an act relating to state government; creating an employee training incentive program; proposing coding for new law in Minnesota Statutes, chapter 43A.

Referred to the Committee on Governmental Operations and Reform.

REPORTS OF COMMITTEES

Mr. Luther moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was re-referred

H.F. No. 2010: A bill for an act relating to the environment; requiring a person who arranges for management of solid waste in an environmentally inferior manner to indemnify generators of the waste and, for a landfill, set aside a fund to pay for contamination from the landfill; proposing coding for new law in Minnesota Statutes, chapter 115A.

Reports the same back with the recommendation that the bill be amended as follows:

Amend the report from the Committee on Environment and Natural Resources, adopted by the Senate April 7, 1994, as follows:

Page 2, line 16, before "473" insert "458D or"

Page 2, after line 33, insert:

"(c) 'County' means a county or the Western Lake Superior Sanitary District established in chapter 458D."

Page 2, line 34, delete "(c)" and insert "(d)"

Page 3, line 10, delete "(d)" and insert "(e)"

Page 3, line 14, delete "(e)" and insert "(f)"

Page 3, line 18, delete "(f)" and insert "(g)"

Page 3, line 23, after "115A.46" insert "or 458D.05"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Merriam from the Committee on Finance, to which was referred

H.F. No. 3120: A bill for an act relating to military affairs; expediting payment to forces ordered to active duty; amending Minnesota Statutes 1992, section 192.52.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Merriam from the Committee on Finance, to which was re-referred

S.F. No. 2354: A bill for an act relating to transportation; regulating the transportation of hazardous material and hazardous waste; making technical changes; specifying that certain federal regulations do not apply to cargo tanks under 3,500 gallons used in the intrastate transportation of gasoline; establishing a uniform registration and permitting program for transporters of hazardous material and hazardous waste; defining terms; establishing requirements for applications; describing methods for calculating fees; specifying treatment of application data; establishing enforcement authority and administrative penalties; providing for suspension or revocation of registration and permits; providing for base state agreements; preempting and suspending conflicting programs; providing for the deposit and use of fees and grants; establishing exemptions; appropriating money; amending Minnesota Statutes 1992, sections 13.99, by adding a subdivision; and 221.033, subdivisions 1 and 2b; Minnesota Statutes 1993 Supplement, section 221.036, subdivisions 1 and 3; proposing coding for new law in Minnesota Statutes, chapter 221; repealing Minnesota Statutes 1992, section 221.033, subdivision 4.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Merriam from the Committee on Finance, to which was referred

H.F. No. 2120: A bill for an act relating to occupations and professions; providing that health-related licensing boards may establish a program to protect the public from impaired regulated persons; providing for appoint-

ments; providing for rulemaking; appropriating money; amending Minnesota Statutes 1993 Supplement, section 214.06, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 214.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Merriam from the Committee on Finance, to which was re-referred

H.F. No. 2064: A bill for an act relating to housing; modifying programs of the housing finance agency for low-income and tribal housing and for accessibility loans; amending Minnesota Statutes 1992, sections 462A.05, subdivision 14d, and by adding subdivisions; 462A.10, by adding a subdivision; 462A.201, by adding a subdivision; 462A.21, by adding a subdivision; 462A.30, subdivision 9; and 462A.31, subdivision 4; Minnesota Statutes 1993 Supplement, sections 462A.07, subdivision 14; 462A.202, subdivision 7; and 462A.222, subdivision 3.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 3122 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
3122	2836				

and that the above Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 3032 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
3032	2445				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 3032 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 3032 and insert the language after the enacting clause of S.F. No. 2445, the second engross-

ment; further, delete the title of H.F. No. 3032 and insert the title of S.F. No. 2445, the second engrossment.

And when so amended H.F. No. 3032 will be identical to S.F. No. 2445, and further recommends that H.F. No. 3032 be given its second reading and substituted for S.F. No. 2445, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was referred

S.F. No. 2884: A bill for an act relating to public finance; providing conditions and requirements for the issuance of debt; authorizing the use of revenue recapture by certain housing agencies; clarifying a property tax exemption; providing procedures for use of obligations to satisfy unfunded pension liabilities; authorizing use of special assessments for on-site water contamination improvements; authorizing an increase in the membership of county housing and redevelopment authorities; amending Minnesota Statutes 1992, sections 270A.03, subdivision 2; 353A.09, subdivision 5; 383.06, subdivision 2; 423A.02, subdivision 1; 429.011, by adding a subdivision; 429.031, subdivision 3; 469.006, subdivision 1; 469.157; 469.158; 469.184, by adding a subdivision; 471.56, subdivision 5, and by adding a subdivision; 471.562, subdivision 3, and by adding a subdivision; 475.51, subdivision 4; 475.52, subdivisions 1 and 6; 475.53, subdivision 5; 475.54, subdivision 16; 475.60, by adding a subdivision; and 475.79; Minnesota Statutes 1993 Supplement, sections 272.02, subdivision 1; and 469.033, subdivision 6; proposing coding for new law in Minnesota Statutes, chapter 469.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1992, section 270A.03, subdivision 2, is amended to read:

Subd. 2. [CLAIMANT AGENCY.] “Claimant agency” means any state agency, as defined by section 14.02, subdivision 2, the regents of the University of Minnesota, any district court of the state, any county, any statutory or home rule charter city presenting a claim for a municipal hospital, a hospital district, any public agency responsible for child support enforcement, ~~and~~ any public agency responsible for the collection of court-ordered restitution, *and any public agency established by general or special law that is responsible for the administration of a low-income housing program.*

Sec. 2. Minnesota Statutes 1993 Supplement, 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), other than those that qualify for exemption under clause (25);
- (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, including storage sheds, decks, and similar removable improvements constructed on the site of a manufactured home, sectional structure, park trailer or travel trailer as provided in section 273.125, subdivision 8, paragraph (f); 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, as a part of a centralized treatment and recovery facility operating under a permit issued by the Minnesota pollution control agency pursuant to chapters 115 and 116 and Minnesota Rules, parts 7001.0500 to 7001.0730, and 7045.0020 to 7045.1260, as a wastewater treatment facility and for the treatment, recovery, and stabilization of metals, oils, chemicals, water, sludges, or inorganic materials from hazardous industrial wastes, 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 real property or 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: (i) land described in section 103G.005, subdivision 18; (ii) 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; or (iii) land in a wetland preservation area under sections 103F.612 to 103F.616. "Wetlands" under items (i) and (ii) include adjacent land which is not suitable for agricultural purposes due to the presence of the wetlands, but do 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 have 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 individuals, couples, or families. (ii) It has the purpose of reuniting families and enabling parents or individuals 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 three 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 owned and operated or under lease from

a unit of government or governmental agency under a property disposition program and operated by one or more organizations 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) Real and personal property, including leasehold or other personal property interests, owned and operated by a corporation if more than 50 percent of the total voting power of the stock of the corporation is owned collectively by: (i) the board of regents of the University of Minnesota, (ii) the University of Minnesota Foundation, an organization exempt from federal income taxation under section 501(c)(3) of the Internal Revenue Code of 1986, as amended through December 31, 1990, and (iii) a corporation organized under chapter 317A, which by its articles of incorporation is prohibited from providing pecuniary gain to any person or entity other than the regents of the University of Minnesota; which property is used primarily to manage or provide goods, services, or facilities utilizing or relating to large-scale advanced scientific computing resources to the regents of the University of Minnesota and others.

(21) Wind energy conversion systems, as defined in section 216C.06, subdivision 12, installed after January 1, 1991, and used as an electric power source.

(22) Containment tanks, cache basins, and that portion of the structure needed for the containment facility used to confine agricultural chemicals as defined in section 18D.01, subdivision 3, as required by the commissioner of agriculture under chapter 18B or 18C.

(23) Photovoltaic devices, as defined in section 216C.06, subdivision 13, installed after January 1, 1992, and used to produce or store electric power.

(24) 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 for an ice arena or ice rink, and used primarily for youth and high school programs.

(25) A structure that is situated on real property that is used for:

(i) housing for the elderly or for low- and moderate-income families as defined in Title II of the National Housing Act, as amended through December 31, 1990, and funded by a direct federal loan or federally insured loan made pursuant to Title II of the act; or

(ii) 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 which meets each of the following criteria:

(A) is owned by an entity which is operated as a nonprofit corporation organized under chapter 317A;

(B) is owned by an entity which has not entered into a housing assistance payments contract under section 8 of the United States Housing Act of 1937, or, if the entity which owns the structure has entered into a housing assistance payments contract under section 8 of the United States Housing Act of 1937, the contract provides assistance for less than 90 percent of the dwelling units in the structure, excluding dwelling units intended for management or maintenance personnel;

(C) operates an on-site congregate dining program in which participation by residents is mandatory, and provides assisted living or similar social and physical support services for residents; and

(D) was not assessed and did not pay tax under chapter 273 prior to the 1991 levy, while meeting the other conditions of this clause.

An exemption under this clause remains in effect for taxes levied in each year or partial year of the term of its permanent financing.

(26) Real and personal property that is located in the Superior National Forest, and owned or leased and operated by a nonprofit organization that is exempt from federal income taxation under section 501(c)(3) of the Internal Revenue Code of 1986, as amended through December 31, 1992, and primarily used to provide recreational opportunities for disabled veterans and their families.

(27) Manure pits and appurtenances, which may include slatted floors and pipes, installed or operated in accordance with a permit, order, or certificate of compliance issued by the Minnesota pollution control agency. The exemption shall continue for as long as the permit, order, or certificate issued by the Minnesota pollution control agency remains in effect.

(28) *Real property acquired by a home rule charter city, statutory city, county, town, or school district under a lease purchase agreement or an installment purchase contract during the term of the lease purchase agreement as long as and to the extent that the property is used by the city, county, town, or school district and devoted to a public use and to the extent it is not subleased to any private individual, entity, association, or corporation in connection with a business or enterprise operated for profit.*

Sec. 3. Minnesota Statutes 1992, section 383.06, subdivision 2, is amended to read:

Subd. 2. [TAX ANTICIPATION CERTIFICATES.] The county board of any county may, by resolution, issue and sell as many certificates of indebtedness as may be needed in anticipation of the collection of taxes levied for any fund named in the tax levy for the purpose of raising money for such fund, but the certificates outstanding for any such separate funds shall not at any time on the date on which the certificates are issued exceed 50 75 percent of the amount of taxes previously levied for such fund remaining uncollected. No certificate shall be issued to become due and payable later than 15 months after the deadline for the certification of the property tax levy under section 275.07, subdivision 1, and the certificates shall not be sold for less than par and accrued interest. The certificates of indebtedness may be issued at any time after the levy has been finally made and certified to the county auditor. Each certificate shall state upon its face for which fund the proceeds thereof shall be used, the total amount of certificates so issued, and the whole amount embraced in the levy for that particular purpose. They shall be numbered

consecutively, be in denominations of \$100 or a multiple thereof, may have interest coupons attached, shall be otherwise of such form and terms, and may be made payable at such place, as will best aid in their negotiation, and the proceeds of the tax assessed and collected on account of the fund and the full faith and credit of the county shall be irrevocably pledged for the redemption and payment of the certificates so issued. Such certificates shall be payable primarily from the moneys derived from the levy for the years against which such certificates were issued, but shall constitute unlimited general obligations of the county. Money derived from the sale of such certificates shall be credited to the fund or funds the taxes for which are so anticipated.

Sec. 4. Minnesota Statutes 1992, section 429.011, is amended by adding a subdivision to read:

Subd. 16. "On-site water contaminant improvements" means pipes, wells, and other devices and equipment installed in or outside a building for the primary purpose of eliminating water contamination caused by lead or other toxic or health threatening substances in the water, whether the improvements so installed are publicly or privately owned.

Sec. 5. Minnesota Statutes 1992, section 429.031, subdivision 3, is amended to read:

Subd. 3. [PETITION BY ALL OWNERS.] Whenever all owners of real property abutting upon any street named as the location of any improvement shall petition the council to construct the improvement and to assess the entire cost against their property, the council may, without a public hearing, adopt a resolution determining such fact and ordering the improvement. The validity of the resolution shall not be questioned by any taxpayer or property owner or the municipality unless an action for that purpose is commenced within 30 days after adoption of the resolution as provided in section 429.036. Nothing herein prevents any property owner from questioning the amount or validity of the special assessment against the owner's property pursuant to section 429.081. In the case of a petition for the ~~installation of municipality to own and install~~ a fire protection ~~or~~ system, a pedestrian skyway system, or on-site water contaminant improvements, the petition must contain or be accompanied by an undertaking satisfactory to the city by the petitioner that the petitioner will grant the municipality the necessary property interest in the building to permit the city to enter upon the property and the building to construct, maintain, and operate the fire protection ~~or~~ system, pedestrian skyway system, or on-site water contaminant improvements. In the case of a petition for the installation of a *privately owned* fire protection ~~or~~ system, a *privately owned* pedestrian skyway system ~~which will be privately owned~~, or *privately owned on-site water contaminant improvements*, the petition shall ~~also~~ contain the plans and specifications for the improvement, the estimated cost of the improvement and a statement indicating whether the city or the owner will contract for the construction of the improvement. If the owner is contracting for the construction of the improvement, the city shall not approve the petition until it has reviewed and approved the plans, specifications, and cost estimates contained in the petition. *The owner may only contract with a master plumber or journeyman plumber licensed by the state commissioner of health to install or construct any on-site water contaminant improvements.* The construction cost financed under section 429.091 shall not exceed the amount of the cost estimate contained in the petition. In the case of a petition for the installation of a fire protection ~~or~~ system, a pedestrian skyway system, or on-site water contaminant improvements, the petitioner may request

abandonment of the improvement at any time after it has been ordered pursuant to subdivision 1 and before contracts have been awarded for the construction of the improvement under section 429.041, subdivision 2. If such a request is received, the city council shall abandon the proceedings but in such case the petitioner shall reimburse the city for any and all expenses incurred by the city in connection with the improvement.

Sec. 6. Minnesota Statutes 1992, section 469.006, subdivision 1, is amended to read:

Subdivision 1. [COUNTY COMMISSIONERS.] When the governing body of a county adopts a resolution under section 469.004, the governing body shall appoint five persons *or the number of commissioners for the governing body* as commissioners of the county authority. The membership of the commission will reflect an areawide distribution on a representative basis. The commissioners who are first appointed shall be designated to serve for terms of one, two, three, four, and five years respectively, from the date of their appointment. Thereafter commissioners shall be appointed for a term of office of five years except that all vacancies shall be filled for the unexpired term. Persons may be appointed as commissioners if they reside within the boundaries or area, and are otherwise eligible for the appointments under sections 469.001 to 469.047.

Sec. 7. Minnesota Statutes 1992, 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 that is either owned by the authority for redevelopment purposes or not owned by the authority at the time of the contract but the contract 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 *any building in which at least 75 percent of the useable square footage constitutes* a housing development project if:
 - (i) the project is financed with the proceeds of bonds issued under section 469.034 or from nongovernmental sources;
 - (ii) the project is either located on land that is owned or is being acquired by the authority only for development purposes, or is not owned by the authority at the time the contract is entered into but the contract 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 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. 8. Minnesota Statutes 1993 Supplement, section 469.033, subdivision 6, is amended to read:

Subd. 6. [OPERATION AREA AS TAXING DISTRICT, SPECIAL TAX.] All of the territory included within the area of operation of any authority shall constitute a taxing district for the purpose of levying and collecting special benefit taxes as provided in this subdivision. All of the taxable property, both real and personal, within that taxing district shall be deemed to be benefited by projects to the extent of the special taxes levied under this subdivision. Subject to the consent by resolution of the governing body of the city in and for which it was created, an authority may levy each year a tax upon all taxable property within that taxing district. ~~The authority shall certify the tax to the auditor of the county in which the taxing district is located on or before five working days after December 20 in each year.~~ The tax shall be extended, spread, and included with and as a part of the general taxes for state, county, and municipal purposes by the county auditor, to be collected and enforced therewith, together with the penalty, interest, and costs. As the tax, including any penalties, interest, and costs, is collected by the county treasurer it shall be accumulated and kept in a separate fund to be known as the "housing and redevelopment project fund." The money in the fund shall be turned over to the authority at the same time and in the same manner that the tax collections for the city are turned over to the city, and shall be expended only for the purposes of sections 469.001 to 469.047. It shall be paid out upon vouchers signed by the chair of the authority or an authorized representative. The amount of the levy shall be an amount approved by the governing body of the city, but shall not exceed 0.0131 percent of taxable market value. The authority may levy an additional levy, not to exceed 0.0013 percent of taxable market value, to be used to defray costs of providing informational service and relocation assistance as set forth in section 469.012, subdivision 1. The authority shall each year formulate and file a budget in accordance with the budget procedure of the city in the same manner as required of executive departments of the city or, if no budgets are required to be filed, by August 1. The amount of the tax levy for the following year shall be based on that budget ~~and shall be approved by the governing body.~~

Sec. 9. Minnesota Statutes 1992, section 469.157, is amended to read:

469.157 [DETERMINATION OF COST OF PROJECT.]

In determining the cost of a project, the governing body may include all cost and estimated cost of the acquisition, construction, reconstruction, improvement, betterment, and extension of the project, all engineering, inspection, fiscal, legal, administrative, and printing expense, the interest which it is estimated will accrue during the construction period and for six months thereafter on money borrowed or which it is estimated will be borrowed pursuant to sections 469.152 to 469.165, and bond reserves and premiums for insurance of lease rentals pledged to pay the bonds *and, for projects involving a nonprofit organization, working capital reserves not exceeding five percent of project costs.*

Sec. 10. Minnesota Statutes 1992, section 469.158, is amended to read:

469.158 [MANNER OF ISSUANCE OF BONDS; INTEREST RATE.]

Bonds authorized under sections 469.152 to 469.165 must be issued in accordance with the provisions of chapter 475 relating to bonds payable from income of revenue producing conveniences, except that public sale is not required, *the provisions of sections 475.62 and 475.63 do not apply*, and the bonds may mature at the time or times, in the amount or amounts, within 30 years from date of issue, and may be sold at a price equal to the percentage of the par value thereof, plus accrued interest, and bearing interest at the rate or rates agreed by the contracting party, the purchaser, and the municipality or redevelopment agency, notwithstanding any limitation of interest rate or cost or of the amounts of annual maturities contained in any other law. Bonds issued to refund bonds previously issued pursuant to sections 469.152 to 469.165 may be issued in amounts determined by the municipality or redevelopment agency notwithstanding the provisions of section 475.67, subdivision 3.

Sec. 11. Minnesota Statutes 1992, section 469.184, is amended by adding a subdivision to read:

Subd. 12. [SECONDARY MARKET.] A city may sell, at private or public sale, at the price or prices determined by the city, a note, mortgage, lease, sublease, lease purchase, or other instrument or obligation evidencing or securing a loan made under this section.

Sec. 12. [469.192] [ECONOMIC DEVELOPMENT LOANS.]

A statutory city, a home rule charter city, an economic development authority, a housing and redevelopment authority, or a port authority may make a loan to a business, a for-profit or nonprofit organization, or an individual for any purpose that the entity is otherwise authorized to carry out under sections 116N.08, 469.001 to 469.068, 469.090 to 469.1081, 469.124 to 469.134, 469.152 to 469.165, or any special law.

Sec. 13. Minnesota Statutes 1992, section 471.56, subdivision 5, is amended to read:

Subd. 5. In addition to other authority granted by this section, a county containing a city of the first class, a statutory or home rule charter city of the first or second class, and a metropolitan agency, as defined in section 473.121, may:

(1) sell futures contracts but only with respect to securities owned by it, including securities which are the subject of reverse repurchase agreements under section 475.76 which expire at or before the due date of the futures contract; and

(2) enter into option agreements to buy or sell securities described in section 475.66, subdivision 3, clause (a), but only with respect to securities owned by it, including securities which are the subject of reverse repurchase agreements under section 475.76 which expire at or before the due date of the option agreement; and

(3) enter into interest rate swap agreements or interest rate cap agreements with respect to notional principal amounts that are not greater than one-half of the previous fiscal year's average investable cash, with counterparties whose equivalent obligations are rated A+ or better by a nationally recognized rating agency.

Sec. 14. Minnesota Statutes 1992, section 471.562, subdivision 3, is amended to read:

Subd. 3. [MUNICIPALITY.] "Municipality" means ~~any city, however organized~~ a statutory city, a home rule charter city, a housing and redevelopment authority created pursuant to, or exercising the powers of such an authority contained in, chapter ~~462~~ 469, ~~or~~ a port authority created pursuant to, or exercising the powers of such an authority contained in, chapter ~~458~~ 469, or an economic development authority created pursuant to or exercising the powers of such an authority contained in chapter 469.

Sec. 15. Minnesota Statutes 1992, section 471.562, is amended by adding a subdivision to read:

Subd. 5. [SECONDARY MARKET.] A municipality may sell, at private or public sale, at the price or prices determined by the municipality, a note, mortgage, lease, sublease, lease purchase, or other instrument or obligation evidencing or securing a loan described in subdivision 2.

Sec. 16. Minnesota Statutes 1992, section 475.53, subdivision 5, is amended to read:

Subd. 5. [CERTAIN INDEPENDENT SCHOOL DISTRICTS.] No independent school district located wholly or partly within a city of the first class shall issue any obligations unless first authorized by a two-thirds vote of the governing body of such city. No such school district shall issue obligations running with a term of more than two years, whenever the aggregate of the outstanding obligations of the district equals or exceeds 0.7 percent of the market value of the taxable property within the school district.

Sec. 17. Minnesota Statutes 1992, section 475.54, subdivision 16, is amended to read:

Subd. 16. A municipality may enter into an agreement with a bank or dealer described in section 475.66, subdivision 1, for an exchange of interest rates pursuant to this subdivision if the agreement either is with or is guaranteed by a party whose equivalent obligations are rated A+ or better by a nationally recognized rating agency. A municipality with outstanding obligations bearing interest at a variable rate or a municipality which has determined to issue obligations it is authorized to issue may agree to pay sums equal to interest at a fixed rate or at a ~~different~~ variable rate determined pursuant to a formula set

out in the agreement on an amount not exceeding the outstanding principal amount of the obligations *at the time of payment*, in exchange for an agreement by the ~~bank or dealer counterparty~~ to pay sums equal to interest on a like amount at a *fixed rate or a variable rate determined pursuant to a formula set out in the agreement or to provide for an interest rate cap or floor*. ~~A municipality with outstanding obligations bearing interest at a fixed rate or rates may agree to pay sums equal to interest at a variable rate determined pursuant to a formula set out in the agreement on an amount not exceeding the outstanding principal amount of the obligations, in exchange for an agreement by the bank or dealer to pay sums equal to interest on a like amount at a fixed rate or rates set out in the agreement.~~ The agreement to pay the ~~bank or dealer counterparty~~ is not an obligation of the municipality as defined in section 475.51, subdivision 3. For purposes of calculation of a debt service levy, determination of a rate of interest on a special assessment or other calculation based on the rate of interest on an obligation, a municipality which has entered into an interest rate swap agreement described in this subdivision may determine to treat the amount or rate of interest on the obligation as the net rate or amount of interest payable after giving effect to the swap agreement. Subject to any applicable ~~bonds bond covenants, any payments required to be made by the municipality under the swap agreement may be made from sums secured~~ *the municipality may pledge to the payment of amounts due or to become due under the swap agreement, including termination payments, sources of payment pledged or available to pay debt service on the obligations with respect to which the swap agreement was made or from any other available source of the municipality. A municipality may issue obligations under section 475.67 to provide for any payment, including a termination payment, due or to become due under a swap agreement.*

Sec. 18. Minnesota Statutes 1992, section 475.60, is amended by adding a subdivision to read:

Subd. 8. [FORWARD ISSUANCE AGREEMENT.] A municipality or other governmental unit may enter into an agreement to issue at a future date any obligations it is authorized to offer for sale on the date of the agreement if (1) the contract is for less than six months or (2) the contract relates to refunding bonds that have a lower average interest rate than the bonds to be refunded. No covenant in the agreement may be impaired, revoked, or amended by law or by action of the governing body of the municipality or other governmental unit, except with the consent of the parties to or otherwise in accordance with the terms of the agreement, until the obligations have been issued and have been fully discharged. Agreements entered into prior to the effective date of this subdivision are not invalid or unenforceable for providing terms, consequences, or remedies that are authorized by this subdivision.

Sec. 19. Minnesota Statutes 1992, section 475.66, subdivision 1, is amended to read:

Subdivision 1. All debt service funds shall be deposited and secured as provided in chapter 118, except for amounts invested as authorized in this section, and may be deposited in interest-bearing accounts, and such deposits may be evidenced by certificates of deposit with fixed maturities. Sufficient cash for payment of principal, interest, and redemption premiums when due with respect to the obligations for which any debt service fund is created shall be provided by crediting to the fund the collections of tax, special assessment, or other revenues appropriated for that purpose, and depositing all such receipts in a depository bank or banks duly qualified according to law or

investing and reinvesting such receipts in securities authorized in this section. Time deposits shall be withdrawable and certificates of deposit and investments shall mature and shall bear interest payable at times and in amounts which, in the judgment of the governing body or its treasurer or other officer or committee to which it has delegated investment decisions, will provide cash at the times and in the amounts required for the purposes of the debt service fund, provided however, that the governing body may authorize the purchase of longer term investments subject to an agreement to repurchase such investments at times and prices sufficient to yield the amounts estimated to be so required, *provided that the exclusion as investments of mortgage-backed securities that are defined as high risk under subdivision 5 does not apply to repurchase agreements if the margin requirement under the repurchase agreement is 101 percent.* Repurchase agreements may be entered into with

- (1) a bank qualified as depository of money held in the debt service fund;
- (2) any national or state bank in the United States which is a member of the federal reserve system and whose combined capital and surplus equals or exceeds \$10,000,000;
- (3) a primary reporting dealer in United States government securities to the federal reserve bank of New York; or
- (4) a securities broker-dealer having its principal executive office in Minnesota, licensed pursuant to chapter 80A, or an affiliate of it, regulated by the securities and exchange commission and maintaining a combined capital and surplus of \$40,000,000 or more, exclusive of subordinated debt.

Sec. 20. [EFFECTIVE DATE.]

Section 1 is effective for claims submitted by a claimant agency after June 30, 1994. Section 2 is effective for taxes levied in 1994, payable in 1995, and subsequent years. The remainder of this act is effective the day following final enactment.

Delete the title and insert:

“A bill for an act relating to public finance; providing conditions and requirements for the issuance of debt; authorizing the use of revenue recapture by certain housing agencies; clarifying a property tax exemption; authorizing use of special assessments for on-site water contamination improvements; authorizing an increase in the membership of county housing and redevelopment authorities; amending Minnesota Statutes 1992, sections 270A.03, subdivision 2; 383.06, subdivision 2; 429.011, by adding a subdivision; 429.031, subdivision 3; 469.006, subdivision 1; 469.015, subdivision 4; 469.157; 469.158; 469.184, by adding a subdivision; 471.56, subdivision 5; 471.562, subdivision 3, and by adding a subdivision; 475.53, subdivision 5; 475.54, subdivision 16; 475.60, by adding a subdivision; and 475.66, subdivision 1; Minnesota Statutes 1993 Supplement, sections 272.02, subdivision 1; and 469.033, subdivision 6; proposing coding for new law in Minnesota Statutes, chapter 469.”

And when so amended the bill do pass. Amendments adopted. Report adopted.

SECOND READING OF SENATE BILLS

S.F. Nos. 2354 and 2884 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 2010, 3120, 2120, 2064, 3122 and 3032 were read the second time.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Terwilliger moved that S.F. No. 2009 be taken from the table. The motion prevailed.

S.F. No. 2009: A bill for an act relating to public safety; increasing membership of emergency response commission by one representative of emergency managers; amending Minnesota Statutes 1992, section 299K.03, subdivision 3.

Mr. Terwilliger moved that the Senate do not concur in the amendments by the House to S.F. No. 2009, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

Mr. Solon moved that S.F. No. 2710 be taken from the table. The motion prevailed.

S.F. No. 2710: A bill for an act relating to health; modifying provisions relating to lead abatement; amending Minnesota Statutes 1992, sections 144.871, subdivision 3; and 144.874, subdivision 12, and by adding a subdivision; Minnesota Statutes 1993 Supplement, sections 16B.61, subdivision 3; 144.871, subdivision 2; 144.872, subdivision 2; 144.874, subdivisions 1, 3, 9, and 11a; 144.878, subdivisions 2 and 5; and 326.71, subdivision 4; repealing Minnesota Statutes 1993 Supplement, section 144.877.

Mr. Solon moved that the Senate do not concur in the amendments by the House to S.F. No. 2710, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

Mr. Cohen moved that S.F. No. 2095 be taken from the table. The motion prevailed.

S.F. No. 2095: A bill for an act relating to employment; modifying provisions relating to the public employee vacation donation program; amending Minnesota Statutes 1992, section 43A.181, subdivision 3.

CONCURRENCE AND REPASSAGE

Mr. Cohen moved that the Senate concur in the amendments by the House to S.F. No. 2095 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 2095 was read the third time, as amended by the House, and placed on its repassage.

The question was taken on the repassage of the bill, as amended.

The roll was called, and there were yeas 37 and nays 26, as follows:

Those who voted in the affirmative were:

Adkins	Hanson	Luther	Pappas	Solon
Anderson	Hottinger	Marty	Piper	Spear
Berglin	Janezich	McGowan	Pogemiller	Stumpf
Betzold	Johnson, J.B.	Metzen	Price	Terwilliger
Chandler	Kelly	Moe, R.D.	Ranum	Wiener
Cohen	Krentz	Morse	Reichgott Junge	
Finn	Kroening	Murphy	Riveness	
Flynn	Langseth	Novak	Sams	

Those who voted in the negative were:

Belanger	Day	Knutson	Oliver	Stevens
Benson, D.D.	Dille	Larson	Olson	Vickerman
Benson, J.E.	Frederickson	Lesewski	Pariseau	
Berg	Johnson, D.E.	Lessard	Robertson	
Bertram	Johnston	Merriam	Runbeck	
Chmielewski	Kiscaden	Neuville	Samuelson	

So the bill, as amended, was repassed and its title was agreed to.

MOTIONS AND RESOLUTIONS – CONTINUED

Ms. Hanson moved that S.F. No. 1699, No. 1 on General Orders, be stricken and returned to its author. The motion prevailed.

Mrs. Benson, J.E. moved that S.F. No. 2022, No. 2 on General Orders, be stricken and returned to its author. The motion prevailed.

Mr. Cohen moved that S.F. No. 615, No. 25 on General Orders, be stricken and returned to its author. The motion prevailed.

Mr. Hottinger moved that H.F. No. 2222, No. 40 on General Orders, be stricken and re-referred to the Committee on Ethics and Campaign Reform. The motion prevailed.

Ms. Flynn moved that S.F. No. 1995, No. 24 on General Orders, be stricken and returned to its author. The motion prevailed.

Mr. Kelly moved that S.F. No. 2311, No. 48 on General Orders, be stricken and returned to its author. The motion prevailed.

Mr. Chandler moved that S.F. No. 2388, No. 21 on General Orders, be stricken and returned to its author. The motion prevailed.

Mr. Hottinger moved that S.F. No. 365, No. 33 on General Orders, be stricken and returned to its author. The motion prevailed.

Mr. Hottinger moved that S.F. No. 2155, No. 51 on General Orders, be stricken and returned to its author. The motion prevailed.

Mr. Chandler moved that S.F. No. 2460, No. 11 on General Orders, be stricken and returned to its author. The motion prevailed.

Mr. Terwilliger moved that the name of Mr. Larson be added as a co-author to Senate Resolution No. 84. The motion prevailed.

Mr. Frederickson introduced—

Senate Resolution No. 86: A Senate resolution congratulating Katie Petersen, of Sleepy Eye, Minnesota, for her award in the third annual Zaner-Bloser National Handwriting Contest.

Referred to the Committee on Rules and Administration.

Without objection, the Senate proceeded to the Order of Business of Introduction and First Reading of Senate Bills.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time and referred to the committees indicated.

Mr. Sams introduced—

S.F. No. 2921: A bill for an act relating to the environment; providing annual funding allocations to soil and water conservation districts; amending Minnesota Statutes 1992, section 103C.401, by adding a subdivision.

Referred to the Committee on Environment and Natural Resources.

Mr. Pogemiller introduced—

S.F. No. 2922: A bill for an act relating to education; lowering the property tax revenue recognition shift; clarifying state aid payments; modifying the appeal process for school districts to revise the state-aid payment schedule; modifying the tax credit adjustment; amending Minnesota Statutes 1992, sections 121.904, subdivision 4e; and 124.195, subdivision 3a; Minnesota Statutes 1993 Supplement, section 121.904, subdivisions 4a and 4c; Laws 1993, chapter 224, article 1, section 38.

Referred to the Committee on Education.

Mr. Chandler introduced—

S.F. No. 2923: A bill for an act relating to trade practices; regulating the sale of motor vehicle paint, thinner, and reducer; providing penalties and remedies; proposing coding for new law in Minnesota Statutes, chapter 325E.

Referred to the Committee on Commerce and Consumer Protection.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Chmielewski moved that S.F. No. 2118 be taken from the table. The motion prevailed.

S.F. No. 2118: A bill for an act relating to local government; clarifying that the Moose Lake Fire Protection District is a governmental subdivision for certain purposes; making other clarifications; amending Laws 1987, chapter 402, section 2, subdivisions 2, 3, and by adding a subdivision.

CONCURRENCE AND REPASSAGE

Mr. Chmielewski moved that the Senate concur in the amendments by the House to S.F. No. 2118 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 2118: A bill for an act relating to local government; clarifying that the Moose Lake Fire Protection District is a governmental subdivision for certain purposes; making other clarifications; directing the sale of certain state

land to the district; amending Laws 1987, chapter 402, section 2, subdivisions 2, 3, and by adding a subdivision.

Was read the third time, as amended by the House, and placed on its repassage.

The question was taken on the repassage of the bill, as amended.

The roll was called, and there were yeas 65 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dille	Knutson	Moe, R.D.	Reichgott Junge
Anderson	Finn	Krentz	Morse	Riveness
Belanger	Flynn	Kroening	Murphy	Robertson
Benson, D.D.	Frederickson	Laidig	Neuville	Runbeck
Benson, J.E.	Hanson	Langseth	Novak	Sams
Berg	Hottinger	Larson	Oliver	Samuelson
Berglin	Janezich	Lesewski	Olson	Solon
Bertram	Johnson, D.E.	Lessard	Pappas	Spear
Betzold	Johnson, D.J.	Luther	Pariseau	Stevens
Chandler	Johnson, J.B.	Marty	Piper	Stumpf
Chmielewski	Johnston	McGowan	Pogemiller	Terwilliger
Cohen	Kelly	Merriam	Price	Vickerman
Day	Kiscaden	Metzen	Ranum	Wiener

So the bill, as amended, was repassed and its title was agreed to.

MOTIONS AND RESOLUTIONS – CONTINUED

Mr. Sams moved that S.F. No. 2005, No. 37 on General Orders, be stricken and returned to its author. The motion prevailed.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated H.F. No. 2410 a Special Order to be heard immediately.

SPECIAL ORDER

H.F. No. 2410: A bill for an act relating to natural resources; sale of native tree seed and tree planting stock; terms and conditions governing the leasing of state timber lands; amending Minnesota Statutes 1992, sections 89.36, subdivision 3; 89.37, by adding a subdivision; 90.101, subdivision 2; 90.151, subdivision 1; 90.161, subdivisions 1 and 2; 90.191, subdivision 2; and 90.193; Minnesota Statutes 1993 Supplement, sections 90.101, subdivision 1; and 90.121; repealing Minnesota Statutes 1992, section 90.151, subdivisions 13 and 14.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 65 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Betzold	Frederickson	Kelly	Lesewski
Anderson	Chandler	Hanson	Kiscaden	Lessard
Belanger	Chmielewski	Hottinger	Knutson	Luther
Benson, D.D.	Cohen	Janezich	Krentz	Marty
Benson, J.E.	Day	Johnson, D.E.	Kroening	McGowan
Berg	Dille	Johnson, D.J.	Laidig	Merriam
Berglin	Finn	Johnson, J.B.	Langseth	Metzen
Bertram	Flynn	Johnston	Larson	Moe, R.D.

Morse	Olson	Price	Runbeck	Stevens
Murphy	Pappas	Rantum	Sams	Stumpf
Neuville	Pariseau	Reichgott Junge	Samuelson	Terwilliger
Novak	Piper	Riveness	Solon	Vickerman
Oliver	Pogemiller	Robertson	Spear	Wiener

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Finn moved that S.F. No. 2613, No. 45 on General Orders, be stricken and returned to its author. The motion prevailed.

Mr. Finn moved that S.F. No. 2705, No. 47 on General Orders, be stricken and returned to its author. The motion prevailed.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated H.F. No. 2508 a Special Order to be heard immediately.

SPECIAL ORDER

H.F. No. 2508: A bill for an act relating to motor vehicles; making technical corrections; exempting license plates on state lottery vehicles from registration tax when used for security or criminal investigation purposes; taxing commuter vans as buses for vehicle registration purposes; allowing holder of personalized license plates to have priority for those plates in next registration period as long as holder keeps registration current; providing for temporary 60-day permits while waiting for special ready reserve license plates or special collegiate license plates; requiring vehicle dealers to file information relating to temporary registration permits issued to new purchasers; requiring drive-away in transit license plates and insurance for transporting vehicles; regulating vehicle dealers; requiring that parking certificate for disabled person hang from rearview mirror; specifying parking certificate expiration times for persons with permanent and temporary disabilities; providing for administrative hearings regarding deputy registrars; requiring district court agents to retain filing fee for receiving and forwarding drivers' license applications and fees; requiring secured parties to be notified when a dealer buys a late model or high value salvage vehicle; providing exemption from uniform fire code for dispensing certain flammable liquids; amending Minnesota Statutes 1992, sections 168.011, subdivision 7; 168.012, by adding a subdivision; 168.013, subdivision 1f, and by adding a subdivision; 168.053, subdivision 1; 168.054; 168.09, subdivision 7; 168.092, subdivision 2; 168.12, subdivision 2a; 168.126, subdivision 1; 168.27, subdivisions 1, 12, 13, 15, 16, and 17; 168.33, subdivision 2; 168A.11, subdivision 2; 168A.153, subdivision 2; 169.345, subdivision 1; and 325F.662, subdivision 3; Minnesota Statutes 1993 Supplement, sections 169.345, subdivision 3; and 171.06, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 299F.

Mr. Vickerman moved that the amendment made to H.F. No. 2508 by the Committee on Rules and Administration in the report adopted April 6, 1994, pursuant to Rule 49, be stricken. The motion prevailed. So the amendment was stricken.

Mr. Merriam moved to amend H.F. No. 2508 as follows:

Pages 15 to 17, delete section 17

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Bertram moved to amend H.F. No. 2508 as follows:

Page 18, after line 15, insert:

“Sec. 20. Minnesota Statutes 1992, section 169.041, subdivision 4, is amended to read:

Subd. 4. [TOWING ALLOWED.] A towing authority may tow a motor vehicle without regard to the four-hour waiting period if:

- (1) the vehicle is parked in violation of snow emergency regulations;
- (2) the vehicle is parked in a rush-hour restricted parking area;
- (3) the vehicle is blocking a driveway, alley, or fire hydrant;
- (4) the vehicle is parked in a bus lane, or at a bus stop, during hours when parking is prohibited;
- (5) the vehicle is parked within 30 feet of a stop sign and visually blocking the stop sign;
- (6) the vehicle is parked in a handicap transfer zone or handicapped parking space without a handicapped parking certificate or handicapped license plates;
- (7) the vehicle is parked in an area that has been posted for temporary restricted parking (i) at least 12 hours in advance in a home rule charter or statutory city having a population under 50,000, or (ii) at least 24 hours in advance in another political subdivision;
- (8) the vehicle is parked within the right-of-way of a controlled access highway or within the traveled portion of a public street when travel is allowed there;
- (9) the vehicle is unlawfully parked in a zone that is restricted by posted signs to use by fire, police, public safety, or emergency vehicles;
- (10) the vehicle is unlawfully parked on property at the Minneapolis-St. Paul International Airport owned by the metropolitan airports commission;
- (11) a law enforcement official has probable cause to believe that the vehicle is stolen, or that the vehicle constitutes or contains evidence of a crime and impoundment is reasonably necessary to obtain or preserve the evidence;
- (12) the driver, operator, or person in physical control of the vehicle is taken into custody and the vehicle is impounded for safekeeping;
- (13) a law enforcement official has probable cause to believe that the owner, operator, or person in physical control of the vehicle has failed to respond to five or more citations for parking or traffic offenses;
- (14) the vehicle is unlawfully parked in a zone that is restricted by posted signs to use by taxicabs;
- (15) the vehicle is unlawfully parked and prevents egress by a lawfully parked vehicle; or

(16) the vehicle is parked, on a school day during prohibited hours, in a school zone on a public street where official signs prohibit parking.”

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

H.F. No. 2508 was read the third time, as amended, and placed on its final passage:

The question was taken on the passage of the bill, as amended.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Finn	Krentz	Morse	Robertson
Belanger	Flynn	Kroening	Murphy	Runbeck
Benson, D.D.	Frederickson	Laidig	Neuville	Sams
Benson, J.E.	Hanson	Langseth	Novak	Sarnuelson
Berg	Hottinger	Larson	Oliver	Spear
Berglin	Janezich	Lesewski	Olson	Stevens
Bertram	Johnson, D.E.	Lessard	Pappas	Stumpf
Betzold	Johnson, D.J.	Luther	Pariseau	Terwilliger
Chandler	Johnson, J.B.	Marty	Piper	Vickerman
Chmielewski	Johnston	McGowan	Pogemiller	Wiener
Cohen	Kelly	Merriam	Ranum	
Day	Kiscaden	Metzen	Reichgott Junge	
Dille	Knutson	Moe, R.D.	Riveness	

So the bill, as amended, was passed and its title was agreed to.

MOTIONS AND RESOLUTIONS – CONTINUED

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate reverted to the Order of Business of Messages From the House.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 2351:

H.F. No. 2351: A bill for an act relating to crime and crime prevention; appropriating money for the attorney general, department of administration, public defense, courts, corrections, criminal justice, and crime prevention and education programs; increasing penalties for a variety of violent crimes; increasing regulation of and penalties for unlawful possession or use of firearms and other dangerous weapons; providing for access to and sharing of government data relating to criminal investigations; improving law enforcement investigations of reports of missing and endangered children; enhancing 911 telephone service; providing a number of new investigative tools for law enforcement agencies; regulating explosives and blasting agents; modifying programs in state and local correctional facilities; increasing crime victim rights and protections; increasing court witness fees; requiring a study of civil commitment laws; completing the state takeover of public defender services; authorizing a variety of crime prevention programs; making it a crime to engage in behavior that transmits the HIV virus; requiring dangerous repeat offenders to serve mandatory minimum terms; requiring inmates to contribute

to costs of confinement; providing mandatory minimum sentences for certain criminal sexual conduct offenses; providing that certain sex offenders shall serve indeterminate sentences; making it a crime to possess a dangerous weapon in any courthouse and certain state public buildings; mandating that parents are responsible for providing health care to children; amending Minnesota Statutes 1992, sections 2.722, subdivision 1; 8.06; 13.99, subdivision 79; 84.9691; 123.3514, subdivision 3, and by adding a subdivision; 126.02, subdivision 1; 144.125; 145A.05, by adding a subdivision; 152.01, by adding a subdivision; 152.021, subdivision 1; 152.024, subdivision 1; 169.89, subdivision 2; 171.18, subdivision 1; 171.22, subdivision 2; 241.26, subdivision 7; 243.05, subdivision 1, and by adding subdivisions; 243.166, subdivision 5; 243.18, subdivision 1; 243.23, subdivision 2; 243.24, subdivision 1; 244.09, by adding a subdivision; 244.12, subdivisions 1 and 2; 244.15, subdivision 4; 253B.19, subdivision 2; 260.161, by adding a subdivision; 299A.31; 299A.32, subdivision 3; 299A.38, subdivision 3; 299C.065, as amended; 299C.11; 299C.14; 299C.52, subdivision 1; 299C.53, subdivision 1, and by adding a subdivision; 299D.07; 299F.71; 299F.72, subdivision 2, and by adding subdivisions; 299F.73; 299F.74; 299F.75; 299F.77; 299F.78, subdivision 1; 299F.79; 299F.80; 299F.82; 299F.83; 352.91, by adding subdivisions; 352.92, subdivision 2; 357.22; 357.241; 357.242; 383B.225, subdivision 6; 388.051, by adding a subdivision; 403.02, by adding a subdivision; 403.11, subdivisions 1 and 4; 477A.012, by adding a subdivision; 480.09, by adding a subdivision; 485.06; 494.05; 508.11; 600.23, subdivision 1; 609.0331; 609.0332; 609.152, by adding a subdivision; 609.165, by adding a subdivision; 609.185; 609.2231, subdivision 2; 609.224, by adding a subdivision; 609.245; 609.25, subdivision 2; 609.321, subdivision 12; 609.3241; 609.325, subdivision 2; 609.341, subdivisions 11, 12, and by adding subdivisions; 609.342, subdivisions 1 and 2; 609.3451, subdivision 1; 609.377; 609.485, subdivisions 2 and 4; 609.497, subdivision 1, and by adding a subdivision; 609.506, by adding subdivisions; 609.52, subdivision 3; 609.5315, subdivision 3; 609.561, by adding a subdivision; 609.611; 609.66, subdivisions 1, 1b, 1c, and by adding a subdivision; 609.713, subdivision 3; 609.72, subdivision 1; 609.855; 609.87, by adding a subdivision; 609.88, subdivision 1; 609.89, subdivision 1; 611.21; 611.26, subdivisions 4 and 6; 611A.036; 611A.045, subdivision 3; 611A.19; 611A.53, subdivision 2; 617.23; 624.714, subdivision 3; 626.556, subdivisions 3a and 10e; 626.557, subdivisions 2, 10a, and 12; 626.76; 626.846, subdivision 6; 626A.05, subdivision 2; 629.471; 629.73; and 631.425, subdivision 6; Minnesota Statutes 1993 Supplement, sections 8.15; 13.46, subdivision 2; 13.82, subdivision 10; 144.651, subdivisions 2, 21, and 26; 152.022, subdivision 1; 152.023, subdivision 2; 171.24; 242.51; 243.166, subdivisions 1, 2, 3, 4, 6, and 9; 243.18, subdivision 2; 244.05, subdivisions 4 and 5; 244.101, by adding a subdivision; 244.14, subdivision 3; 253B.03, subdivisions 3 and 4; 260.161, subdivisions 1 and 3; 299C.10, subdivision 1; 299C.65, subdivision 1; 357.021, subdivision 2; 357.24; 388.23, subdivision 1; 401.13; 462A.202, by adding a subdivision; 473.407, subdivision 1; 480.30; 518B.01, subdivisions 2, 6, and 14; 593.48; 609.11, subdivisions 4, 5, 7, 8, and by adding a subdivision; 609.14, subdivision 1; 609.344, subdivision 1; 609.345, subdivision 1; 609.346, subdivision 2; 609.378, subdivision 1; 609.531, subdivision 1; 609.66, subdivision 1a; 609.685, subdivision 3; 609.713, subdivision 1; 609.748, subdivision 5; 609.902, subdivision 4; 611.17; 611.20, subdivision 2; 611.27, subdivision 4; 611A.04, subdivision 1; 611A.06, subdivision 1; 611A.52, subdivision 8; 624.712, subdivision 5; 624.713, subdivision 1; 624.7131, subdivision 1; 624.7132, subdivisions 1 and 12; 624.7181; 626.556,

subdivision 2; and 626.861, subdivision 4; Laws 1993, chapter 146, article 2, section 32; proposing coding for new law in Minnesota Statutes, chapters 8; 16B; 116J; 126; 144; 241; 243; 245; 253B; 268; 299C; 299F; 403; 609; 611A; 626; and 629; repealing Minnesota Statutes 1992, sections 152.01, subdivision 17; 260.315; 299F.72, subdivisions 3 and 4; 299F.78, subdivision 2; 299F.815, as amended; 609.0332, subdivision 2; and 629.69; Minnesota Statutes 1993 Supplement, sections 243.18, subdivision 3; and 299F.811.

The House respectfully requests that a Conference Committee of 5 members be appointed thereon.

Skoglund, Murphy, Pugh, Orenstein and Limmer have been appointed as such committee on the part of the House.

House File No. 2351 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 20, 1994

Mr. Spear moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 2351, and that a Conference Committee of 5 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of 3 members of the House, on the amendments adopted by the House to the following Senate File:

S.F. No. 1712: A bill for an act relating to towns; providing for financial audits in certain circumstances; amending Minnesota Statutes 1992, section 367.36, subdivision 1.

There has been appointed as such committee on the part of the House:

Cooper, Ozment and Brown, C.

Senate File No. 1712 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 20, 1994

MOTIONS AND RESOLUTIONS - CONTINUED

RECESS

Mr. Moe, R.D. moved that the Senate do now recess subject to the call of the President. The motion prevailed.

After a brief recess, the President called the Senate to order.

APPOINTMENTS

Mr. Moe, R.D. from the Subcommittee on Committees recommends that the following Senators be and they hereby are appointed as a Conference Committee on:

S.F. No. 584: Mses. Krentz, Reichgott Junge and Robertson.

S.F. No. 2009: Messrs. Terwilliger, Metzen and Beckman.

S.F. No. 2710: Messrs. Solon, Vickerman and Benson, D.D.

S.F. No. 2303: Ms. Pappas, Mr. Larson and Ms. Flynn.

S.F. No. 2900: Mr. Larson replaces Mrs. Benson, J.E.

S.F. No. 1788: Mses. Johnson, J.B.; Wiener; Messrs. Chandler, Mondale and Stevens.

H.F. No. 2351: Messrs. Spear, Beckman, Ms. Ranum, Messrs. McGowan and Kelly.

Moe, R.D. moved that the foregoing appointments be approved. The motion prevailed.

MEMBERS EXCUSED

Messrs. Beckman and Mondale were excused from the Session of today. Messrs. Pogemiller and Solon were excused from the Session of today from 8:30 to 9:30 a.m. Mr. Johnson, D.J. was excused from the Session of today from 9:30 to 10:00 a.m. Ms. Berglin was excused from the Session of today from 10:00 to 11:20 a.m. Mr. Murphy was excused from the Session of today from 9:10 to 11:20 a.m. Mr. Laidig was excused from the Session of today from 1:55 to 2:30 p.m.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 8:00 a.m., Thursday, April 21, 1994. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate